

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1893

AN ACT

To repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to excursion gambling boats.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 313.835, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 42.300, 161.215, and 313.835, to read as follows:

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

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

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

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

1 (4) Fund transfers to any municipality with a population  
2 greater than four hundred thousand and located in part of a  
3 county with a population greater than six hundred thousand in  
4 this state which has established a fund for the sole purpose of  
5 the restoration, renovation and maintenance of a memorial or  
6 museum or both dedicated to World War I. Appropriations from the  
7 veterans commission capital improvement trust fund to such  
8 memorial fund shall be provided only as a one-time match for  
9 other funds devoted to the project and shall not exceed five  
10 million dollars. Additional appropriations not to exceed ten  
11 million dollars total may be made from the veterans commission  
12 capital improvement trust fund as a match to other funds for the  
13 new construction or renovation of other facilities dedicated as  
14 veterans memorials in the state. All appropriations for  
15 renovation, new construction, reconstruction, and maintenance of  
16 veterans memorials shall be made only for applications received  
17 by the Missouri veterans commission prior to July 1, 2004;

18 (5) The issuance of matching fund grants for veterans  
19 service officer programs to any federally chartered veterans  
20 organization or municipal government agency that is certified by  
21 the Veterans Administration to process veteran claims within the  
22 Veterans Administration System; provided that such veterans  
23 organization has maintained a veterans service officer presence  
24 within the state of Missouri for the three-year period  
25 immediately preceding the issuance of any such grant. A total of  
26 one million five hundred thousand dollars in grants shall be made  
27 available annually for service officers and joint training and  
28 outreach between veterans service organizations and the Missouri

1 veterans commission with grants being issued in July of each  
2 year. Application for the matching grants shall be made through  
3 and approved by the Missouri veterans commission based on the  
4 requirements established by the commission;

5 (6) For payment of Missouri national guard and Missouri  
6 veterans commission expenses associated with providing medals,  
7 medallions and certificates in recognition of service in the  
8 armed forces of the United States during World War II, the Korean  
9 Conflict, and the Vietnam War under sections 42.170 to 42.226.

10 Any funds remaining from the medals, medallions and certificates  
11 shall not be transferred to any other fund and shall only be  
12 utilized for the awarding of future medals, medallions, and  
13 certificates in recognition of service in the armed forces; and

14 (7) Fund transfers totaling ten million dollars to any  
15 municipality with a population greater than three hundred fifty  
16 thousand inhabitants and located in part in a county with a  
17 population greater than six hundred thousand inhabitants and with  
18 a charter form of government, for the sole purpose of the  
19 construction, restoration, renovation and maintenance of a  
20 memorial or museum or both dedicated to World War I.

21 2. Any interest which accrues to the fund shall remain in  
22 the fund and shall be used in the same manner as moneys which are  
23 transferred to the fund under this section. Notwithstanding the  
24 provisions of section 33.080, to the contrary, moneys in the  
25 veterans commission capital improvement trust fund at the end of  
26 any biennium shall not be transferred to the credit of the  
27 general revenue fund.

28 3. Upon request by the veterans commission, the general

1 assembly may appropriate moneys from the veterans commission  
2 capital improvements trust fund to the Missouri national guard  
3 trust fund to support the activities described in section 41.958.

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

10 161.215. 1. There is hereby created in the state treasury  
11 the "Early Childhood Development, Education and Care Fund" which  
12 shall consist of money collected under section 313.835 and which  
13 is created to give parents meaningful choices and assistance in  
14 choosing the child-care and education arrangements that are  
15 appropriate for their family. All interest received on the fund  
16 shall be credited to the fund. Notwithstanding the provisions of  
17 section 33.080, moneys in the fund at the end of any biennium  
18 shall not be transferred to the credit of the general revenue  
19 fund. Any moneys deposited in such fund shall be used to support  
20 programs that prepare children prior to the age in which they are  
21 eligible to enroll in kindergarten, under section 160.053 to  
22 enter school ready to learn. All moneys deposited in the early  
23 childhood development, education and care fund shall be annually  
24 appropriated for voluntary, early childhood development,  
25 education and care programs serving children in every region of  
26 the state not yet enrolled in kindergarten.

