

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 444**  
92ND GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, April 17, 2003, with recommendation that the Senate Committee Substitute do pass.

1519S.04C

TERRY L. SPIELER, Secretary.

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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Section A. Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows: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, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

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

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

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

46 (e) The issuance of matching fund grants for veterans' service officer programs  
47 to any federally chartered veterans' organization or municipal government agency that  
48 is certified by the Veterans Administration to process veteran claims within the Veterans  
49 Administration System; provided that such veterans' organization has maintained a  
50 veterans' service officer presence within the state of Missouri for the three-year period  
51 immediately preceding the issuance of any such grant. A total of seven hundred fifty  
52 thousand dollars in grants shall be made available annually with grants being issued in

53 July of each year. Application for the matching grants shall be made through and  
54 approved by the Missouri veterans' commission based on the requirements established  
55 by the commission;

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

61 (g) Fund transfers totaling ten million dollars to any municipality with a  
62 population greater than three hundred fifty thousand inhabitants and located in part in  
63 a county with a population greater than six hundred thousand inhabitants and with a  
64 charter form of government, for the sole purpose of the construction, restoration,  
65 renovation and maintenance of a memorial or museum or both dedicated to World War  
66 I.

67 Any interest which accrues to the fund shall remain in the fund and shall be used in the  
68 same manner as moneys which are transferred to the fund pursuant to this  
69 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,  
70 moneys in the veterans' commission capital improvement trust fund at the end of any  
71 biennium shall not be transferred to the credit of the general revenue fund;

72 (3) The remaining net proceeds in the gaming commission fund for fiscal year  
73 1999 and each fiscal year thereafter shall be distributed as follows:

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

76 (b) [~~Three~~] **Four** million dollars shall be transferred to the Missouri national  
77 guard trust fund created in section 41.214, RSMo;

78 (c) [~~Three~~] **Four and one-half** million dollars shall be transferred to the  
79 Missouri college guarantee fund, established pursuant to the provisions of section  
80 [173.248] **173.830**, RSMo, and additional moneys as annually appropriated by the  
81 general assembly shall be appropriated to such fund;

82 (d) Subject to appropriations, one hundred percent of remaining net proceeds in  
83 the gaming commission fund except as provided in paragraph (l) of this subdivision, shall  
84 be transferred to the "Early Childhood Development, Education and Care Fund" which  
85 is hereby created to give parents meaningful choices and assistance in choosing the  
86 child-care and education arrangements that are appropriate for their family. All interest  
87 received on the fund shall be credited to the fund. Notwithstanding the provisions of  
88 section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be

89 transferred to the credit of the general revenue fund. Any moneys deposited in such  
90 fund shall be used to support programs that prepare children prior to the age in which  
91 they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter  
92 school ready to learn. All moneys deposited in the early childhood development,  
93 education and care fund shall be annually appropriated for voluntary, early childhood  
94 development, education and care programs serving children in every region of the state  
95 not yet enrolled in kindergarten;

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

107 a. Grants or contracts may be provided for:

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

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

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

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

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

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

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

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

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

124 (vii) With respect to applications by public schools, the establishment of a parent

125 advisory committee within each public school program;

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

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

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

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

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

133 or

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

135 d. Beginning on August 28, 1998, the department of elementary and secondary  
136 education and the department of social services shall initiate and conduct a four-year  
137 study to evaluate the impact of early childhood development, education and care in this  
138 state. The study shall consist of an evaluation of children eligible for moneys pursuant  
139 to this paragraph, including an evaluation of the early childhood development, education  
140 and care of those children participating in such program and those not participating in  
141 the program over a four-year period. At the conclusion of the study, the department of  
142 elementary and secondary education and the department of social services shall, within  
143 ninety days of conclusion of the study, submit a report to the general assembly and the  
144 governor, with an analysis of the study required pursuant to this subparagraph, all data  
145 collected, findings, and other information relevant to early childhood development,  
146 education and care;

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

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

165 (h) No less than ten percent of the funds deposited in the early childhood  
166 development, education and care fund shall be appropriated to the department of social  
167 services to provide assistance to eligible parents whose family income does not exceed  
168 one hundred eighty-five percent of the federal poverty level who wish to care for their  
169 children under three years of age in the home, to enable such parent to take advantage  
170 of early childhood development, education and care programs for such parent's child or  
171 children. At a minimum, the certificate shall be of a value per child which is  
172 commensurate with the per child payment under item (ii) of subparagraph a. of  
173 paragraph (e) of this subdivision pertaining to the grants or contracts. The department  
174 of social services shall provide assistance to these parents in the effective use of early  
175 childhood development, education and care tools and methods;

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

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

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

186 c. The degree of economic need of the family;

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

192 (k) Any rule or portion of a rule, as that term is defined in section 536.010,  
193 RSMo, that is promulgated under the authority delegated in paragraph (j) of this  
194 subdivision shall become effective only if the agency has fully complied with all of the  
195 requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo,  
196 if applicable, after August 28, 1998. All rulemaking authority delegated prior to August

197 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing  
198 in this section shall be interpreted to repeal or affect the validity of any rule adopted or  
199 promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply,  
200 the provisions of this section are nonseverable and if any of the powers vested with the  
201 general assembly pursuant to section 536.028, RSMo, to review, to delay the effective  
202 date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or  
203 invalid, the purported grant of rulemaking authority and any rule so proposed and  
204 contained in the order of rulemaking shall be invalid and void, except that nothing in  
205 this act shall affect the validity of any rule adopted and promulgated prior to August 28,  
206 1998;

207 (l) When the remaining net proceeds, as such term is used pursuant to paragraph  
208 (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven  
209 million dollars, [one and one-half million dollars of such proceeds shall be transferred  
210 annually, subject to appropriation, to the Missouri college guarantee fund, established  
211 pursuant to the provisions of section 173.248, RSMo] **any amount of the remaining**  
212 **net proceeds which exceeds twenty-seven million dollars shall be divided**  
213 **evenly between the early childhood development, education and care fund,**  
214 **and the veterans' commission capital improvement trust fund.**

215 2. Upon request by the veterans' commission, the general assembly may  
216 appropriate moneys from the veterans' commission capital improvements trust fund to  
217 the Missouri national guard trust fund to support the activities described in section  
218 41.958, RSMo.