

SECOND REGULAR SESSION

HOUSE BILL NO. 2238

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURRAY.

5794H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to school meals.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be
2 known as section 167.204, to read as follows:

167.204. 1. This section shall be known and may be cited as the "Hayes Act".

2 **2. As used in this section, the term "school" shall mean any public school**
3 **district, public school, public charter school, or private, religious, or parochial school**
4 **that participates in the National School Lunch Program administered by the United**
5 **States Department of Agriculture (USDA), or such program's successor, but that does**
6 **not participate in the Community Eligibility Provision administered by the USDA, or**
7 **such provision's successor.**

8 **3. A school shall provide a free lunch to each student who has been approved to**
9 **receive a reduced price lunch under the National School Lunch Program or its successor**
10 **program. Subject to appropriation, the state board of education shall reimburse schools**
11 **the difference between the total cost of each lunch provided under this subsection and**
12 **the federal reimbursement rate for each lunch provided under this subsection.**

13 **4. A school shall determine which students may be eligible for free or reduced**
14 **price lunch through the National School Lunch Program or its successor program and**
15 **shall provide information and assistance to parents and guardians of such students for**
16 **purposes of filling out an application.**

17 **5. A school shall not publicly identify or otherwise stigmatize a student who is or**
18 **may be eligible for free or reduced price lunch. A student's application for the National**

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

19 School Lunch Program or its successor program shall be used only for federal
20 reimbursement and for state aid calculations under chapter 163.

21 6. (1) There is hereby created in the state treasury the "School Meals Fund",
22 which shall consist of moneys appropriated by the general assembly for the purposes of
23 implementing the provisions of this section. The state treasurer shall be custodian of the
24 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
25 disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used
26 solely by the state board of education for the purposes of reimbursing schools as
27 provided in subsection 3 of this section.

28 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
29 remaining in the fund at the end of the biennium shall not revert to the credit of the
30 general revenue fund.

31 (3) The state treasurer shall invest moneys in the fund in the same manner as
32 other funds are invested. Any interest and moneys earned on such investments shall be
33 credited to the fund.

34 7. The state board of education shall promulgate rules and regulations for the
35 implementation of this section. Such rules shall include the process by which schools
36 may apply for reimbursement as provided in subsection 3 of this section. Any rule or
37 portion of a rule, as that term is defined in section 536.010, that is created under the
38 authority delegated in this section shall become effective only if it complies with and is
39 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
40 section and chapter 536 are nonseverable and if any of the powers vested with the
41 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
42 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
43 rulemaking authority and any rule proposed or adopted after the effective date of this
44 section shall be invalid and void.

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