

SECOND REGULAR SESSION

# SENATE BILL NO. 1052

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 30, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4750S.02I

## AN ACT

To repeal sections 160.534, 313.805, 313.812, and 313.835, RSMo, and to enact in lieu thereof six new sections relating to the use of licensed gaming revenues.

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

Section A. Sections 160.534, 313.805, 313.812, and 313.835, RSMo, are  
2 repealed and six new sections enacted in lieu thereof, to be known as sections  
3 160.534, 313.805, 313.812, 313.823, 313.835, and 313.964, to read as follows:

160.534. **1.** For fiscal year 1996 and each subsequent fiscal year, any  
2 amount of the excursion gambling boat proceeds deposited in the gaming proceeds  
3 for education fund in excess of the amount transferred to the school district bond  
4 fund as provided in section 164.303, RSMo, shall be transferred to the classroom  
5 trust fund. Such moneys shall be distributed in the manner provided in section  
6 163.043, RSMo. **For fiscal year 2009, all funds transferred from the**  
7 **gaming proceeds for education fund in excess of the sum of the amount**  
8 **transferred to the school district bond fund for the preceding fiscal**  
9 **year plus the amount transferred to the classroom trust fund for the**  
10 **preceding fiscal year times one and five hundredths, shall be**  
11 **transferred to the "Educational Opportunities for Missouri's Children**  
12 **Fund", which is hereby established. The state treasurer shall be**  
13 **custodian of the fund and may approve disbursements from the fund in**  
14 **accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,**  
15 **the first twenty-five million dollars in the fund shall be allocated to the**  
16 **department of elementary and secondary education for the provision**  
17 **of grants under the A+ schools program, established under section**  
18 **160.545, RSMo, provided that such program shall be expanded to all**

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

19 Missouri high schools. The remaining monies in the fund shall be  
20 allocated equally between the early childhood development, education  
21 and care fund, established under section 313.835, RSMo, and the Part  
22 C early intervention system fund established under section 160.925,  
23 RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the  
24 contrary, any moneys remaining in the fund at the end of the biennium  
25 shall not revert to the credit of the general revenue fund. The state  
26 treasurer shall invest moneys in the fund in the same manner as other  
27 funds are invested. Any interest and moneys earned on such  
28 investments shall be credited to the fund. At the end of each biennium  
29 and after all statutorily or constitutionally required transfer of funds  
30 have been made, the state treasurer shall transfer the balance in the  
31 fund, except for gifts, donations, bequests, or money received from a  
32 federal source, in excess of two hundred percent of the previous fiscal  
33 year's expenditures into the state general revenue fund.

34       2. For fiscal year 2010 and for each fiscal year thereafter, the  
35 amount transferred from the gaming proceeds for education fund to the  
36 classroom trust fund shall be the amount transferred to the fund during  
37 the preceding fiscal year, adjusted by one half of the percent increase  
38 or decrease of the gaming proceeds for education fund from the  
39 preceding fiscal year; and the amount transferred from the gaming  
40 proceeds for education fund to the educational opportunities for  
41 Missouri's children fund shall be the amount transferred to the fund  
42 during the preceding fiscal year, adjusted by one half of the percent  
43 increase or decrease of the gaming proceeds for education fund from  
44 the preceding fiscal year.

45       3. The department of elementary and secondary education shall  
46 promulgate rules to establish a procedure for implementing this  
47 section. Any rule or portion of a rule, as that term is defined in section  
48 536.010, RSMo, that is created under the authority delegated in this  
49 section shall become effective only if it complies with and is subject to  
50 all of the provisions of chapter 536, RSMo, and, if applicable, section  
51 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
52 and if any of the powers vested with the general assembly pursuant to  
53 chapter 536, RSMo, to review, to delay the effective date, or to  
54 disapprove and annul a rule are subsequently held unconstitutional,  
55 then the grant of rulemaking authority and any rule proposed or

56 **adopted after August 28, 2008, shall be invalid and void.**

57 **4. The provisions of section 23.253, RSMo, shall not apply to this**  
58 **section.**

