

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1731
96TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, May 9, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5770S.08C

AN ACT

To repeal sections 42.300, 161.215, and 313.835, RSMo, and to enact in lieu thereof five new sections relating to the use of gaming moneys, with an emergency clause.

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

Section A. Sections 42.300, 161.215, and 313.835, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 42.300, 161.215,
3 161.216, 313.835, and 1, to read as follows:

42.300. 1. There is hereby created in the state treasury the "Veterans
2 Commission Capital Improvement Trust Fund" which shall consist of money
3 collected under section 313.835. The state treasurer shall administer the
4 veterans commission capital improvement trust fund, and the moneys in such
5 fund shall be used solely, upon appropriation, by the Missouri veterans
6 commission for:

7 (1) The construction, maintenance or renovation or equipment needs of
8 veterans' homes in this state;

9 (2) The construction, maintenance, renovation, equipment needs and
10 operation of veterans' cemeteries in this state;

11 (3) Fund transfers to Missouri veterans' homes fund established under the
12 provisions of section 42.121, as necessary to maintain solvency of the fund;

13 (4) Fund transfers to any municipality with a population greater than four
14 hundred thousand and located in part of a county with a population greater than
15 six hundred thousand in this state which has established a fund for the sole

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

16 purpose of the restoration, renovation and maintenance of a memorial or museum
17 or both dedicated to World War I. Appropriations from the veterans commission
18 capital improvement trust fund to such memorial fund shall be provided only as
19 a one-time match for other funds devoted to the project and shall not exceed five
20 million dollars. Additional appropriations not to exceed ten million dollars total
21 may be made from the veterans commission capital improvement trust fund as
22 a match to other funds for the new construction or renovation of other facilities
23 dedicated as veterans' memorials in the state. All appropriations for renovation,
24 new construction, reconstruction, and maintenance of veterans' memorials shall
25 be made only for applications received by the Missouri veterans commission prior
26 to July 1, 2004;

27 (5) The issuance of matching fund grants for veterans' service officer
28 programs to any federally chartered veterans' organization or municipal
29 government agency that is certified by the Veterans Administration to process
30 veteran claims within the Veterans Administration System; provided that such
31 veterans' organization has maintained a veterans' service officer presence within
32 the state of Missouri for the three-year period immediately preceding the issuance
33 of any such grant. A total of one million five hundred thousand dollars in grants
34 shall be made available annually for service officers and joint training and
35 outreach between veterans' service organizations and the Missouri veterans
36 commission with grants being issued in July of each year. Application for the
37 matching grants shall be made through and approved by the Missouri veterans
38 commission based on the requirements established by the commission;

39 (6) For payment of Missouri national guard and Missouri veterans
40 commission expenses associated with providing medals, medallions and
41 certificates in recognition of service in the armed forces of the United States
42 during World War II, the Korean Conflict, and the Vietnam War under sections
43 42.170 to 42.226. Any funds remaining from the medals, medallions and
44 certificates shall not be transferred to any other fund and shall only be utilized
45 for the awarding of future medals, medallions, and certificates in recognition of
46 service in the armed forces; [and]

47 (7) Fund transfers totaling ten million dollars to any municipality with
48 a population greater than three hundred fifty thousand inhabitants and located
49 in part in a county with a population greater than six hundred thousand
50 inhabitants and with a charter form of government, for the sole purpose of the
51 construction, restoration, renovation and maintenance of a memorial or museum

52 or both dedicated to World War I; and

53 **(8) The administration of the Missouri veterans commission.**

54 2. Any interest which accrues to the fund shall remain in the fund and
55 shall be used in the same manner as moneys which are transferred to the fund
56 under this section. Notwithstanding the provisions of section 33.080, to the
57 contrary, moneys in the veterans commission capital improvement trust fund at
58 the end of any biennium shall not be transferred to the credit of the general
59 revenue fund.

60 3. Upon request by the veterans commission, the general assembly may
61 appropriate moneys from the veterans commission capital improvement trust fund
62 to the Missouri national guard trust fund to support the activities described in
63 section 41.958.