27 2. No less than sixty percent of moneys deposited in the  
28 early childhood development, education and care fund shall be

1 appropriated as provided in this subsection to the department of  
2 elementary and secondary education and to the department of  
3 social services to provide early childhood development, education  
4 and care programs through competitive grants to, or contracts  
5 with, governmental or private agencies. Eighty percent of such  
6 moneys under the provisions of this subsection and additional  
7 moneys as appropriated by the general assembly shall be  
8 appropriated to the department of elementary and secondary  
9 education and twenty percent of such moneys under the provisions  
10 of this subsection shall be appropriated to the department of  
11 social services. The departments shall provide public notice and  
12 information about the grant process to potential applicants:

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

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

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

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

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

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

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

26 (d) Documentation of community input into program  
27 development;

28 (e) Demonstration of financial and programmatic

1 accountability on an annual basis;

2 (f) Commitment to state licensure within one year of the  
3 initial grant, if funding comes from the appropriation to the  
4 department of elementary and secondary education and commitment  
5 to compliance with the requirements of the department of social  
6 services, if funding comes from the department of social  
7 services; and

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

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

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

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

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

19 (d) Are programs that offer services during nontraditional  
20 hours and weekends; or

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

23 3. No less than ten percent of moneys deposited in the  
24 early childhood development, education and care fund shall be  
25 appropriated to the department of social services to provide  
26 early childhood development, education and care programs through  
27 child development, education and care certificates to families  
28 whose income does not exceed one hundred eighty-five percent of

1 the federal poverty level in the manner pursuant to 42 U.S.C.  
2 Section 9858c(c) (2) (A) and 42 U.S.C. Section 9858n(2) for the  
3 purpose of funding early childhood development, education and  
4 care programs as approved by the department of social services.  
5 At a minimum, the certificate shall be of a value per child which  
6 is commensurate with the per-child payment under paragraph (b) of  
7 subdivision (1) of subsection 2 of this section pertaining to the  
8 grants or contracts. On February first of each year the  
9 department shall certify the total amount of child development,  
10 education and care certificates applied for and the unused  
11 balance of the funds shall be released to be used for  
12 supplementing the competitive grants and contracts program  
13 authorized under subsection 2 of this section.

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

20 5. No less than ten percent of the funds deposited in the  
21 early childhood development, education and care fund shall be  
22 appropriated to the department of social services to provide  
23 assistance to eligible parents whose family income does not  
24 exceed one hundred eighty-five percent of the federal poverty  
25 level who wish to care for their children under three years of  
26 age in the home, to enable such parent to take advantage of early  
27 childhood development, education and care programs for such  
28 parent's child or children. At a minimum, the certificate shall

1 be of a value per child which is commensurate with the per-child  
2 payment under paragraph (b) of subdivision (1) of subsection 2 of  
3 this section pertaining to the grants or contracts. The  
4 department of social services shall provide assistance to these  
5 parents in the effective use of early childhood development,  
6 education and care tools and methods.

7 6. In setting the value of parental certificates under  
8 subsection 3 of this section and payments under subsection 5 of  
9 this section, the department of social services may increase the  
10 value based on the following:

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

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

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

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

27 8. The state auditor shall conduct an audit of all moneys  
28 in the early childhood development, education and care fund



1 created in subsection 1 of this section every year beginning  
2 January 1, 2011, and ending on December 31, 2013. The findings  
3 of each audit shall be distributed to the general assembly no  
4 later than ten business days after the completion of such audit.

5 9. Any rule or portion of a rule, as that term is defined  
6 in section 536.010, that is created under the authority delegated  
7 in this section shall become effective only if it complies with  
8 and is subject to all of the provisions of chapter 536 and if  
9 applicable, section 536.028. This section and chapter 536 are  
10 nonseverable and if any of the powers vested with the general  
11 assembly under chapter 536 to review, to delay the effective  
12 date, or to disapprove and annul a rule are subsequently held  
13 unconstitutional, then the grant of rulemaking authority and any  
14 rule proposed or adopted after August 28, 2010, shall be invalid  
15 and void.