313.805. The commission shall have full jurisdiction over and shall  
2 supervise all gambling operations governed by sections 313.800 to 313.850. The  
3 commission shall have the following powers and shall promulgate rules and  
4 regulations to implement sections 313.800 to 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of  
6 applicants for a license and to select among competing applicants for a license the  
7 applicant which best serves the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of  
9 gambling games within such boats, to identify occupations within the excursion  
10 gambling boat operations which require licensing, and adopt standards for  
11 licensing the occupations including establishing fees for the occupational licenses  
12 and to license suppliers;

13 (3) To adopt standards under which all excursion gambling boat  
14 operations shall be held and standards for the facilities within which the  
15 gambling operations are to be held. Notwithstanding the provisions of chapter  
16 311, RSMo, to the contrary, the commission may authorize the operation of  
17 gambling games on an excursion gambling boat which is also licensed to sell or  
18 serve alcoholic beverages, wine, or beer. The commission shall regulate the  
19 wagering structure for gambling excursions [including providing a maximum loss  
20 of five hundred dollars per individual player per gambling excursion], **provided**  
21 **that the commission shall not establish any maximum loss limit;**

22 (4) To enter the premises of excursion gambling boats, facilities, or other  
23 places of business of a licensee within this state to determine compliance with  
24 sections 313.800 to 313.850;

25 (5) To investigate alleged violations of sections 313.800 to 313.850 or the  
26 commission rules, orders, or final decisions;

27 (6) To assess any appropriate administrative penalty against a licensee,  
28 including, but not limited to, suspension, revocation, and penalties of an amount  
29 as determined by the commission up to three times the highest daily amount of  
30 gross receipts derived from wagering on the gambling games, whether  
31 unauthorized or authorized, conducted during the previous twelve months as well  
32 as confiscation and forfeiture of all gambling game equipment used in the conduct  
33 of unauthorized gambling games. Forfeitures pursuant to this section shall be

34 enforced as provided in sections 513.600 to 513.645, RSMo;

35 (7) To require a licensee, an employee of a licensee or holder of an  
36 occupational license to remove a person violating a provision of sections 313.800  
37 to 313.850 or the commission rules, orders, or final orders, or other person  
38 deemed to be undesirable from the excursion gambling boat or adjacent facilities;

39 (8) To require the removal from the premises of a licensee, an employee  
40 of a licensee, or a holder of an occupational license for a violation of sections  
41 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

42 (9) To require all licensees to file all financial reports required by rules  
43 and regulations of the commission;

44 (10) To issue subpoenas for the attendance of witnesses and subpoenas  
45 duces tecum for the production of books, records, and other pertinent documents,  
46 and to administer oaths and affirmations to the witnesses, when, in the judgment  
47 of the commission, it is necessary to enforce sections 313.800 to 313.850 or the  
48 commission rules;

49 (11) To keep accurate and complete records of its proceedings and to  
50 certify the records as may be appropriate;

51 (12) To ensure that the gambling games are conducted fairly. No  
52 gambling device shall be set to pay out less than eighty percent of all wagers;

53 (13) To require all licensees of gambling game operations to use a cashless  
54 wagering system whereby all players' money is converted to physical or electronic  
55 tokens, electronic cards, or chips which only can be used for wagering on the  
56 excursion gambling boat;

57 (14) To require excursion gambling boat licensees to develop a system,  
58 approved by the commission, that allows patrons the option to prohibit the  
59 excursion gambling boat licensee from using identifying information for  
60 marketing purposes. The provisions of this subdivision shall apply only to  
61 patrons giving identifying information for the first time. Such system shall be  
62 submitted to the commission by October 1, 2000, and approved by the commission  
63 by January 1, 2001. The excursion gambling boat licensee shall use identifying  
64 information obtained from patrons who have elected to have marketing blocked  
65 under the provisions of this section only for the purposes of enforcing the  
66 requirements contained in sections 313.800 to 313.850. This section shall not  
67 prohibit the commission from accessing identifying information for the purposes  
68 of enforcing section 313.004 and sections 313.800 to 313.850;

69 (15) To determine which of the authorized gambling games will be

70 permitted on any licensed excursion gambling boat;