64 4. The state auditor shall conduct an audit of all moneys in the veterans
65 commission capital improvement trust fund every year beginning January 1,
66 2011, and ending on December 31, 2013. The findings of each audit shall be
67 distributed to the general assembly, governor, and lieutenant governor no later
68 than ten business days after the completion of such audit.

161.215. 1. There is hereby created in the state treasury the "Early
2 Childhood Development, Education and Care Fund" [which shall consist of money
3 collected under section 313.835 and] which is created to give parents meaningful
4 choices and assistance in choosing the child-care and education arrangements
5 that are appropriate for their family. All interest received on the fund shall be
6 credited to the fund. Notwithstanding the provisions of section 33.080, moneys
7 in the fund at the end of any biennium shall not be transferred to the credit of
8 the general revenue fund. Any moneys deposited in such fund shall be used to
9 support programs that prepare children prior to the age in which they are eligible
10 to enroll in kindergarten under section 160.053 to enter school ready to learn. All
11 moneys deposited in the early childhood development, education and care fund
12 shall be annually appropriated for voluntary, early childhood development,
13 education and care programs serving children in every region of the state not yet
14 enrolled in kindergarten. **For fiscal year 2013 and each subsequent fiscal**
15 **year, at least thirty-five million dollars of the funds received from the**
16 **master settlement agreement, as defined in section 196.1000, shall be**
17 **deposited in the early childhood development, education and care fund.**

18 2. No less than sixty percent of moneys deposited in the early childhood
19 development, education and care fund shall be appropriated as provided in this

20 subsection to the department of elementary and secondary education and to the
21 department of social services to provide early childhood development, education
22 and care programs through competitive grants to, or contracts with, governmental
23 or private agencies. Eighty percent of such moneys under the provisions of this
24 subsection and additional moneys as appropriated by the general assembly shall
25 be appropriated to the department of elementary and secondary education and
26 twenty percent of such moneys under the provisions of this subsection shall be
27 appropriated to the department of social services. The departments shall provide
28 public notice and information about the grant process to potential applicants:

29 (1) Grants or contracts may be provided for:

30 (a) Start-up funds for necessary materials, supplies, equipment and
31 facilities; and

32 (b) Ongoing costs associated with the implementation of a sliding parental
33 fee schedule based on income;

34 (2) Grant and contract applications shall, at a minimum, include:

35 (a) A funding plan which demonstrates funding from a variety of sources
36 including parental fees;

37 (b) A child development, education and care plan that is appropriate to
38 meet the needs of children;

39 (c) The identity of any partner agencies or contractual service providers;

40 (d) Documentation of community input into program development;

41 (e) Demonstration of financial and programmatic accountability on an
42 annual basis;

43 (f) Commitment to state licensure within one year of the initial grant, if
44 funding comes from the appropriation to the department of elementary and
45 secondary education and commitment to compliance with the requirements of the
46 department of social services, if funding comes from the department of social
47 services; and

48 (g) With respect to applications by public schools, the establishment of a
49 parent advisory committee within each public school program;

50 (3) In awarding grants and contracts under this subdivision, the
51 departments may give preference to programs which:

52 (a) Are new or expanding programs which increase capacity;

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

56 (c) Are programs designed for special needs children;

57 (d) Are programs that offer services during nontraditional hours and
58 weekends; or

59 (e) Are programs that serve a high concentration of low-income families.

60 3. No less than ten percent of moneys deposited in the early childhood
61 development, education and care fund shall be appropriated to the department
62 of social services to provide early childhood development, education and care
63 programs through child development, education and care certificates to families
64 whose income does not exceed one hundred eighty-five percent of the federal
65 poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)(2)(A) and 42
66 U.S.C. Section 9858n(2) for the purpose of funding early childhood development,
67 education and care programs as approved by the department of social services. At
68 a minimum, the certificate shall be of a value per child which is commensurate
69 with the per-child payment under paragraph (b) of subdivision (1) of subsection
70 2 of this section pertaining to the grants or contracts. On February first of each
71 year the department shall certify the total amount of child development,
72 education and care certificates applied for and the unused balance of the funds
73 shall be released to be used for supplementing the competitive grants and
74 contracts program authorized under subsection 2 of this section.