16 313.835. [1.] All revenue received by the commission from  
17 license fees, penalties, administrative fees, reimbursement by  
18 any excursion gambling boat operators for services provided by  
19 the commission and admission fees authorized pursuant to the  
20 provisions of sections 313.800 to 313.850, except that portion of  
21 the admission fee, not to exceed one cent, that may be  
22 appropriated to the compulsive gamblers fund as provided in  
23 section 313.820, shall be deposited in the state treasury to the  
24 credit of the "Gaming Commission Fund" which is hereby created  
25 for the sole purpose of funding the administrative costs of the  
26 commission, subject to appropriation. Moneys deposited into this  
27 fund shall not be considered proceeds of gambling operations.  
28 Moneys deposited into the gaming commission fund shall be

1 considered state funds pursuant to article IV, section 15 of the  
2 Missouri Constitution. All interest received on the gaming  
3 commission fund shall be credited to the gaming commission fund.  
4 In each fiscal year, total revenues to the gaming commission fund  
5 for the preceding fiscal year shall be compared to total  
6 expenditures and transfers from the gaming commission fund for  
7 the preceding fiscal year. The remaining net proceeds in the  
8 gaming commission fund shall be distributed in the following  
9 manner:

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

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

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

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

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

1 (d) Fund transfers to any municipality with a population  
2 greater than four hundred thousand and located in part of a  
3 county with a population greater than six hundred thousand in  
4 this state which has established a fund for the sole purpose of  
5 the restoration, renovation and maintenance of a memorial or  
6 museum or both dedicated to World War I. Appropriations from the  
7 veterans' commission capital improvement trust fund to such  
8 memorial fund shall be provided only as a one-time match for  
9 other funds devoted to the project and shall not exceed five  
10 million dollars. Additional appropriations not to exceed ten  
11 million dollars total may be made from the veterans' commission  
12 capital improvement trust fund as a match to other funds for the  
13 new construction or renovation of other facilities dedicated as  
14 veterans' memorials in the state. All appropriations for  
15 renovation, new construction, reconstruction, and maintenance of  
16 veterans' memorials shall be made only for applications received  
17 by the Missouri veterans' commission prior to July 1, 2004;

18 (e) The issuance of matching fund grants for veterans'  
19 service officer programs to any federally chartered veterans'  
20 organization or municipal government agency that is certified by  
21 the Veterans Administration to process veteran claims within the  
22 Veterans Administration System; provided that such veterans'  
23 organization has maintained a veterans' service officer presence  
24 within the state of Missouri for the three-year period  
25 immediately preceding the issuance of any such grant. A total of  
26 one million dollars in grants shall be made available annually  
27 with grants being issued in July of each year. Application for  
28 the matching grants shall be made through and approved by the

1 Missouri veterans' commission based on the requirements  
2 established by the commission;

3 (f) For payment of Missouri national guard and Missouri  
4 veterans' commission expenses associated with providing medals,  
5 medallions and certificates in recognition of service in the  
6 armed forces of the United States during World War II and the  
7 Korean Conflict pursuant to sections 42.170 to 42.206, RSMo. Any  
8 funds remaining from the medals, medallions and certificates  
9 shall not be transferred to any other fund and shall only be  
10 utilized for the awarding of future medals, medallions, and  
11 certificates in recognition of service in the armed forces; and

12 (g) Fund transfers totaling ten million dollars to any  
13 municipality with a population greater than three hundred fifty  
14 thousand inhabitants and located in part in a county with a  
15 population greater than six hundred thousand inhabitants and with  
16 a charter form of government, for the sole purpose of the  
17 construction, restoration, renovation and maintenance of a  
18 memorial or museum or both dedicated to World War I. Any  
19 interest which accrues to the fund shall remain in the fund and  
20 shall be used in the same manner as moneys which are transferred  
21 to the fund pursuant to this section. Notwithstanding the  
22 provisions of section 33.080, RSMo, to the contrary, moneys in  
23 the veterans' commission capital improvement trust fund at the  
24 end of any biennium shall not be transferred to the credit of the  
25 general revenue fund;