71 (16) Excursion gambling boats shall cruise, unless the commission finds  
72 that the best interest of Missouri and the safety of the public indicate the need  
73 for continuous docking of the excursion gambling boat in any city or county  
74 authorized pursuant to subsection 10 of section 313.812. The commission shall  
75 base its decision to allow continuously docked excursion gambling boats on any  
76 of the following criteria: the docking location or the excursion cruise could cause  
77 danger to the boat's passengers, violate federal law or the law of another state,  
78 or cause disruption of interstate commerce or possible interference with railway  
79 or barge transportation. In addition, the commission shall consider economic  
80 feasibility or impact that would benefit land-based development and permanent  
81 job creation. The commission shall not discriminate among applicants for  
82 continuous-docking excursion gambling that are similarly situated with respect  
83 to the criteria set forth in this section;

84 (17) The commission shall render a finding concerning the possibility of  
85 continuous docking, as described in subdivision (15) of this section, within thirty  
86 days after a hearing on any request from an applicant or licensee. Such hearing  
87 may be held prior to any final action on licensing to assist an applicant and any  
88 city or county in the finalizing of their economic development plan;

89 (18) To require any applicant for a license or renewal of a license to  
90 operate an excursion gambling boat to provide an affirmative action plan which  
91 has as its goal the use of best efforts to achieve maximum employment of  
92 African-Americans and other minorities and maximum participation in the  
93 procurement of contractual purchases of goods and services. This provision shall  
94 be administered in accordance with all federal and state employment laws,  
95 including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights  
96 Act of 1991. At license renewal, the licensee will report on the effectiveness of  
97 the plan. The commission shall include the licensee's reported information in its  
98 annual report to the joint committee on gaming and wagering;

99 (19) To take any other action as may be reasonable or appropriate to  
100 enforce sections 313.800 to 313.850 and the commission rules.

313.812. 1. **Except as provided in subsection 15 of this section**, the  
2 commission may issue licenses pursuant to subsection 1 of section 313.807 when  
3 it is satisfied that the applicant has complied with all rules and regulations,  
4 including an update of all information provided to the commission in the  
5 licensee's initial application. The commission shall decide the number, location

6 and type of excursion gambling boat in a city or county under subsection 10 of  
7 this section. The license shall set forth the name of the licensee, the type of  
8 license granted, the place where the excursion gambling boat will operate and  
9 dock, including the docking of an excursion gambling boat which is continuously  
10 docked, and other information the commission deems appropriate. The  
11 commission shall have the ultimate responsibility of deciding the number,  
12 location, and type of excursion gambling boats licensed in a city or county;  
13 however, any city or county which has complied with the provisions of subsection  
14 10 of this section shall submit to the commission a plan outlining the following:

15 (1) The recommended number of licensed excursion gambling boats  
16 operating in such city or county;

17 (2) The recommended licensee or licensees operating in such city or  
18 county;

19 (3) The community's economic development or impact and affirmative  
20 action plan concerning minorities' and women's ownership, contracting and  
21 employment for the waterfront development;

22 (4) The city or county proposed sharing of revenue with any other  
23 municipality;

24 (5) Any other information such city or county deems necessary; and

25 (6) Any other information the commission may determine is necessary.

26 The commission shall provide for due dates for receiving such plan from the city  
27 or county.

28 2. A license to operate an excursion gambling boat shall only be granted  
29 to an applicant upon the express conditions that:

30 (1) The applicant shall not, by a lease, contract, understanding, or  
31 arrangement of any kind, grant, assign, or turn over to a person the operation of  
32 an excursion gambling boat licensed under this section or of the system of  
33 wagering described in section 313.817. This section does not prohibit a  
34 management contract with a person licensed by the commission; and

35 (2) The applicant shall not in any manner permit a person other than the  
36 licensee and the management licensee to have a share, percentage, or proportion  
37 of the money received for admissions to the excursion gambling boat.

38 3. The commission shall require, as a condition of granting a license, that  
39 an applicant operate an excursion gambling boat which, as nearly as practicable,  
40 resembles or is a part of Missouri's or the home dock city's or county's riverboat  
41 history.

42           4. The commission shall encourage through its rules and regulations the  
43 use of Missouri resources, goods and services in the operation of any excursion  
44 gambling boat.

45           5. The excursion gambling boat shall provide for nongaming areas, food  
46 service and a Missouri theme gift shop. The amount of space used for gaming  
47 shall be determined in accordance with all rules and regulations of the  
48 commission and the United States Coast Guard safety regulations.

49           6. A license to operate gambling games or to operate an excursion  
50 gambling boat shall not be granted unless the applicant has, through clear and  
51 convincing evidence, demonstrated financial responsibility sufficient to meet  
52 adequately the requirements of the proposed enterprise.

