

FIRST REGULAR SESSION

# SENATE BILL NO. 97

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0562S.01I

## AN ACT

To repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to the assessment of certain properties that are exempt from ad valorem taxes.

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

Section A. Section 137.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.073, to read as follows:

137.073. 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this

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

20 section;

21 (4) "Tax revenue", when referring to the previous year, means the actual  
22 receipts from ad valorem levies on all classes of property, including state-assessed  
23 property, in the immediately preceding fiscal year of the political subdivision,  
24 plus an allowance for taxes billed but not collected in the fiscal year and plus an  
25 additional allowance for the revenue which would have been collected from  
26 property which was annexed by such political subdivision but which was not  
27 previously used in determining tax revenue pursuant to this section. The term  
28 "tax revenue" shall not include any receipts from ad valorem levies on any  
29 property of a railroad corporation or a public utility, as these terms are defined  
30 in section 386.020, which were assessed by the assessor of a county or city in the  
31 previous year but are assessed by the state tax commission in the current year.  
32 All school districts and those counties levying sales taxes pursuant to chapter 67  
33 shall include in the calculation of tax revenue an amount equivalent to that by  
34 which they reduced property tax levies as a result of sales tax pursuant to section  
35 67.505 and section 164.013 [or as excess home dock city or county fees as  
36 provided in subsection 4 of section 313.820] in the immediately preceding fiscal  
37 year but not including any amount calculated to adjust for prior years. For  
38 purposes of political subdivisions which were authorized to levy a tax in the prior  
39 year but which did not levy such tax or levied a reduced rate, the term "tax  
40 revenue", as used in relation to the revision of tax levies mandated by law, shall  
41 mean the revenues equal to the amount that would have been available if the  
42 voluntary rate reduction had not been made.

43 2. Whenever changes in assessed valuation are entered in the assessor's  
44 books for any personal property, in the aggregate, or for any subclass of real  
45 property as such subclasses are established in Section 4(b) of Article X of the  
46 Missouri Constitution and defined in section 137.016, the county clerk in all  
47 counties and the assessor of St. Louis City shall notify each political subdivision  
48 wholly or partially within the county or St. Louis City of the change in valuation  
49 of each subclass of real property, individually, and personal property, in the  
50 aggregate, exclusive of new construction and improvements. All political  
51 subdivisions shall immediately revise the applicable rates of levy for each purpose  
52 for each subclass of real property, individually, and personal property, in the  
53 aggregate, for which taxes are levied to the extent necessary to produce from all  
54 taxable property, exclusive of new construction and improvements, substantially  
55 the same amount of tax revenue as was produced in the previous year for each

56 subclass of real property, individually, and personal property, in the aggregate,  
57 except that the rate shall not exceed the greater of the most recent  
58 voter-approved rate or the most recent voter-approved rate as adjusted under  
59 subdivision (2) of subsection 5 of this section. Any political subdivision that has  
60 received approval from voters for a tax increase after August 27, 2008, may levy  
61 a rate to collect substantially the same amount of tax revenue as the amount of  
62 revenue that would have been derived by applying the voter-approved increased  
63 tax rate ceiling to the total assessed valuation of the political subdivision as most  
64 recently certified by the city or county clerk on or before the date of the election  
65 in which such increase is approved, increased by the percentage increase in the  
66 consumer price index, as provided by law, except that the rate shall not exceed  
67 the greater of the most recent voter-approved rate or the most recent  
68 voter-approved rate as adjusted under subdivision (2) of subsection 5 of this  
69 section. Such tax revenue shall not include any receipts from ad valorem levies  
70 on any real property which was assessed by the assessor of a county or city in  
71 such previous year but is assessed by the assessor of a county or city in the  
72 current year in a different subclass of real property. Where the taxing authority  
73 is a school district for the purposes of revising the applicable rates of levy for  
74 each subclass of real property, the tax revenues from state-assessed railroad and  
75 utility property shall be apportioned and attributed to each subclass of real  
76 property based on the percentage of the total assessed valuation of the county  
77 that each subclass of real property represents in the current taxable year. As  
78 provided in Section 22 of Article X of the constitution, a political subdivision may  
79 also revise each levy to allow for inflationary assessment growth occurring within  
80 the political subdivision. The inflationary growth factor for any such subclass of  
81 real property or personal property shall be limited to the actual assessment  
82 growth in such subclass or class, exclusive of new construction and improvements,  
83 and exclusive of the assessed value on any real property which was assessed by  
84 the assessor of a county or city in the current year in a different subclass of real  
85 property, but not to exceed the consumer price index or five percent, whichever  
86 is lower. Should the tax revenue of a political subdivision from the various tax  
87 rates determined in this subsection be different than the tax revenue that would  
88 have been determined from a single tax rate as calculated pursuant to the method  
89 of calculation in this subsection prior to January 1, 2003, then the political  
90 subdivision shall revise the tax rates of those subclasses of real property,  
91 individually, and/or personal property, in the aggregate, in which there is a tax

