

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 444

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JACKSON, SHOEMAKER (8), KINGERY, AVERY, JETTON, RUESTMAN, MOORE, COOPER (155), DIXON (Co-sponsors), ICET, DUSENBERG, TAYLOR, BEAN, PORTWOOD, KELLY (144) AND ROARK.

Read 1<sup>st</sup> time February 11, 2003, and copies ordered printed.

Read 2<sup>nd</sup> time February 12, 2003, and referred to the Committee on Tax Policy February 13, 2003.

Reported from the Committee on Tax Policy March 20, 2003, with recommendation that the bill Do Pass.

Taken up for Perfection April 7, 2003. Bill ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

1519L.02P

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### AN ACT

To repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows:

313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

12 total revenues to the gaming commission fund for the preceding fiscal year shall be compared  
13 to total expenditures and transfers from the gaming commission fund for the preceding fiscal  
14 year. The remaining net proceeds in the gaming commission fund shall be distributed in the  
15 following manner:

16 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to  
17 cities and counties that match the state portion and have demonstrated a need for funding  
18 community neighborhood organization programs for the homeless and to deter gang-related  
19 violence and crimes;

20 (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and  
21 prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund",  
22 as hereby created in the state treasury. The state treasurer shall administer the veterans'  
23 commission capital improvement trust fund, and the moneys in such fund shall be used solely,  
24 upon appropriation, by the Missouri veterans' commission for:

25 (a) The construction, maintenance or renovation or equipment needs of veterans' homes  
26 in this state;

27 (b) The construction, maintenance, renovation, equipment needs and operation of  
28 veterans' cemeteries in this state;

29 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the  
30 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

31 (d) Fund transfers to any municipality with a population greater than four hundred  
32 thousand and located in part of a county with a population greater than six hundred thousand in  
33 this state which has established a fund for the sole purpose of the restoration, renovation and  
34 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from  
35 the veterans' commission capital improvement trust fund to such memorial fund shall be  
36 provided only as a one-time match for other funds devoted to the project and shall not exceed  
37 five million dollars. Additional appropriations not to exceed ten million dollars total may be  
38 made from the veterans' commission capital improvement trust fund as a match to other funds  
39 for the new construction or renovation of other facilities dedicated as veterans' memorials in the  
40 state. All appropriations for renovation, new construction, reconstruction, and maintenance of  
41 veterans' memorials shall be made only for applications received by the Missouri veterans'  
42 commission prior to July 1, 2004;

43 (e) The issuance of matching fund grants for veterans' service officer programs to any  
44 federally chartered veterans' organization or municipal government agency that is certified by  
45 the Veterans Administration to process veteran claims within the Veterans Administration  
46 System; provided that such veterans' organization has maintained a veterans' service officer  
47 presence within the state of Missouri for the three-year period immediately preceding the

48 issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be  
49 made available annually with grants being issued in July of each year. Application for the  
50 matching grants shall be made through and approved by the Missouri veterans' commission  
51 based on the requirements established by the commission;

52 (f) For payment of Missouri national guard and Missouri veterans' commission expenses  
53 associated with providing medals, medallions and certificates in recognition of service in the  
54 armed forces of the United States during World War II pursuant to sections 42.170 to 42.190,  
55 RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay  
56 for the buglers at veteran burials; and

57 (g) Fund transfers totaling ten million dollars to any municipality with a population  
58 greater than three hundred fifty thousand inhabitants and located in part in a county with a  
59 population greater than six hundred thousand inhabitants and with a charter form of government,  
60 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial  
61 or museum or both dedicated to World War I. Any interest which accrues to the fund shall  
62 remain in the fund and shall be used in the same manner as moneys which are transferred to the  
63 fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the  
64 contrary, moneys in the veterans' commission capital improvement trust fund at the end of any  
65 biennium shall not be transferred to the credit of the general revenue fund;

66 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and  
67 each fiscal year thereafter shall be distributed as follows:

68 (a) [Three] **Seven** million dollars shall be transferred to the veterans' commission capital  
69 improvement trust fund;

70 (b) Three million dollars shall be transferred to the Missouri national guard trust fund  
71 created in section 41.214, RSMo;

72 (c) [Three] **Four and one-half** million dollars shall be transferred to the Missouri  
73 college guarantee fund, established pursuant to the provisions of section [173.248] **173.830**,  
74 RSMo, and additional moneys as annually appropriated by the general assembly shall be  
75 appropriated to such fund;

76 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the  
77 gaming commission fund except as provided in paragraph (l) of this subdivision, shall be  
78 transferred to the "Early Childhood Development, Education and Care Fund" which is hereby  
79 created to give parents meaningful choices and assistance in choosing the child-care and  
80 education arrangements that are appropriate for their family. All interest received on the fund  
81 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys  
82 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue  
83 fund. Any moneys deposited in such fund shall be used to support programs that prepare