53           7. Each applicant shall establish by clear and convincing evidence its  
54 fitness to be licensed. Without limitation, the commission may deny a license  
55 based solely on the fact that there is evidence that any of the following apply:

56           (1) The applicant has been suspended from operating an excursion  
57 gambling boat or a game of chance or gambling operation in another jurisdiction  
58 by a board or commission of that jurisdiction;

59           (2) The applicant is not the true owner of the enterprise proposed;

60           (3) The applicant is not the sole owner, and other persons have ownership  
61 in the enterprise, which fact has not been disclosed;

62           (4) The applicant is a corporation that is not publicly traded and ten  
63 percent or more of the stock of the corporation is subject to a contract or option  
64 to purchase at any time during the period for which the license is to be issued  
65 unless the contract or option was disclosed to the commission and the commission  
66 approved the sale or transfer during the period of the license;

67           (5) The applicant has knowingly made a false statement of a material fact  
68 to the commission; or

69           (6) The applicant has failed to meet a valid, bona fide monetary obligation  
70 in connection with an excursion gambling boat.

71           8. A license shall not be granted if the applicant has not established his  
72 good repute and moral character or if the applicant has pled guilty to, or has been  
73 convicted of, a felony. No licensee shall employ or contract with any person who  
74 has pled guilty to, or has been convicted of, a felony to perform any duties directly  
75 connected with the licensee's privileges under a license granted pursuant to this  
76 section, except that employees performing nongaming related occupations as  
77 determined by the commission shall be exempt from the requirements of this

78 subsection.

79 9. A licensee shall not lend to any person money or any other thing of  
80 value for the purpose of permitting that person to wager on any gambling game  
81 authorized by law. This does not prohibit credit card or debit card transactions  
82 or cashing of checks. Any check cashed must be deposited within twenty-four  
83 hours. The commission may require licensees to verify a sufficient account  
84 balance exists before cashing any check. Any licensee who violates the provisions  
85 of this subsection shall be subject to an administrative penalty of five thousand  
86 dollars for each violation. Such administrative penalties shall be assessed and  
87 collected by the commission.

88 10. Gambling excursions including the operation of gambling games on an  
89 excursion gambling boat which is not continuously docked shall be allowed only  
90 on the Mississippi River and the Missouri River. No license to conduct gambling  
91 games on an excursion gambling boat in a city or county shall be issued unless  
92 and until the qualified voters of the city or county approve such activities  
93 pursuant to this subsection. The question shall be submitted to the qualified  
94 voters of the city or county at a general, primary or special election upon the  
95 motion of the governing body of the city or county or upon the petition of fifteen  
96 percent of the qualified voters of the city or county determined on the basis of the  
97 number of votes cast for governor in the city or county at the last election held  
98 prior to the filing of the petition. The question shall be submitted in  
99 substantially the following form:

100 Shall the City (County) of ..... allow the licensing of excursion  
101 gambling boats or floating facilities as now or hereafter provided by Missouri  
102 gaming law in the city (county)?

103  YES  NO

104 If a majority of the votes cast on the question by the qualified voters voting  
105 thereon are in favor of the question, then the commission may license excursion  
106 gambling boats in that city or county and such boats may operate on the  
107 Mississippi River and the Missouri River. If a majority of the votes cast on the  
108 question by the qualified voters voting thereon are opposed to the question, then  
109 the commission shall not license such excursion gambling boats in such city or  
110 county unless and until the question is again submitted to and approved by a  
111 majority of the qualified voters of the city or county at a later election.

112 Excursion gambling boats may only dock in a city or unincorporated area of a  
113 county which approves licensing of such excursion gambling boats pursuant to



114 this subsection, but gambling operations may be conducted at any point on the  
115 Mississippi River or the Missouri River during an excursion. Those cities and  
116 counties which have approved by election pursuant to this subsection, except  
117 those cities or counties which have subsequently rejected by election, the  
118 licensing of any type of excursion gambling boats in the city or county prior to  
119 April 6, 1994, are exempt from any local election requirement of this section as  
120 such previous election shall have the same effect as if held after May 20, 1994.

121       11. If a docking fee is charged by a city or a county, a licensee operating  
122 an excursion gambling boat shall pay the docking fee prior to the start of the  
123 excursion season.

