

FIRST REGULAR SESSION

# HOUSE BILL NO. 391

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GRAHAM, WILSON (42),  
DOUGHERTY AND LOWE (Co-sponsors).

Read 1<sup>st</sup> time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1523L.011

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### AN ACT

To repeal sections 313.805, 313.820, 313.822, and 313.835, RSMo, and to enact in lieu thereof four new sections relating to gaming, with an emergency clause.

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

Section A. Sections 313.805, 313.820, 313.822, and 313.835, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 313.805, 313.820, 313.822,  
3 and 313.835, to read as follows:

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

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

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

12 (3) To adopt standards under which all excursion gambling boat operations shall be held  
13 and standards for the facilities within which the gambling operations are to be held.  
14 Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may

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

15 authorize the operation of gambling games on an excursion gambling boat which is also licensed  
16 to sell or serve alcoholic beverages, wine, or beer[. The commission shall regulate the wagering  
17 structure for gambling excursions including providing a maximum loss of five hundred dollars  
18 per individual player per gambling excursion];

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of  
20 business of a licensee within this state to determine compliance with sections 313.800 to  
21 313.850;

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

24 (6) To assess any appropriate administrative penalty against a licensee, including, but  
25 not limited to, suspension, revocation, and penalties of an amount as determined by the  
26 commission up to three times the highest daily amount of gross receipts derived from wagering  
27 on the gambling games, whether unauthorized or authorized, conducted during the previous  
28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the  
29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced  
30 as provided in sections 513.600 to 513.645, RSMo;

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

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

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

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

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

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

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

51 (14) To require excursion gambling boat licensees to develop a system, approved by the  
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from  
53 using identifying information for marketing purposes. The provisions of this subdivision shall  
54 apply only to patrons giving identifying information for the first time. Such system shall be  
55 submitted to the commission by October 1, 2000, and approved by the commission by January  
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from  
57 patrons who have elected to have marketing blocked under the provisions of this section only for  
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This  
59 section shall not prohibit the commission from accessing identifying information for the  
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

61 (15) To determine which of the authorized gambling games will be permitted on any  
62 licensed excursion gambling boat;

63 (16) Excursion gambling boats shall cruise, unless the commission finds that the best  
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the  
65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section  
66 313.812. The commission shall base its decision to allow continuously docked excursion  
67 gambling boats on any of the following criteria: the docking location or the excursion cruise  
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or  
69 cause disruption of interstate commerce or possible interference with railway or barge  
70 transportation. In addition, the commission shall consider economic feasibility or impact that  
71 would benefit land-based development and permanent job creation. The commission shall not  
72 discriminate among applicants for continuous-docking excursion gambling that are similarly  
73 situated with respect to the criteria set forth in this section;

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

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

87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections  
89 313.800 to 313.850 and the commission rules.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee  
2 of two 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, and one dollar of such fee shall not be considered  
5 state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent  
6 of such fee deposited to the credit of the gaming commission fund may be [deposited]  
7 **transferred** to [the credit of] the compulsive gamblers fund created pursuant to the provisions  
8 of section 313.842. **Beginning on the effective date of this section, excursion gambling boat**  
9 **licensees shall pay to the commission an additional admission fee of two dollars for each**  
10 **person embarking on an excursion gambling boat with a ticket of admission which shall**  
11 **be deposited in the state treasury to the credit of the gaming commission fund.** Nothing in  
12 this section shall preclude any licensee from charging any amount deemed necessary for a ticket  
13 of admission to any person embarking on an excursion gambling boat. If tickets are issued which  
14 are good for more than one excursion, the admission fee shall be paid to the commission for each  
15 person using the ticket on each excursion that the ticket is used. If free passes or complimentary  
16 admission tickets are issued, the excursion boat licensee shall pay to the commission the same  
17 fee upon these passes or complimentary tickets as if they were sold at the regular and usual  
18 admission rate; however, the excursion boat licensee may issue fee-free passes to actual and  
19 necessary officials and employees of the licensee or other persons actually working on the  
20 excursion gambling boat. The issuance of fee-free passes is subject to the rules of the  
21 commission, and a list of all persons to whom the fee-free passes are issued shall be filed with  
22 the commission.

23 2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,  
24 property taxes or any other tax or fee now or hereafter lawfully levied by any political  
25 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes  
26 or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.  
27 All state taxes not connected directly to gambling games shall be collected by the department of  
28 revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the  
29 department of revenue may furnish and the commission may receive tax information to  
30 determine if applicants or licensees are complying with the tax laws of this state; however, any  
31 tax information acquired by the commission shall not become public record and shall be used  
32 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] **twenty-two** percent.  
3 The taxes imposed by this section shall be returned to the commission in accordance with the  
4 commission's rules and regulations who shall transfer such taxes to the director of revenue. All  
5 checks and drafts remitted for payment of these taxes and fees shall be made payable to the  
6 director of revenue. If the commission is not satisfied with the return or payment made by any  
7 licensee, it is hereby authorized and empowered to make an assessment of the amount due based  
8 upon any information within its possession or that shall come into its possession. Any licensee  
9 against whom an assessment is made by the commission may petition for a reassessment. The  
10 request for reassessment shall be made within twenty days from the date the assessment was  
11 mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give  
12 notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The  
13 assessment shall become final if a request for reassessment is not received by the commission  
14 within the twenty days. Except as provided in this section, on and after April 29, 1993, all  
15 functions incident to the administration, collection, enforcement, and operation of the tax  
16 imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees  
17 imposed by this 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] **two** 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] **Twenty percent** of the adjusted gross receipts [tax] shall  
32 be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund"  
33 which is hereby created in the state treasury. Moneys deposited in this fund shall be considered  
34 the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the  
35 Missouri Constitution. All interest received on the gaming proceeds for education fund shall be  
36 credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into  
37 the gaming proceeds for education fund shall be pursuant to state law.