92 rate reduction, pursuant to the provisions of this subsection. Such revision shall  
93 yield an amount equal to such difference and shall be apportioned among such  
94 subclasses of real property, individually, and/or personal property, in the  
95 aggregate, based on the relative assessed valuation of the class or subclasses of  
96 property experiencing a tax rate reduction. Such revision in the tax rates of each  
97 class or subclass shall be made by computing the percentage of current year  
98 adjusted assessed valuation of each class or subclass with a tax rate reduction to  
99 the total current year adjusted assessed valuation of the class or subclasses with  
100 a tax rate reduction, multiplying the resulting percentages by the revenue  
101 difference between the single rate calculation and the calculations pursuant to  
102 this subsection and dividing by the respective adjusted current year assessed  
103 valuation of each class or subclass to determine the adjustment to the rate to be  
104 levied upon each class or subclass of property. The adjustment computed herein  
105 shall be multiplied by one hundred, rounded to four decimals in the manner  
106 provided in this subsection, and added to the initial rate computed for each class  
107 or subclass of property. For school districts that levy separate tax rates on each  
108 subclass of real property and personal property in the aggregate, if voters  
109 approved a ballot before January 1, 2011, that presented separate stated tax  
110 rates to be applied to the different subclasses of real property and personal  
111 property in the aggregate, or increases the separate rates that may be levied on  
112 the different subclasses of real property and personal property in the aggregate  
113 by different amounts, the tax rate that shall be used for the single tax rate  
114 calculation shall be a blended rate, calculated in the manner provided under  
115 subdivision (1) of subsection 6 of this section. Notwithstanding any provision of  
116 this subsection to the contrary, no revision to the rate of levy for personal  
117 property shall cause such levy to increase over the levy for personal property from  
118 the prior year.

119 3. (1) Where the taxing authority is a school district, it shall be required  
120 to revise the rates of levy to the extent necessary to produce from all taxable  
121 property, including state-assessed railroad and utility property, which shall be  
122 separately estimated in addition to other data required in complying with section  
123 164.011, substantially the amount of tax revenue permitted in this section. In  
124 the year following tax rate reduction, the tax rate ceiling may be adjusted to  
125 offset such district's reduction in the apportionment of state school moneys due  
126 to its reduced tax rate. However, in the event any school district, in calculating  
127 a tax rate ceiling pursuant to this section, requiring the estimating of effects of

128 state-assessed railroad and utility valuation or loss of state aid, discovers that the  
129 estimates used result in receipt of excess revenues, which would have required  
130 a lower rate if the actual information had been known, the school district shall  
131 reduce the tax rate ceiling in the following year to compensate for the excess  
132 receipts, and the recalculated rate shall become the tax rate ceiling for purposes  
133 of this section.