124       12. Any licensee shall not be delinquent in the payment of property taxes  
125 or other taxes or fees or in the payment of any other contractual obligation or  
126 debt due or owed to the state or a political subdivision of the state.

127       13. An excursion gambling boat licensed by the state shall meet all of the  
128 requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary  
129 facilities to protect the environment and water quality by the commission or its  
130 designee before a license to operate an excursion gambling boat is issued by the  
131 commission. Licensed excursion gambling boats shall also be subject to such  
132 inspections during the period of the license as may be deemed necessary by the  
133 commission. The cost of such inspections shall be paid by the licensee.

134       14. A holder of any license shall be subject to imposition of penalties,  
135 suspension or revocation of such license, or if the person is an applicant for  
136 licensure, the denial of the application, for any act or failure to act by himself or  
137 his agents or employees, that is injurious to the public health, safety, morals,  
138 good order and general welfare of the people of the state of Missouri, or that  
139 would discredit or tend to discredit the Missouri gaming industry or the state of  
140 Missouri unless the licensee proves by clear and convincing evidence that it is not  
141 guilty of such action. The commission shall take appropriate action against any  
142 licensee who violates the law or the rules and regulations of the  
143 commission. Without limiting other provisions of this subsection, the following  
144 acts or omissions may be grounds for such discipline:

145       (1) Failing to comply with or make provision for compliance with sections  
146 313.800 to 313.850, the rules and regulations of the commission or any federal,  
147 state or local law or regulation;

148       (2) Failing to comply with any rule, order or ruling of the commission or  
149 its agents pertaining to gaming;

150 (3) Receiving goods or services from a person or business entity who does  
151 not hold a supplier's license but who is required to hold such license by the  
152 provisions of sections 313.800 to 313.850 or the rules and regulations of the  
153 commission;

154 (4) Being suspended or ruled ineligible or having a license revoked or  
155 suspended in any state of gaming jurisdiction;

156 (5) Associating with, either socially or in business affairs, or employing  
157 persons of notorious or unsavory reputation or who have extensive police records,  
158 or who have failed to cooperate with any officially constituted investigatory or  
159 administrative body and would adversely affect public confidence and trust in  
160 gaming;

161 (6) Employing in any gambling games' operation or any excursion  
162 gambling boat operation, any person known to have been found guilty of cheating  
163 or using any improper device in connection with any gambling game;

164 (7) Use of fraud, deception, misrepresentation or bribery in securing any  
165 permit or license issued pursuant to sections 313.800 to 313.850;

166 (8) Obtaining or attempting to obtain any fee, charge, or other  
167 compensation by fraud, deception, or misrepresentation;

168 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation  
169 or dishonesty in the performance of the functions or duties regulated by sections  
170 313.800 to 313.850.

171 **15. The commission shall be authorized to issue a maximum of**  
172 **thirteen licenses to operate excursion gambling boats in the state. If**  
173 **one or more of the thirteen licenses issued under this subsection**  
174 **expires, is not renewed, is forfeited, or revoked, then the commission**  
175 **may issue a new license to replace the license that expired, was not**  
176 **renewed, was forfeited, or revoked, but such license shall only be**  
177 **issued for the same excursion gambling boat or another excursion**  
178 **gambling boat which will be located in the same or adjoining city,**  
179 **county, or city not within a county as the excursion gambling boat**  
180 **whose license expired, was not renewed, was forfeited, or revoked.**

313.823. In addition to all other fees and taxes required or paid,  
2 an excursion gambling boat licensee shall pay an additional education  
3 allowance on all adjusted gross receipts in excess of forty million  
4 dollars received from gambling games authorized under sections  
5 313.800 to 313.850 at the rate of one percent. The education allowance

6 shall be paid to the commission under rules and regulations  
7 promulgated by the commission. The proceeds obtained from the  
8 education allowance shall be transferred to the credit of the  
9 educational opportunities for Missouri's children fund in section  
10 160.534, RSMo. Any rule or portion of a rule, as that term is defined in  
11 section 536.010, RSMo, that is created under the authority delegated in  
12 this section shall become effective only if it complies with and is  
13 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
14 section 536.028, RSMo. This section and chapter 536, RSMo, are  
15 nonseverable and if any of the powers vested with the general assembly  
16 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
17 or to disapprove and annul a rule are subsequently held  
18 unconstitutional, then the grant of rulemaking authority and any rule  
19 proposed or adopted after August 28, 2008, shall be invalid and void.

