

SECOND REGULAR SESSION

# HOUSE BILL NO. 2327

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), LEMBKE, DAY, SATER, FLOOK,  
DOUGHERTY AND DUSENBERG (Co-sponsors).

Read 1st time March 3, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4371L.01I

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### AN ACT

To repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to distribution of proceeds in 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Section A. Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows: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

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

14 year. **Except as provided in subsection 3 of this section** the remaining net proceeds in the  
15 gaming commission fund shall be distributed in the 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 one million dollars in grants shall be made available  
49 annually with grants being issued in July of each year. Application for the matching grants shall

50 be made through and approved by the Missouri veterans' commission based on the requirements  
51 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 and the Korean Conflict pursuant to  
55 sections 42.170 to 42.206, RSMo. Any funds remaining from the medals, medallions and  
56 certificates shall not be transferred to any other fund and shall only be utilized for the awarding  
57 of future medals, medallions, and certificates in recognition of service in the armed forces; and

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

63

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

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

71 (a) The first four and one-half million dollar portion shall be transferred to the access  
72 Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101  
73 to 173.1107, RSMo, and additional moneys as annually appropriated by the general assembly  
74 shall be appropriated to such fund;

75 (b) The second three million dollar portion shall be transferred to the veterans'  
76 commission capital improvement trust fund;

77 (c) The third three million dollar portion shall be transferred to the Missouri national  
78 guard trust fund created in section 41.214, RSMo;

79 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the  
80 gaming commission fund except as provided in paragraph (l) of this subdivision, and after the  
81 appropriations made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision,  
82 shall be transferred to the "Early Childhood Development, Education and Care Fund" which is  
83 hereby created to give parents meaningful choices and assistance in choosing the child-care and  
84 education arrangements that are appropriate for their family. All interest received on the fund  
85 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys

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

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

103 a. Grants or contracts may be provided for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182 (k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
183 is promulgated under the authority delegated in paragraph (j) of this subdivision shall become  
184 effective only if the agency has fully complied with all of the requirements of chapter 536,  
185 RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998.  
186 All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and  
187 repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal  
188 or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the  
189 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and  
190 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to  
191 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held  
192 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 this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars: one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans' commission capital improvement trust fund; and one million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri national guard trust fund created in section 41.214, RSMo.

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

**3. Beginning fiscal year 2010 and each fiscal year thereafter the proceeds from admission fees from any excursion gambling boat which began operating on or after December 1, 2007, which are deposited in the gaming commission fund shall be distributed in the following manner:**

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

**(2) The remaining net proceeds from admission fees from any excursion gambling boat which began operating on or after December 1, 2007, which are deposited in the gaming commission fund shall be distributed as follows:**

**(a) The first one million dollar portion shall be transferred to the access Missouri financial assistance fund, established under the provisions of sections 173.1101 to 173.1107, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;**

**(b) The second one million dollar portion shall be transferred to the early childhood development, education and care fund established in this section;**

**(c) The third one million dollar portion shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;**

**(3) One hundred percent of the remaining net proceeds from admission fees from any excursion gambling boat which began operating on or after December 1, 2007, which are deposited in the gaming commission fund shall be transferred to the veterans' commission capital improvement trust fund as established in this section.**