313.835. 1. All revenue received by the commission from license fees, [penalties,] administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund [for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year.] **shall be distributed in the following manner. The revenue derived by the state from the additional two dollar admission fee contained in section 313.820 shall be transferred to the state school moneys fund to fund state aid to public school pursuant to section 163.031, RSMo. After payment of the administrative costs of the commission and any transfers to the compulsive gamblers fund pursuant to section 313.820,** the remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

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

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. 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:

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

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

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

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in

37 this state which has established a fund for the sole purpose of the restoration, renovation and  
38 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from  
39 the veterans' commission capital improvement trust fund to such memorial fund shall be  
40 provided only as a one-time match for other funds devoted to the project and shall not exceed  
41 five million dollars. Additional appropriations not to exceed ten million dollars total may be  
42 made from the veterans' commission capital improvement trust fund as a match to other funds  
43 for the new construction or renovation of other facilities dedicated as veterans' memorials in the  
44 state. All appropriations for renovation, new construction, reconstruction, and maintenance of  
45 veterans' memorials shall be made only for applications received by the Missouri veterans'  
46 commission prior to July 1, 2004;

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

56 (f) For payment of Missouri national guard and Missouri veterans' commission expenses  
57 associated with providing medals, medallions and certificates in recognition of service in the  
58 armed forces of the United States during World War II pursuant to sections 42.170 to 42.190,  
59 RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay  
60 for the buglers at veteran burials; and

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

66

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

72 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and

73 each fiscal year thereafter shall be distributed as follows:

74 (a) Three million dollars shall be transferred to the veterans' commission capital  
75 improvement trust fund;

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

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

81 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the  
82 gaming commission fund except as provided in paragraph (l) of this subdivision, shall be  
83 transferred to the "Early Childhood Development, Education and Care Fund" which is hereby  
84 created to give parents meaningful choices and assistance in choosing the child-care and  
85 education arrangements that are appropriate for their family. All interest received on the fund  
86 shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys  
87 in the fund at the end of any biennium shall not be transferred to the credit of the general revenue  
88 fund. Any moneys deposited in such fund shall be used to support programs that prepare  
89 children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section  
90 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood  
91 development, education and care fund shall be annually appropriated for voluntary, early  
92 childhood development, education and care programs serving children in every region of the  
93 state not yet enrolled in kindergarten;

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

104 a. Grants or contracts may be provided for:

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

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

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

- 109 (i) A funding plan which demonstrates funding from a variety of sources including  
110 parental fees;
- 111 (ii) A child development, education and care plan that is appropriate to meet the needs  
112 of children;
- 113 (iii) The identity of any partner agencies or contractual service providers;
- 114 (iv) Documentation of community input into program development;
- 115 (v) Demonstration of financial and programmatic accountability on an annual basis;
- 116 (vi) Commitment to state licensure within one year of the initial grant, if funding comes  
117 from the appropriation to the department of elementary and secondary education and  
118 commitment to compliance with the requirements of the department of social services, if funding  
119 comes from the department of social services; and
- 120 (vii) With respect to applications by public schools, the establishment of a parent  
121 advisory committee within each public school program;
- 122 c. In awarding grants and contracts pursuant to this paragraph, the departments may give  
123 preference to programs which:
- 124 (i) Are new or expanding programs which increase capacity;
- 125 (ii) Target geographic areas of high need, namely where the ratio of program slots to  
126 children under the age of six in the area is less than the same ratio statewide;
- 127 (iii) Are programs designed for special needs children;
- 128 (iv) Are programs that offer services during nontraditional hours and weekends; or
- 129 (v) Are programs that serve a high concentration of low-income families;
- 130 d. Beginning on August 28, 1998, the department of elementary and secondary education  
131 and the department of social services shall initiate and conduct a four-year study to evaluate the  
132 impact of early childhood development, education and care in this state. The study shall consist  
133 of an evaluation of children eligible for moneys pursuant to this paragraph, including an  
134 evaluation of the early childhood development, education and care of those children participating  
135 in such program and those not participating in the program over a four-year period. At the  
136 conclusion of the study, the department of elementary and secondary education and the  
137 department of social services shall, within ninety days of conclusion of the study, submit a report  
138 to the general assembly and the governor, with an analysis of the study required pursuant to this  
139 subparagraph, all data collected, findings, and other information relevant to early childhood  
140 development, education and care;
- 141 (f) No less than ten percent of moneys deposited in the early childhood development,  
142 education and care fund shall be appropriated to the department of social services to provide  
143 early childhood development, education and care programs through child development,  
144 education and care certificates to families whose income does not exceed one hundred

145 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.  
146 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,  
147 education and care programs as approved by the department of social services. At a minimum,  
148 the certificate shall be of a value per child which is commensurate with the per child payment  
149 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or  
150 contracts. On February first of each year the department shall certify the total amount of child  
151 development, education and care certificates applied for and the unused balance of the funds  
152 shall be released to be used for supplementing the competitive grants and contracts program  
153 authorized pursuant to paragraph (e) of this subdivision;

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

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

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

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

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

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

179 (j) The department of elementary and secondary education and the department of social  
180 services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for

181 the implementation of the early childhood development, education and care programs as  
182 provided in paragraphs (e) through (i) of this subdivision;

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

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

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

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