313.835. 1. 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 1998 and prior years shall be transferred to the "Veterans' Commission  
24 Capital Improvement Trust Fund", as hereby created in the state treasury. The  
25 state treasurer shall administer the veterans' commission capital improvement  
26 trust fund, and the moneys in such fund shall be used solely, upon appropriation,  
27 by the Missouri veterans' commission for:

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

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

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

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

49 (e) The issuance of matching fund grants for veterans' service officer  
50 programs to any federally chartered veterans' organization or municipal  
51 government agency that is certified by the Veterans Administration to process  
52 veteran claims within the Veterans Administration System; provided that such  
53 veterans' organization has maintained a veterans' service officer presence within  
54 the state of Missouri for the three-year period immediately preceding the issuance  
55 of any such grant. A total of one million dollars in grants shall be made available  
56 annually with grants being issued in July of each year. Application for the  
57 matching grants shall be made through and approved by the Missouri veterans'  
58 commission based on the requirements established by the commission;

59 (f) For payment of Missouri national guard and Missouri veterans'  
60 commission expenses associated with providing medals, medallions and  
61 certificates in recognition of service in the armed forces of the United States  
62 during World War II and the Korean Conflict pursuant to sections 42.170 to  
63 42.206, RSMo. Any funds remaining from the medals, medallions and certificates  
64 shall not be transferred to any other fund and shall only be utilized for the  
65 awarding of future medals, medallions, and certificates in recognition of service  
66 in the armed forces; and

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

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

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

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

85 (b) The second [three] **seven** million dollar portion shall be transferred  
86 to the veterans' commission capital improvement trust fund;

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

89 (d) Subject to appropriations, one hundred percent of remaining net  
90 proceeds in the gaming commission fund except as provided in paragraph (l) of  
91 this subdivision, and after the appropriations made pursuant to the provisions of  
92 paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the "Early  
93 Childhood Development, Education and Care Fund" which is hereby created to  
94 give parents meaningful choices and assistance in choosing the child-care and

95 education arrangements that are appropriate for their family. All interest  
96 received on the fund shall be credited to the fund. Notwithstanding the  
97 provisions of section 33.080, RSMo, moneys in the fund at the end of any  
98 biennium shall not be transferred to the credit of the general revenue fund. Any  
99 moneys deposited in such fund shall be used to support programs that prepare  
100 children prior to the age in which they are eligible to enroll in kindergarten,  
101 pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys  
102 deposited in the early childhood development, education and care fund shall be  
103 annually appropriated for voluntary, early childhood development, education and  
104 care programs serving children in every region of the state not yet enrolled in  
105 kindergarten;

106 (e) No less than sixty percent of moneys deposited in the early childhood  
107 development, education and care fund shall be appropriated as provided in this  
108 paragraph to the department of elementary and secondary education and to the  
109 department of social services to provide early childhood development, education  
110 and care programs through competitive grants to, or contracts with, governmental  
111 or private agencies. Eighty percent of such moneys pursuant to the provisions of  
112 this paragraph and additional moneys as appropriated by the general assembly  
113 shall be appropriated to the department of elementary and secondary education  
114 and twenty percent of such moneys pursuant to the provisions of this paragraph  
115 shall be appropriated to the department of social services. The departments shall  
116 provide public notice and information about the grant process to potential  
117 applicants:

118 a. Grants or contracts may be provided for:

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

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

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

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

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

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

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

130 (v) Demonstration of financial and programmatic accountability on an

131 annual basis;

132 (vi) Commitment to state licensure within one year of the initial grant, if  
133 funding comes from the appropriation to the department of elementary and  
134 secondary education and commitment to compliance with the requirements of the  
135 department of social services, if funding comes from the department of social  
136 services; and