75 4. No less than ten percent of moneys deposited in the early childhood
76 development, education and care fund shall be appropriated to the department
77 of social services to increase reimbursements to child-care facilities for low-income
78 children that are accredited by a recognized, early childhood accrediting
79 organization.

80 5. No less than ten percent of the funds deposited in the early childhood
81 development, education and care fund shall be appropriated to the department
82 of social services to provide assistance to eligible parents whose family income
83 does not exceed one hundred eighty-five percent of the federal poverty level who
84 wish to care for their children under three years of age in the home, to enable
85 such parent to take advantage of early childhood development, education and care
86 programs for such parent's child or children. At a minimum, the certificate shall
87 be of a value per child which is commensurate with the per-child payment under
88 paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the
89 grants or contracts. The department of social services shall provide assistance
90 to these parents in the effective use of early childhood development, education
91 and care tools and methods.

92 6. In setting the value of parental certificates under subsection 3 of this
93 section and payments under subsection 5 of this section, the department of social
94 services may increase the value based on the following:

95 (1) The adult caretaker of the children successfully participates in the
96 parents as teachers program under the provisions of sections 178.691 to 178.699,
97 a training program provided by the department on early childhood development,
98 education and care, the home-based Head Start program as defined in 42 U.S.C.
99 Section 9832 or a similar program approved by the department;

100 (2) The adult caretaker consents to and clears a child abuse or neglect
101 screening under subdivision (1) of subsection 2 of section 210.152; and

102 (3) The degree of economic need of the family.

103 7. The department of elementary and secondary education and the
104 department of social services each shall by rule promulgated under chapter 536
105 establish guidelines for the implementation of the early childhood development,
106 education and care programs as provided in subsections 2 to 6 of this section.

107 8. The state auditor shall conduct an audit of all moneys in the early
108 childhood development, education and care fund created in subsection 1 of this
109 section every year beginning January 1, 2011, and ending on December 31,
110 2013. The findings of each audit shall be distributed to the general assembly no
111 later than ten business days after the completion of such audit.

112 9. Any rule or portion of a rule, as that term is defined in section 536.010,
113 that is created under the authority delegated in this section shall become effective
114 only if it complies with and is subject to all of the provisions of chapter 536 and
115 if applicable, section 536.028. This section and chapter 536 are nonseverable and
116 if any of the powers vested with the general assembly under chapter 536 to
117 review, to delay the effective date, or to disapprove and annul a rule are
118 subsequently held unconstitutional, then the grant of rulemaking authority and
119 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

**161.216. 1. No quality rating system, improvement system,
2 evaluation system, or training quality assurance system for early
3 childhood education or its successor, or any training or credentialing
4 may be established, created, or operated within this state, unless the
5 authority to create or operate such a quality rating system is enacted
6 into law through:**

7 **(1) A bill as prescribed by article III of the Missouri Constitution;**

8 **(2) An initiative petition as prescribed by section 50 of article III**

9 of the Missouri Constitution; or

10 (3) A referendum as prescribed by section 52(a) of article III of
11 the Missouri Constitution.

12 No quality rating system, improvement system, evaluation system,
13 training quality assurance system or its successor for early childhood
14 education shall be enacted under this section unless such system allows
15 for ratings or evaluations to be conducted by no fewer than three
16 nationally or regionally recognized organizations that reflect the
17 composition and diversity of the early childhood program market.

18 2. In no case shall the authority for establishing, administering,
19 or operating a quality rating system, improvement system, evaluation
20 system, or training quality assurance system for early childhood
21 education in Missouri be based upon an executive order issued by the
22 governor of Missouri.