134 (2) For any political subdivision which experiences a reduction in the  
135 amount of assessed valuation relating to a prior year, due to decisions of the state  
136 tax commission or a court pursuant to sections 138.430 to 138.433, or due to  
137 clerical errors or corrections in the calculation or recordation of any assessed  
138 valuation:

139 (a) Such political subdivision may revise the tax rate ceiling for each  
140 purpose it levies taxes to compensate for the reduction in assessed value  
141 occurring after the political subdivision calculated the tax rate ceiling for the  
142 particular subclass of real property or for personal property, in the aggregate, in  
143 a prior year. Such revision by the political subdivision shall be made at the time  
144 of the next calculation of the tax rate for the particular subclass of real property  
145 or for personal property, in the aggregate, after the reduction in assessed  
146 valuation has been determined and shall be calculated in a manner that results  
147 in the revised tax rate ceiling being the same as it would have been had the  
148 corrected or finalized assessment been available at the time of the prior  
149 calculation;

150 (b) In addition, for up to three years following the determination of the  
151 reduction in assessed valuation as a result of circumstances defined in this  
152 subdivision, such political subdivision may levy a tax rate for each purpose it  
153 levies taxes above the revised tax rate ceiling provided in paragraph (a) of this  
154 subdivision to recoup any revenues it was entitled to receive had the corrected or  
155 finalized assessment been available at the time of the prior calculation.

156 4. (1) In order to implement the provisions of this section and Section 22  
157 of Article X of the Constitution of Missouri, the term improvements shall apply  
158 to both real and personal property. In order to determine the value of new  
159 construction and improvements, each county assessor shall maintain a record of  
160 real property valuations in such a manner as to identify each year the increase  
161 in valuation for each political subdivision in the county as a result of new  
162 construction and improvements. The value of new construction and  
163 improvements shall include the additional assessed value of all improvements or

164 additions to real property which were begun after and were not part of the prior  
165 year's assessment, except that the additional assessed value of all improvements  
166 or additions to real property which had been totally or partially exempt from ad  
167 valorem taxes [pursuant to] **under** sections 99.800 to 99.865, sections 135.200  
168 to 135.255, [and] section 353.110, **or any other provision of law providing**  
169 **for the total or partial exemption of ad valorem taxes** shall be included  
170 in the value of new construction and improvements when the property becomes  
171 totally or partially subject to assessment and payment of all ad valorem  
172 taxes. The aggregate increase in valuation of personal property for the current  
173 year over that of the previous year is the equivalent of the new construction and  
174 improvements factor for personal property. Notwithstanding any opt-out  
175 implemented pursuant to subsection 15 of section 137.115, the assessor shall  
176 certify the amount of new construction and improvements and the amount of  
177 assessed value on any real property which was assessed by the assessor of a  
178 county or city in such previous year but is assessed by the assessor of a county  
179 or city in the current year in a different subclass of real property separately for  
180 each of the three subclasses of real property for each political subdivision to the  
181 county clerk in order that political subdivisions shall have this information for  
182 the purpose of calculating tax rates pursuant to this section and Section 22,  
183 Article X, Constitution of Missouri. In addition, the state tax commission shall  
184 certify each year to each county clerk the increase in the general price level as  
185 measured by the Consumer Price Index for All Urban Consumers for the United  
186 States, or its successor publications, as defined and officially reported by the  
187 United States Department of Labor, or its successor agency. The state tax  
188 commission shall certify the increase in such index on the latest twelve-month  
189 basis available on February first of each year over the immediately preceding  
190 prior twelve-month period in order that political subdivisions shall have this  
191 information available in setting their tax rates according to law and Section 22  
192 of Article X of the Constitution of Missouri. For purposes of implementing the  
193 provisions of this section and Section 22 of Article X of the Missouri Constitution,  
194 the term "property" means all taxable property, including state-assessed property.

