

FIRST REGULAR SESSION

HOUSE BILL NO. 95

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTWOOD.

Pre-filed December 17, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0549L.011

AN ACT

To repeal sections 160.534, 164.303, 313.300, 313.321, 313.820, 313.822 and 313.835, RSMo, and to enact in lieu thereof eight new sections relating to gambling moneys for schools, with an emergency clause.

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

Section A. Sections 160.534, 164.303, 313.300, 313.321, 313.820, 313.822 and 313.835, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.534, 164.303, 166.480, 313.300, 313.321, 313.820, 313.822 and 313.835, to read as follows:

160.534. [For fiscal year 1996 and each subsequent fiscal year,] **1.** Any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. **Prior to July 1, 2003,** such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo. **Beginning July 1, 2003, such moneys shall be transferred on a monthly basis to the classroom trust fund created in section 166.480, RSMo, and, except as provided in subsection 4 of section 166.480, RSMo, shall be distributed on a per-pupil basis pursuant to section 166.480, RSMo.**

2. The amount transferred to the classroom trust fund pursuant to subsection 1 of this section, minus any amounts transferred back to the state school moneys fund pursuant to subsection 4 of section 166.480, RSMo, shall be replaced in the state school moneys fund from general revenue to ensure a proration factor on line 1(a) of subsection 6 of section 163.031, RSMo, of no less than 1.0.

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

164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

166.480. 1. For fiscal year 2004 and each subsequent fiscal year, the "Classroom Trust Fund", which is hereby created in the state treasury, shall be distributed to each school district on a per eligible pupil basis, except as provided in subsection 4 of this section. The moneys remaining in the classroom trust fund after the distributions described in subsection 4 of this section shall be exempt from salary compliance pursuant to section 165.016, RSMo. The moneys remaining in the classroom trust fund after the distributions described in subsection 4 of this section may be used by the district for such purposes as the district deems appropriate.

2. The classroom trust fund shall consist of:

- (1) All moneys transferred to it pursuant to section 160.534, RSMo;**
- (2) All moneys appropriated to the fund; and**
- (3) All gifts, bequests and donations to the fund.**

3. The classroom trust fund shall be administered by the state board of education pursuant to this section. All interest and moneys earned on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to general revenue at the end of the biennium.

4. The moneys deposited in the classroom trust fund pursuant to this section shall be transferred on a monthly basis as follows:

- (1) For fiscal year 2004, twenty percent shall remain in the classroom trust fund and eighty percent shall be transferred to the state school moneys fund;**
- (2) For fiscal year 2005, forty percent shall remain in the classroom trust fund and sixty percent shall be transferred to the state school moneys fund;**
- (3) For fiscal year 2006, sixty percent shall remain in the classroom trust fund and**

24 **forty percent shall be transferred to the state school moneys fund;**

25 **(4) For fiscal year 2007, eighty percent shall remain in the classroom trust fund and**
26 **twenty percent shall be transferred to the state school moneys fund; and**

27 **(5) For fiscal year 2008 and every fiscal year thereafter, one hundred percent shall**
28 **remain in the classroom trust fund.**

29 313.300. 1. Unclaimed prize money shall be retained by the commission for the person
30 entitled thereto for one hundred eighty days after the time at which the prize was awarded. If no
31 claim is made for the prize within one hundred eighty days, the prize money shall be [reverted
32 to the state lottery fund] **transferred to the state school moneys fund.**

33 2. In fiscal year 2003, the lottery commission shall transfer the amount received pursuant
34 to this section to the lottery proceeds fund. In fiscal year 2003, the commissioner of
35 administration shall transfer an equivalent amount from the lottery proceeds fund to the schools
36 of the future fund created in section 163.005, RSMo.

313.321. 1. The money received by the Missouri state lottery commission from the sale
2 of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery
3 Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate,
4 of the money received from the sale of Missouri lottery tickets shall be appropriated to the
5 Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts
6 in the state lottery fund may be appropriated to the Missouri state lottery commission for
7 administration, advertising, promotion, and retailer compensation. The general assembly shall
8 appropriate remaining moneys not previously allocated from the state lottery fund by transferring
9 such moneys to the [general revenue fund] **state school moneys fund.** The lottery commission
10 shall make monthly transfers of moneys not previously allocated from the state lottery fund to
11 the [general revenue] **state school moneys fund** as provided by appropriation.

12 2. The commission may also purchase and hold title to any securities issued by the
13 United States government or its agencies and instrumentalities thereof that mature within the
14 term of the prize for funding multi-year payout prizes.