23 3. No department, board, commission, committee, council,
24 agency, instrumentality, quasi-governmental entity, or political
25 subdivision of the state of Missouri shall promulgate any rule or
26 establish any program, policy, guideline, or plan or change any rule,
27 program, policy, guideline, or plan to implement, establish, create,
28 administer, or otherwise operate a quality rating system, improvement
29 system, evaluation system, or training quality assurance system for
30 early childhood education unless such department, board, commission,
31 committee, council, agency, instrumentality, or political subdivision has
32 received statutory authority to do so in a manner consistent with
33 subsection 1 of this section.

34 4. No department, board, commission, committee, council,
35 agency, instrumentality, political subdivision of this state, public
36 officer, quasi-governmental entity, employee of this state, or any
37 private entity shall apply for, accept, or expend any moneys directly or
38 indirectly related to the creation, implementation, or operation of a
39 quality rating system, improvement system, evaluation system, or
40 training quality assurance system for early childhood education unless
41 such acceptance or expenditure is authorized by statute or an
42 appropriations bill, irrespective of the source of such moneys.

43 5. No department, board, commission, committee, council,
44 agency, instrumentality, political subdivision of this state, public
45 officer, quasi-governmental entity, employee of this state, or private

46 entity shall accept or expend any moneys from the gaming commission
47 fund created in section 313.835 for anything directly or indirectly
48 related to the creation, implementation, or operation of a quality rating
49 system, improvement system, evaluation system, or training quality
50 assurance system for early childhood education unless such acceptance
51 or expenditure is authorized by statute or an appropriations bill.

52 6. No department, board, commission, committee, council,
53 agency, instrumentality, political subdivision, public officer, quasi-
54 governmental entity, employee of this state, or private entity shall
55 enter into any agreement or any obligation to establish, administer, or
56 operate a quality rating system, improvement system, evaluation
57 system, or training quality assurance system for early childhood
58 education unless such department, board, commission, committee,
59 council, agency, instrumentality, political subdivision, public officer,
60 quasi-governmental entity, or employee of this state has received
61 statutory authority to enter into such agreements or obligations. No
62 department, board, commission, committee, council, agency,
63 instrumentality, political subdivision, public officer, quasi-
64 governmental entity, employee of this state, or private entity shall
65 provide assistance or resources of any kind, directly or indirectly, to
66 any department, agency, public official, employee of the state, agent of
67 any government, or private entity related to the creation or operation
68 of a quality rating system, improvement system, evaluation system, or
69 training quality assurance system for early childhood education unless
70 such assistance or resources are authorized by state statute or such
71 assistance or resources are specifically required by law.

72 7. Any taxpayer of this state or any member of the general
73 assembly shall have standing to bring suit against the state of Missouri
74 or any official, department, division, agency, board, commission,
75 committee, council, political subdivision of this state, public officer,
76 quasi-governmental entity, employee of the state, instrumentality, or
77 private entity which is in violation of this section in any court with
78 jurisdiction to enforce the provisions of this section.

 313.835. All revenue received by the commission from license fees,
2 penalties, administrative fees, reimbursement by any excursion gambling boat
3 operators for services provided by the commission and admission fees authorized
4 pursuant to the provisions of sections 313.800 to 313.850, except that portion of

5 the admission fee, not to exceed one cent, that may be appropriated to the
6 compulsive gamblers fund as provided in section 313.820, shall be deposited in
7 the state treasury to the credit of the "Gaming Commission Fund" which is
8 hereby created for the sole purpose of funding the administrative costs of the
9 commission, subject to appropriation. Moneys deposited into this fund shall not
10 be considered proceeds of gambling operations. Moneys deposited into the gaming
11 commission fund shall be considered state funds pursuant to article IV, section
12 15 of the Missouri Constitution. All interest received on the gaming commission
13 fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be
15 compared to total expenditures and transfers from the gaming commission fund
16 for the preceding fiscal year. The remaining net proceeds in the gaming
17 commission fund shall be distributed in the following manner:

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

22 (2) The remaining net proceeds in the gaming commission fund for fiscal
23 year [1999] **2013** and each fiscal year thereafter shall be distributed as follows:

24 (a) The first [four and one-half] **five** million dollar portion shall be
25 transferred to the access Missouri financial assistance fund, established pursuant
26 to the provisions of sections 173.1101 to 173.1107, and additional moneys as
27 annually appropriated by the general assembly shall be appropriated to such
28 fund;

29 (b) The second three million dollar portion shall be transferred to the
30 veterans' commission capital improvement trust fund created in section 42.300;

31 (c) The third [three] **four** million dollar portion shall be transferred to the
32 Missouri national guard trust fund created in section 41.214, **and additional**
33 **moneys as appropriated by the general assembly may be appropriated**
34 **to such fund, up to one million five hundred thousand dollars annually;**

35 (d) Subject to appropriations, one hundred percent of remaining net
36 proceeds in the gaming commission fund [except as provided in paragraphs (e)
37 and (f) of this subdivision, and], after the appropriations **are** made pursuant to
38 the provisions of paragraphs (a), (b), and (c) of this subdivision, shall be
39 transferred to the [early childhood development, education and care fund created
40 in section 161.215;

41 (e) When the remaining net proceeds, as such term is used pursuant to
42 paragraph (d) of this subdivision, in the gaming commission fund annually
43 exceeds twenty-eight million dollars: one-half million dollars of such proceeds
44 shall be transferred annually, subject to appropriation, to the access Missouri
45 financial assistance fund, established pursuant to the provisions of sections
46 173.1101 to 173.1107; three million dollars of such proceeds shall be transferred
47 annually, subject to appropriation, to the veterans' commission capital
48 improvement trust fund; and one million dollars of such proceeds shall be
49 transferred annually, subject to appropriation, to the Missouri national guard
50 trust fund created in section 41.214;

51 (f) Beginning in fiscal year 2011 and each fiscal year thereafter when the
52 funding for early childhood education under paragraph (d) of this subdivision
53 equals the funding level for early childhood education under paragraph (d) of this
54 subdivision in fiscal year 2009, one-half of the next one million two hundred
55 thousand dollars of such proceeds shall be transferred annually, subject to
56 appropriation, to the veterans commission capital improvement trust fund for the
57 purpose of funding veterans' service officer programs identified under subdivision
58 (5) of subsection 1 of section 42.300, and the other half of the one million two
59 hundred thousand dollars shall be transferred annually, subject to appropriation,
60 to the early childhood development, education and care fund created in section
61 161.215] **veterans' commission capital improvement trust fund created**
62 **in section 42.300.**

**Section 1. 1. No public institution of higher education, or
2 campus thereof, political subdivision, governmental entity, quasi-
3 governmental entity, division, board, commission, committee, council,
4 state department or agency, instrumentality, public officer, employee
5 of the state, or private entity shall operate the Sue Shear Institute for
6 Women in Public Life, any successor entity to the Sue Shear Institute
7 for Women in Public Life, or any other institute that engages in
8 political activity or whose operations consist of the following, or have
9 any connection whatsoever in the furtherance of the following:**

10 **(1) Tracking the participation of women at various levels of**
11 **government;**

12 **(2) Increasing the presence of women on boards and**
13 **commissions;**

14 **(3) Training college women leaders;**

15 **(4) Increasing the number of women in policy making positions**
16 **in government; and**

17 **(5) Encouraging women to seek public office.**

18 **2. Any taxpayer of this state or any member of the general**
19 **assembly shall have standing to bring suit against the state of Missouri**
20 **or any official, department, division, agency, board, commission,**
21 **committee, council, political subdivision of this state, public officer,**
22 **quasi-governmental entity, employee of this state, or private entity**
23 **which is in violation of this section in any court with jurisdiction to**
24 **enforce the provisions of this section.**

 Section B. Because of the need to supply funding for veterans programs
2 in the state, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and
6 approval.

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