195 (2) Each political subdivision required to revise rates of levy pursuant to  
196 this section or Section 22 of Article X of the Constitution of Missouri shall  
197 calculate each tax rate it is authorized to levy and, in establishing each tax rate,  
198 shall consider each provision for tax rate revision provided in this section and  
199 Section 22 of Article X of the Constitution of Missouri, separately and without

200 regard to annual tax rate reductions provided in section 67.505 and section  
201 164.013. Each political subdivision shall set each tax rate it is authorized to levy  
202 using the calculation that produces the lowest tax rate ceiling. It is further the  
203 intent of the general assembly, pursuant to the authority of Section 10(c) of  
204 Article X of the Constitution of Missouri, that the provisions of such section be  
205 applicable to tax rate revisions mandated pursuant to Section 22 of Article X of  
206 the Constitution of Missouri as to reestablishing tax rates as revised in  
207 subsequent years, enforcement provisions, and other provisions not in conflict  
208 with Section 22 of Article X of the Constitution of Missouri. Annual tax rate  
209 reductions provided in section 67.505 and section 164.013 shall be applied to the  
210 tax rate as established pursuant to this section and Section 22 of Article X of the  
211 Constitution of Missouri, unless otherwise provided by law.

212         5. (1) In all political subdivisions, the tax rate ceiling established  
213 pursuant to this section shall not be increased unless approved by a vote of the  
214 people. Approval of the higher tax rate shall be by at least a majority of votes  
215 cast. When a proposed higher tax rate requires approval by more than a simple  
216 majority pursuant to any provision of law or the constitution, the tax rate  
217 increase must receive approval by at least the majority required.

218         (2) When voters approve an increase in the tax rate, the amount of the  
219 increase shall be added to the tax rate ceiling as calculated pursuant to this  
220 section to the extent the total rate does not exceed any maximum rate prescribed  
221 by law. If a ballot question presents a stated tax rate for approval rather than  
222 describing the amount of increase in the question, the stated tax rate approved  
223 shall be adjusted as provided in this section and, so adjusted, shall be the current  
224 tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted  
225 such that when applied to the current total assessed valuation of the political  
226 subdivision, excluding new construction and improvements since the date of the  
227 election approving such increase, the revenue derived from the adjusted tax rate  
228 ceiling is equal to the sum of: the amount of revenue which would have been  
229 derived by applying the voter-approved increased tax rate ceiling to total assessed  
230 valuation of the political subdivision, as most recently certified by the city or  
231 county clerk on or before the date of the election in which such increase is  
232 approved, increased by the percentage increase in the consumer price index, as  
233 provided by law. Such adjusted tax rate ceiling may be applied to the total  
234 assessed valuation of the political subdivision at the setting of the next tax rate.  
235 If a ballot question presents a phased-in tax rate increase, upon voter approval,

236 each tax rate increase shall be adjusted in the manner prescribed in this section  
237 to yield the sum of: the amount of revenue that would be derived by applying  
238 such voter-approved increased rate to the total assessed valuation, as most  
239 recently certified by the city or county clerk on or before the date of the election  
240 in which such increase was approved, increased by the percentage increase in the  
241 consumer price index, as provided by law, from the date of the election to the time  
242 of such increase and, so adjusted, shall be the current tax rate ceiling.

243 (3) The governing body of any political subdivision may levy a tax rate  
244 lower than its tax rate ceiling and may, in a nonreassessment year, increase that  
245 lowered tax rate to a level not exceeding the tax rate ceiling without voter  
246 approval in the manner provided under subdivision (4) of this  
247 subsection. Nothing in this section shall be construed as prohibiting a political  
248 subdivision from voluntarily levying a tax rate lower than that which is required  
249 under the provisions of this section or from seeking voter approval of a reduction  
250 to such political subdivision's tax rate ceiling.

251 (4) In a year of general reassessment, a governing body whose tax rate is  
252 lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions  
253 of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a  
254 year following general reassessment, if such governing body intends to increase  
255 its tax rate, the governing body shall conduct a public hearing, and in a public  
256 meeting it shall adopt an ordinance, resolution, or policy statement justifying its  
257 action prior to setting and certifying its tax rate. The provisions of this  
258 subdivision shall not apply to any political subdivision which levies a tax rate  
259 lower than its tax rate ceiling solely due to a reduction required by law resulting  
260 from sales tax collections. The provisions of this subdivision shall not apply to  
261 any political subdivision which has received voter approval for an increase to its  
262 tax rate ceiling subsequent to setting its most recent tax rate.