15 3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be
16 established by the state treasurer and funded by warrants drawn by the office of administration
17 from the state lottery fund in amounts specified by the commission. The commission may write
18 checks and disburse moneys from this fund for the payment of lottery prizes only and for no
19 other purpose. All expenditures shall be made in accordance with rules and regulations
20 established by the office of administration. Prize payments may also be made from the state
21 lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of
22 section 143.781, RSMo; and prize payouts made pursuant to this section shall be subject to set
23 off for delinquent child support payments as assessed by a court of competent jurisdiction or

24 pursuant to section 454.410, RSMo.

25 4. Funds of the state lottery commission not currently needed for prize money,
26 administration costs, commissions and promotion costs shall be invested by the state treasurer
27 in interest-bearing investments in accordance with the investment powers of the state treasurer
28 contained in chapter 30, RSMo. All interest earned by funds in the state lottery fund shall accrue
29 to the credit of that fund.

30 5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares
31 of the state lottery or on any prize awarded by the state lottery. No state income tax or local
32 earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of
33 less than six hundred dollars during a prize winner's tax year. The state of Missouri shall
34 withhold for state income tax purposes from a lottery game prize or periodic payment of six
35 hundred dollars or more an amount equal to four percent of the prize.

36 6. The director of revenue is authorized to enter into agreements with the lottery
37 commission, in conjunction with the various state agencies pursuant to sections 143.782 to
38 143.788, RSMo, in an effort to satisfy outstanding debts to the state from the lottery winning of
39 any person entitled to receive lottery payments which are subject to federal withholding.

40 7. In addition to the restrictions provided in section 313.260, no person, firm, or
41 corporation whose primary source of income is derived from the sale or rental of sexually
42 oriented publications or sexually oriented materials or property shall be licensed as a lottery
43 game retailer and any lottery game retailer license held by any such person, firm, or corporation
44 shall be revoked.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee
2 of [two] **five** dollars for each person embarking on an excursion gambling boat with a ticket of
3 admission. One dollar of such fee shall be deposited to the credit of the gaming commission
4 fund as authorized pursuant to section 313.835, **three dollars of such fee shall be deposited to**
5 **the credit of the state school moneys fund**, and one dollar of such fee shall not be considered
6 state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent
7 of such fee deposited to the credit of the gaming commission fund may be deposited to the credit
8 of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing
9 in this section shall preclude any licensee from charging any amount deemed necessary for a
10 ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued
11 which are good for more than one excursion, the admission fee shall be paid to the commission
12 for each person using the ticket on each excursion that the ticket is used. If free passes or
13 complimentary admission tickets are issued, the excursion boat licensee shall pay to the
14 commission the same fee upon these passes or complimentary tickets as if they were sold at the
15 regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes

16 to actual and necessary officials and employees of the licensee or other persons actually working
17 on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the
18 commission, and a list of all persons to whom the fee-free passes are issued shall be filed with
19 the commission.

20 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
21 property taxes or any other tax or fee now or hereafter lawfully levied by any political
22 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes
23 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
24 All state taxes not connected directly to gambling games shall be collected by the department of
25 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the
26 department of revenue may furnish and the commission may receive tax information to
27 determine if applicants or licensees are complying with the tax laws of this state; however, any
28 tax information acquired by the commission shall not become public record and shall be used
29 exclusively for commission business.

313.822. A tax is imposed on the adjusted gross receipts received from gambling games
2 authorized pursuant to sections 313.800 to 313.850 at the rate of twenty percent. The taxes
3 imposed by this section shall be returned to the commission in accordance with the commission's
4 rules and regulations who shall transfer such taxes to the director of revenue. All checks and
5 drafts remitted for payment of these taxes and fees shall be made payable to the director of
6 revenue. If the commission is not satisfied with the return or payment made by any licensee, it
7 is hereby authorized and empowered to make an assessment of the amount due based upon any
8 information within its possession or that shall come into its possession. Any licensee against
9 whom an assessment is made by the commission may petition for a reassessment. The request
10 for reassessment shall be made within twenty days from the date the assessment was mailed or
11 delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of
12 a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment
13 shall become final if a request for reassessment is not received by the commission within the
14 twenty days. Except as provided in this section, on and after April 29, 1993, all functions
15 incident to the administration, collection, enforcement, and operation of the tax imposed by
16 sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this
17 section.