84 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section  
85 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood  
86 development, education and care fund shall be annually appropriated for voluntary, early  
87 childhood development, education and care programs serving children in every region of the  
88 state not yet enrolled in kindergarten;

89 (e) No less than sixty percent of moneys deposited in the early childhood development,  
90 education and care fund shall be appropriated as provided in this paragraph to the department of  
91 elementary and secondary education and to the department of social services to provide early  
92 childhood development, education and care programs through competitive grants to, or contracts  
93 with, governmental or private agencies. Eighty percent of such moneys pursuant to the  
94 provisions of this paragraph and additional moneys as appropriated by the general assembly shall  
95 be appropriated to the department of elementary and secondary education and twenty percent of  
96 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department  
97 of social services. The departments shall provide public notice and information about the grant  
98 process to potential applicants.

99 a. Grants or contracts may be provided for:

100 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

101 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule  
102 based on income;

103 b. Grant and contract applications shall, at a minimum, include:

104 (i) A funding plan which demonstrates funding from a variety of sources including  
105 parental fees;

106 (ii) A child development, education and care plan that is appropriate to meet the needs  
107 of children;

108 (iii) The identity of any partner agencies or contractual service providers;

109 (iv) Documentation of community input into program development;

110 (v) Demonstration of financial and programmatic accountability on an annual basis;

111 (vi) Commitment to state licensure within one year of the initial grant, if funding comes  
112 from the appropriation to the department of elementary and secondary education and  
113 commitment to compliance with the requirements of the department of social services, if funding  
114 comes from the department of social services; and

115 (vii) With respect to applications by public schools, the establishment of a parent  
116 advisory committee within each public school program;

117 c. In awarding grants and contracts pursuant to this paragraph, the departments may give  
118 preference to programs which:

119 (i) Are new or expanding programs which increase capacity;

120 (ii) Target geographic areas of high need, namely where the ratio of program slots to  
121 children under the age of six in the area is less than the same ratio statewide;

122 (iii) Are programs designed for special needs children;

123 (iv) Are programs that offer services during nontraditional hours and weekends; or

124 (v) Are programs that serve a high concentration of low-income families;

125 d. Beginning on August 28, 1998, the department of elementary and secondary education  
126 and the department of social services shall initiate and conduct a four-year study to evaluate the  
127 impact of early childhood development, education and care in this state. The study shall consist  
128 of an evaluation of children eligible for moneys pursuant to this paragraph, including an  
129 evaluation of the early childhood development, education and care of those children participating  
130 in such program and those not participating in the program over a four-year period. At the  
131 conclusion of the study, the department of elementary and secondary education and the  
132 department of social services shall, within ninety days of conclusion of the study, submit a report  
133 to the general assembly and the governor, with an analysis of the study required pursuant to this  
134 subparagraph, all data collected, findings, and other information relevant to early childhood  
135 development, education and care;

136 (f) No less than ten percent of moneys deposited in the early childhood development,  
137 education and care fund shall be appropriated to the department of social services to provide  
138 early childhood development, education and care programs through child development,  
139 education and care certificates to families whose income does not exceed one hundred  
140 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.  
141 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,  
142 education and care programs as approved by the department of social services. At a minimum,  
143 the certificate shall be of a value per child which is commensurate with the per child payment  
144 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or  
145 contracts. On February first of each year the department shall certify the total amount of child  
146 development, education and care certificates applied for and the unused balance of the funds  
147 shall be released to be used for supplementing the competitive grants and contracts program  
148 authorized pursuant to paragraph (e) of this subdivision;

149 (g) No less than ten percent of moneys deposited in the early childhood development,  
150 education and care fund shall be appropriated to the department of social services to increase  
151 reimbursements to child-care facilities for low-income children that are accredited by a  
152 recognized, early childhood accrediting organization;

153 (h) No less than ten percent of the funds deposited in the early childhood development,  
154 education and care fund shall be appropriated to the department of social services to provide  
155 assistance to eligible parents whose family income does not exceed one hundred eighty-five

percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of

192 this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars,  
193 [one and one-half million dollars of such proceeds shall be transferred annually, subject to  
194 appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of  
195 section 173.248, RSMo] **any amount of the remaining net proceeds which exceeds twenty-**  
196 **seven million dollars shall be divided evenly between the early childhood development,**  
197 **education and care fund, and the veterans' commission capital improvement trust fund.**  
198         2. Upon request by the veterans' commission, the general assembly may appropriate  
199 moneys from the veterans' commission capital improvements trust fund to the Missouri national  
200 guard trust fund to support the activities described in section 41.958, RSMo.