263 6. (1) For the purposes of calculating state aid for public schools pursuant  
264 to section 163.031, each taxing authority which is a school district shall  
265 determine its proposed tax rate as a blended rate of the classes or subclasses of  
266 property. Such blended rate shall be calculated by first determining the total tax  
267 revenue of the property within the jurisdiction of the taxing authority, which  
268 amount shall be equal to the sum of the products of multiplying the assessed  
269 valuation of each class and subclass of property by the corresponding tax rate for  
270 such class or subclass, then dividing the total tax revenue by the total assessed  
271 valuation of the same jurisdiction, and then multiplying the resulting quotient



272 by a factor of one hundred. Where the taxing authority is a school district, such  
273 blended rate shall also be used by such school district for calculating revenue  
274 from state-assessed railroad and utility property as defined in chapter 151 and  
275 for apportioning the tax rate by purpose.

276 (2) Each taxing authority proposing to levy a tax rate in any year shall  
277 notify the clerk of the county commission in the county or counties where the tax  
278 rate applies of its tax rate ceiling and its proposed tax rate. Each taxing  
279 authority shall express its proposed tax rate in a fraction equal to the nearest  
280 one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then  
281 one/one-hundredth of a cent. If a taxing authority shall round to  
282 one/one-hundredth of a cent, it shall round up a fraction greater than or equal to  
283 five/one-thousandth of one cent to the next higher one/one-hundredth of a cent;  
284 if a taxing authority shall round to one-tenth of a cent, it shall round up a  
285 fraction greater than or equal to five/one-hundredths of a cent to the next higher  
286 one-tenth of a cent. Any taxing authority levying a property tax rate shall  
287 provide data, in such form as shall be prescribed by the state auditor by rule,  
288 substantiating such tax rate complies with Missouri law. All forms for the  
289 calculation of rates pursuant to this section shall be promulgated as a rule and  
290 shall not be incorporated by reference. The state auditor shall promulgate rules  
291 for any and all forms for the calculation of rates pursuant to this section which  
292 do not currently exist in rule form or that have been incorporated by reference.  
293 In addition, each taxing authority proposing to levy a tax rate for debt service  
294 shall provide data, in such form as shall be prescribed by the state auditor by  
295 rule, substantiating the tax rate for debt service complies with Missouri law. A  
296 tax rate proposed for annual debt service requirements will be prima facie valid  
297 if, after making the payment for which the tax was levied, bonds remain  
298 outstanding and the debt fund reserves do not exceed the following year's  
299 payments. The county clerk shall keep on file and available for public inspection  
300 all such information for a period of three years. The clerk shall, within three  
301 days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling  
302 and proposed tax rate and any substantiating data to the state auditor. The state  
303 auditor shall, within fifteen days of the date of receipt, examine such information  
304 and return to the county clerk his or her findings as to compliance of the tax rate  
305 ceiling with this section and as to compliance of any proposed tax rate for debt  
306 service with Missouri law. If the state auditor believes that a taxing authority's  
307 proposed tax rate does not comply with Missouri law, then the state auditor's

308 findings shall include a recalculated tax rate, and the state auditor may request  
309 a taxing authority to submit documentation supporting such taxing authority's  
310 proposed tax rate. The county clerk shall immediately forward a copy of the  
311 auditor's findings to the taxing authority and shall file a copy of the findings with  
312 the information received from the taxing authority. The taxing authority shall  
313 have fifteen days from the date of receipt from the county clerk of the state  
314 auditor's findings and any request for supporting documentation to accept or  
315 reject in writing the rate change certified by the state auditor and to submit all  
316 requested information to the state auditor. A copy of the taxing authority's  
317 acceptance or rejection and any information submitted to the state auditor shall  
318 also be mailed to the county clerk. If a taxing authority rejects a rate change  
319 certified by the state auditor and the state auditor does not receive supporting  
320 information which justifies the taxing authority's original or any subsequent  
321 proposed tax rate, then the state auditor shall refer the perceived violations of  
322 such taxing authority to the attorney general's office and the attorney general is  
323 authorized to obtain injunctive relief to prevent the taxing authority from levying  
324 a violative tax rate.