18 (1) Each excursion gambling boat shall designate a city or county as its home dock. The
19 home dock city or county may enter into agreements with other cities or counties authorized
20 pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.
21 The home dock city or county shall receive ten percent of the adjusted gross receipts tax
22 collections, as levied pursuant to this section, for use in providing services necessary for the

23 safety of the public visiting an excursion gambling boat. Such home dock city or county shall
24 annually submit to the commission a shared revenue agreement with any other city or county.
25 All moneys owed the home dock city or county shall be deposited and distributed to such city
26 or county in accordance with rules and regulations of the commission. All revenues provided
27 for in this section to be transferred to the governing body of any city not within a county and any
28 city with a population of over three hundred fifty thousand inhabitants shall not be considered
29 state funds and shall be deposited in such city's general revenue fund to be expended as provided
30 for in this section.

31 (2) The remaining amount of the adjusted gross receipts tax shall be **credited as follows:**

32 **(a) Prior to July 1, 2003, the remaining amount of the adjusted gross receipts tax**
33 **shall be** deposited in the state treasury to the credit of the "Gaming Proceeds for Education
34 Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be
35 considered the proceeds of excursion boat gambling **pursuant to article III, section 39(d) of**
36 **the Missouri Constitution and shall be considered** state funds pursuant to article IV, section
37 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund
38 shall be credited to the gaming proceeds for education fund. Appropriation of the moneys
39 deposited into the gaming proceeds for education fund shall be pursuant to state law; **and**

40 **(b) On July 1, 2003, all moneys in the gaming proceeds for education trust fund**
41 **shall be transferred to the classroom trust fund created in section 166.480, RSMo, and the**
42 **gaming proceeds for education fund shall be terminated. Beginning July 1, 2003, the**
43 **remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury**
44 **to the credit of the classroom trust fund, and the moneys deposited in the classroom trust**
45 **fund shall be considered the proceeds of excursion boat gambling pursuant to article III,**
46 **section 39(d) of the Missouri Constitution and shall be considered state funds pursuant to**
47 **article IV, section 15 of the Missouri Constitution.**

313.835. 1. All revenue received by the commission from license fees, penalties,
2 administrative fees, reimbursement by any excursion gambling boat operators for services
3 provided by the commission and admission fees authorized pursuant to the provisions of sections
4 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may
5 be appropriated to the compulsive gamblers fund as provided in section 313.820, **and except**
6 **that portion as specified in section 313.820 which shall be deposited to the credit of the**
7 **state school moneys fund,** shall be deposited in the state treasury to the credit of the "Gaming
8 Commission Fund" which is hereby created for the sole purpose of funding the administrative
9 costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be
10 considered proceeds of gambling operations. Moneys deposited into the gaming commission
11 fund shall be considered state funds pursuant to article IV, section 15 of the Missouri

12 Constitution. All interest received on the gaming commission fund shall be credited to the
13 gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for
14 the preceding fiscal year shall be compared to total expenditures and transfers from the gaming
15 commission fund for the preceding fiscal year. The remaining net proceeds in the gaming
16 commission fund shall be distributed in the following manner:

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

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

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

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

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

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

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

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

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

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

75 (c) Three million dollars shall be transferred to the Missouri college guarantee fund,
76 established pursuant to the provisions of section 173.248, RSMo, and additional moneys as
77 annually appropriated by the general assembly shall be appropriated to such fund;

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

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

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

101 a. Grants or contracts may be provided for:

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

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

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

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

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

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

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

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

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

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

119 c. In awarding grants and contracts pursuant to this paragraph, the departments may give

120 preference to programs which:

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

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

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

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

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

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

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

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

155 (h) No less than ten percent of the funds deposited in the early childhood development,

156 education and care fund shall be appropriated to the department of social services to provide
157 assistance to eligible parents whose family income does not exceed one hundred eighty-five
158 percent of the federal poverty level who wish to care for their children under three years of age
159 in the home, to enable such parent to take advantage of early childhood development, education
160 and care programs for such parent's child or children. At a minimum, the certificate shall be of
161 a value per child which is commensurate with the per child payment under item (ii) of
162 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The
163 department of social services shall provide assistance to these parents in the effective use of early
164 childhood development, education and care tools and methods;

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

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

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

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

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

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

192 act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

193 (1) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of
194 this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars,
195 one and one-half million dollars of such proceeds shall be transferred annually, subject to
196 appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of
197 section 173.248, RSMo.

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

Section B. Because immediate action is necessary to ensure adequate funding for schools
2 section A of this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and section A of this act shall be in full force and effect on July 1, 2003, or upon
5 its passage and approval, whichever later occurs.