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

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

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

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

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

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

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

149 d. Beginning on August 28, 1998, the department of elementary and  
150 secondary education and the department of social services shall initiate and  
151 conduct a four-year study to evaluate the impact of early childhood development,  
152 education and care in this state. The study shall consist of an evaluation of  
153 children eligible for moneys pursuant to this paragraph, including an evaluation  
154 of the early childhood development, education and care of those children  
155 participating in such program and those not participating in the program over a  
156 four-year period. At the conclusion of the study, the department of elementary  
157 and secondary education and the department of social services shall, within  
158 ninety days of conclusion of the study, submit a report to the general assembly  
159 and the governor, with an analysis of the study required pursuant to this  
160 subparagraph, all data collected, findings, and other information relevant to early  
161 childhood development, education and care;

162 (f) No less than ten percent of moneys deposited in the early childhood  
163 development, education and care fund shall be appropriated to the department  
164 of social services to provide early childhood development, education and care  
165 programs through child development, education and care certificates to families  
166 whose income does not exceed one hundred eighty-five percent of the federal

167 poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C.  
168 9858n(2) for the purpose of funding early childhood development, education and  
169 care programs as approved by the department of social services. At a minimum,  
170 the certificate shall be of a value per child which is commensurate with the per  
171 child payment under item (ii) of subparagraph a. of paragraph (e) of this  
172 subdivision pertaining to the grants or contracts. On February first of each year  
173 the department shall certify the total amount of child development, education and  
174 care certificates applied for and the unused balance of the funds shall be released  
175 to be used for supplementing the competitive grants and contracts program  
176 authorized pursuant to paragraph (e) of this subdivision;

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

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

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

197 a. The adult caretaker of the children successfully participates in the  
198 parents as teachers program pursuant to the provisions of sections 178.691 to  
199 178.699, RSMo, a training program provided by the department on early  
200 childhood development, education and care, the home-based Head Start program  
201 as defined in 42 U.S.C. 9832 or a similar program approved by the department;

202 b. The adult caretaker consents to and clears a child abuse or neglect



203 screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo;  
204 and

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

206 (j) The department of elementary and secondary education and the  
207 department of social services each shall by rule promulgated pursuant to chapter  
208 536, RSMo, establish guidelines for the implementation of the early childhood  
209 development, education and care programs as provided in paragraphs (e) through  
210 (i) of this subdivision;

211 (k) Any rule or portion of a rule, as that term is defined in section  
212 536.010, RSMo, that is promulgated under the authority delegated in paragraph  
213 (j) of this subdivision shall become effective only if the agency has fully complied  
214 with all of the requirements of chapter 536, RSMo, including but not limited to,  
215 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking  
216 authority delegated prior to August 28, 1998, is of no force and effect and  
217 repealed as of August 28, 1998, however, nothing in this section shall be  
218 interpreted to repeal or affect the validity of any rule adopted or promulgated  
219 prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the  
220 provisions of this section are nonseverable and if any of the powers vested with  
221 the general assembly pursuant to section 536.028, RSMo, to review, to delay the  
222 effective date, or to disapprove and annul a rule or portion of a rule are held  
223 unconstitutional or invalid, the purported grant of rulemaking authority and any  
224 rule so proposed and contained in the order of rulemaking shall be invalid and  
225 void, except that nothing in this act shall affect the validity of any rule adopted  
226 and promulgated prior to August 28, 1998;

227 (l) When the remaining net proceeds, as such term is used pursuant to  
228 paragraph (d) of this subdivision, in the gaming commission fund annually  
229 exceeds twenty-eight million dollars: one-half million dollars of such proceeds  
230 shall be transferred annually, subject to appropriation, to the access Missouri  
231 financial assistance fund, established pursuant to the provisions of sections  
232 173.1101 to 173.1107, RSMo; three million dollars of such proceeds shall be  
233 transferred annually, subject to appropriation, to the veterans' commission capital  
234 improvement trust fund; and one million dollars of such proceeds shall be  
235 transferred annually, subject to appropriation, to the Missouri national guard  
236 trust fund created in section 41.214, RSMo.

237 2. Upon request by the veterans' commission, the general assembly may  
238 appropriate moneys from the veterans' commission capital improvements trust

239 fund to the Missouri national guard trust fund to support the activities described  
240 in section 41.958, RSMo.

**313.964. Without limiting the obligations of the class A licensee  
2 under subdivision (4) of section 313.817, no documentation or other  
3 form of identification, including biometric identification, shall be  
4 required to enter the area where gambling is being conducted on an  
5 excursion gambling boat unless requested of a patron by a class A  
6 licensee.**

✓  
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