325 (3) In the event that the taxing authority incorrectly completes the forms  
326 created and promulgated under subdivision (2) of this subsection, or makes a  
327 clerical error, the taxing authority may submit amended forms with an  
328 explanation for the needed changes. If such amended forms are filed under  
329 regulations prescribed by the state auditor, the state auditor shall take into  
330 consideration such amended forms for the purposes of this subsection.

331 7. No tax rate shall be extended on the tax rolls by the county clerk unless  
332 the political subdivision has complied with the foregoing provisions of this  
333 section.

334 8. Whenever a taxpayer has cause to believe that a taxing authority has  
335 not complied with the provisions of this section, the taxpayer may make a formal  
336 complaint with the prosecuting attorney of the county. Where the prosecuting  
337 attorney fails to bring an action within ten days of the filing of the complaint, the  
338 taxpayer may bring a civil action pursuant to this section and institute an action  
339 as representative of a class of all taxpayers within a taxing authority if the class  
340 is so numerous that joinder of all members is impracticable, if there are questions  
341 of law or fact common to the class, if the claims or defenses of the representative  
342 parties are typical of the claims or defenses of the class, and if the representative  
343 parties will fairly and adequately protect the interests of the class. In any class

344 action maintained pursuant to this section, the court may direct to the members  
345 of the class a notice to be published at least once each week for four consecutive  
346 weeks in a newspaper of general circulation published in the county where the  
347 civil action is commenced and in other counties within the jurisdiction of a taxing  
348 authority. The notice shall advise each member that the court will exclude him  
349 or her from the class if he or she so requests by a specified date, that the  
350 judgment, whether favorable or not, will include all members who do not request  
351 exclusion, and that any member who does not request exclusion may, if he or she  
352 desires, enter an appearance. In any class action brought pursuant to this  
353 section, the court, in addition to the relief requested, shall assess against the  
354 taxing authority found to be in violation of this section the reasonable costs of  
355 bringing the action, including reasonable attorney's fees, provided no attorney's  
356 fees shall be awarded any attorney or association of attorneys who receive public  
357 funds from any source for their services. Any action brought pursuant to this  
358 section shall be set for hearing as soon as practicable after the cause is at issue.

359         9. If in any action, including a class action, the court issues an order  
360 requiring a taxing authority to revise the tax rates as provided in this section or  
361 enjoins a taxing authority from the collection of a tax because of its failure to  
362 revise the rate of levy as provided in this section, any taxpayer paying his or her  
363 taxes when an improper rate is applied has erroneously paid his or her taxes in  
364 part, whether or not the taxes are paid under protest as provided in section  
365 139.031 or otherwise contested. The part of the taxes paid erroneously is the  
366 difference in the amount produced by the original levy and the amount produced  
367 by the revised levy. The township or county collector of taxes or the collector of  
368 taxes in any city shall refund the amount of the tax erroneously paid. The taxing  
369 authority refusing to revise the rate of levy as provided in this section shall make  
370 available to the collector all funds necessary to make refunds pursuant to this  
371 subsection. No taxpayer shall receive any interest on any money erroneously paid  
372 by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing  
373 in this section shall be construed to require a taxing authority to refund any tax  
374 erroneously paid prior to or during the third tax year preceding the current tax  
375 year.

376         10. Any rule or portion of a rule, as that term is defined in section  
377 536.010, that is created under the authority delegated in this section shall  
378 become effective only if it complies with and is subject to all of the provisions of  
379 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

380 nonseverable and if any of the powers vested with the general assembly pursuant  
381 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
382 a rule are subsequently held unconstitutional, then the grant of rulemaking  
383 authority and any rule proposed or adopted after August 28, 2004, shall be  
384 invalid and void.

✓

Unofficial

Bill

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