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

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

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

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

12 (d) Subject to appropriations, one hundred percent of  
13 remaining net proceeds in the gaming commission fund except as  
14 provided in ~~[paragraph (l)]~~ paragraphs (e) and (f) of this  
15 subdivision, and after the appropriations made pursuant to the  
16 provisions of paragraphs (a), (b), and (c) of this subdivision,  
17 shall be transferred to the ["Early Childhood Development,  
18 Education and Care Fund" which is hereby created to give parents  
19 meaningful choices and assistance in choosing the child-care and  
20 education arrangements that are appropriate for their family.  
21 All interest received on the fund shall be credited to the fund.  
22 Notwithstanding the provisions of section 33.080, RSMo, moneys in  
23 the fund at the end of any biennium shall not be transferred to  
24 the credit of the general revenue fund. Any moneys deposited in  
25 such fund shall be used to support programs that prepare children  
26 prior to the age in which they are eligible to enroll in  
27 kindergarten, pursuant to section 160.053, RSMo, to enter school  
28 ready to learn. All moneys deposited in the early childhood

1 development, education and care fund shall be annually  
2 appropriated for voluntary, early childhood development,  
3 education and care programs serving children in every region of  
4 the state not yet enrolled in kindergarten;

5 (e) No less than sixty percent of moneys deposited in the  
6 early childhood development, education and care fund shall be  
7 appropriated as provided in this paragraph to the department of  
8 elementary and secondary education and to the department of  
9 social services to provide early childhood development, education  
10 and care programs through competitive grants to, or contracts  
11 with, governmental or private agencies. Eighty percent of such  
12 moneys pursuant to the provisions of this paragraph and  
13 additional moneys as appropriated by the general assembly shall  
14 be appropriated to the department of elementary and secondary  
15 education and twenty percent of such moneys pursuant to the  
16 provisions of this paragraph shall be appropriated to the  
17 department of social services. The departments shall provide  
18 public notice and information about the grant process to  
19 potential applicants:

20 a. Grants or contracts may be provided for:

21 (I) Start-up funds for necessary materials, supplies,  
22 equipment and facilities; and

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

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

27 (I) A funding plan which demonstrates funding from a  
28 variety of sources including parental fees;

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

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

5 (iv) Documentation of community input into program  
6 development;

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

9 (vi) Commitment to state licensure within one year of the  
10 initial grant, if funding comes from the appropriation to the  
11 department of elementary and secondary education and commitment  
12 to compliance with the requirements of the department of social  
13 services, if funding comes from the department of social  
14 services; and

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

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

20 (I) Are new or expanding programs which increase capacity;

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

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

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

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

1           d. Beginning on August 28, 1998, the department of  
2 elementary and secondary education and the department of social  
3 services shall initiate and conduct a four-year study to evaluate  
4 the impact of early childhood development, education and care in  
5 this state. The study shall consist of an evaluation of children  
6 eligible for moneys pursuant to this paragraph, including an  
7 evaluation of the early childhood development, education and care  
8 of those children participating in such program and those not  
9 participating in the program over a four-year period. At the  
10 conclusion of the study, the department of elementary and  
11 secondary education and the department of social services shall,  
12 within ninety days of conclusion of the study, submit a report to  
13 the general assembly and the governor, with an analysis of the  
14 study required pursuant to this subparagraph, all data collected,  
15 findings, and other information relevant to early childhood  
16 development, education and care;

17           (f) No less than ten percent of moneys deposited in the  
18 early childhood development, education and care fund shall be  
19 appropriated to the department of social services to provide  
20 early childhood development, education and care programs through  
21 child development, education and care certificates to families  
22 whose income does not exceed one hundred eighty-five percent of  
23 the federal poverty level in the manner pursuant to 42 U.S.C.  
24 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding  
25 early childhood development, education and care programs as  
26 approved by the department of social services. At a minimum, the  
27 certificate shall be of a value per child which is commensurate  
28 with the per child payment under item (ii) of subparagraph a. of



1 paragraph (e) of this subdivision pertaining to the grants or  
2 contracts. On February first of each year the department shall  
3 certify the total amount of child development, education and care  
4 certificates applied for and the unused balance of the funds  
5 shall be released to be used for supplementing the competitive  
6 grants and contracts program authorized pursuant to paragraph (e)  
7 of this subdivision;

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

14 (h) No less than ten percent of the funds deposited in the  
15 early childhood development, education and care fund shall be  
16 appropriated to the department of social services to provide  
17 assistance to eligible parents whose family income does not  
18 exceed one hundred eighty-five percent of the federal poverty  
19 level who wish to care for their children under three years of  
20 age in the home, to enable such parent to take advantage of early  
21 childhood development, education and care programs for such  
22 parent's child or children. At a minimum, the certificate shall  
23 be of a value per child which is commensurate with the per child  
24 payment under item (ii) of subparagraph a. of paragraph (e) of  
25 this subdivision pertaining to the grants or contracts. The  
26 department of social services shall provide assistance to these  
27 parents in the effective use of early childhood development,  
28 education and care tools and methods;

1 (I) In setting the value of parental certificates under  
2 paragraph (f) of this subdivision and payments under paragraph  
3 (h) of this subdivision, the department of social services may  
4 increase the value based on the following:

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

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

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

16 (j) The department of elementary and secondary education  
17 and the department of social services each shall by rule  
18 promulgated pursuant to chapter 536, RSMo, establish guidelines  
19 for the implementation of the early childhood development,  
20 education and care programs as provided in paragraphs (e) through  
21 (I) of this subdivision;

22 (k) Any rule or portion of a rule, as that term is defined  
23 in section 536.010, RSMo, that is promulgated under the authority  
24 delegated in paragraph (j) of this subdivision shall become  
25 effective only if the agency has fully complied with all of the  
26 requirements of chapter 536, RSMo, including but not limited to,  
27 section 536.028, RSMo, if applicable, after August 28, 1998. All  
28 rulemaking authority delegated prior to August 28, 1998, is of no

1 force and effect and repealed as of August 28, 1998, however,  
2 nothing in this section shall be interpreted to repeal or affect  
3 the validity of any rule adopted or promulgated prior to August  
4 28, 1998. If the provisions of section 536.028, RSMo, apply, the  
5 provisions of this section are nonseverable and if any of the  
6 powers vested with the general assembly pursuant to section  
7 536.028, RSMo, to review, to delay the effective date, or to  
8 disapprove and annul a rule or portion of a rule are held  
9 unconstitutional or invalid, the purported grant of rulemaking  
10 authority and any rule so proposed and contained in the order of  
11 rulemaking shall be invalid and void, except that nothing in this  
12 act shall affect the validity of any rule adopted and promulgated  
13 prior to August 28, 1998] early childhood development, education  
14 and care fund created in section 161.215;

15 [(1)] (e) When the remaining net proceeds, as such term is  
16 used pursuant to paragraph (d) of this subdivision, in the gaming  
17 commission fund annually exceeds twenty-eight million dollars:  
18 one-half million dollars of such proceeds shall be transferred  
19 annually, subject to appropriation, to the access Missouri  
20 financial assistance fund, established pursuant to the provisions  
21 of sections 173.1101 to 173.1107[, RSMo]; three million dollars  
22 of such proceeds shall be transferred annually, subject to  
23 appropriation, to the veterans' commission capital improvement  
24 trust fund; and one million dollars of such proceeds shall be  
25 transferred annually, subject to appropriation, to the Missouri  
26 national guard trust fund created in section 41.214[, RSMo];

27 (f) Beginning in fiscal year 2011 and each fiscal year  
28 thereafter when the funding for early childhood education under

1 paragraph (d) of this subdivision equals the funding level for  
2 early childhood education under paragraph (d) of this subdivision  
3 in fiscal year 2009, one half of the next one million two hundred  
4 thousand dollars of such proceeds shall be transferred annually,  
5 subject to appropriation, to the Veterans commission capital  
6 improvement trust fund for the purpose of funding veterans  
7 service officer programs identified under subdivision (5) of  
8 subsection 1 of section 42.300, and the other half of the one  
9 million two hundred thousand dollars shall be transferred  
10 annually, subject to appropriation, to the early childhood  
11 development, education and care fund created in section 161.215.

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