

FIRST REGULAR SESSION

SENATE BILL NO. 32

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0228S.011

AN ACT

To repeal sections 135.352, 143.011, 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof five new sections relating to taxation.

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

Section A. Sections 135.352, 143.011, 253.550, 253.557, and 253.559, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 135.352, 143.011, 253.550, 253.557, and 253.559, to read as follows:

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal **[tax] credit** period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. No more than six million dollars in tax credits shall be authorized each fiscal year **ending on or before June 30, 2014**, for projects financed through tax-exempt bond issuance.

4. **For purposes of the limitations provided under this subsection, the aggregate amount of tax credits allowed over a federal credit period shall be attributed to the fiscal year in which such credits**

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

19 are authorized by the commission for a qualified Missouri project. For
20 the fiscal year beginning on or after July 1, 2014, but ending on or
21 before June 30, 2015, there shall be a one hundred ten million dollar
22 cap on tax credit authorizations for projects which are not financed
23 through tax exempt bond issuance. For the fiscal year beginning on or
24 after July 1, 2015, but ending on or before June 30, 2016, there shall be
25 a ninety-seven million dollar cap on tax credit authorizations for
26 projects which are not financed through tax exempt bond issuance. For
27 the fiscal year beginning on or after July 1, 2016, but ending on or
28 before June 30, 2017, there shall be an eighty-four million dollar cap on
29 tax credit authorizations for projects which are not financed through
30 tax exempt bond issuance. For all fiscal years beginning on or after
31 July 1, 2017, there shall be a seventy million dollar cap on tax credit
32 authorizations for projects which are not financed through tax exempt
33 bond issuance.

34 5. For purposes of the limitations provided under this
35 subsection, the aggregate amount of tax credits allowed over a federal
36 credit period shall be attributed to the fiscal year in which such credits
37 are authorized by the commission for a qualified Missouri project. For
38 the fiscal year beginning on or after July 1, 2014, but ending on or
39 before June 30, 2015, there shall be a fifteen million dollar cap on tax
40 credit authorizations for projects which are financed through tax
41 exempt bond issuance. For the fiscal year beginning on or after July
42 1, 2015, but ending on or before June 30, 2016, there shall be a ten
43 million dollar cap on tax credit authorizations for projects which are
44 financed through tax exempt bond issuance. For the fiscal year
45 beginning on or after July 1, 2016, but ending on or before June 30,
46 2017, there shall be a five million dollar cap on tax credit
47 authorizations for projects which are financed through tax exempt
48 bond issuance. No tax credits shall be authorized after June 30, 2017,
49 for projects financed through tax-exempt bond issuance.

50 6. The Missouri low-income housing tax credit shall be taken against the
51 taxes and in the order specified pursuant to section 32.115. The credit authorized
52 by this section shall not be refundable. Any amount of credit that exceeds the tax
53 due for a taxpayer's taxable year may be carried back to any of the taxpayer's
54 three prior taxable years or carried forward to any of the taxpayer's five
55 subsequent taxable years. For projects authorized on or after August 28,

56 **2013, any amount of credit that exceeds the tax due for a taxpayer's**
57 **taxable year may be carried forward to any of the taxpayer's five**
58 **subsequent taxable years or carried back to any of the taxpayer's two**
59 **prior taxable years.**

60 [5.] **7.** All or any portion of Missouri tax credits issued in accordance with
61 the provisions of sections 135.350 to 135.362 may be allocated to parties who are
62 eligible pursuant to the provisions of subsection 1 of this section. Beginning
63 January 1, 1995, for qualified projects which began on or after January 1, 1994,
64 an owner of a qualified Missouri project shall certify to the director the amount
65 of credit allocated to each taxpayer. The owner of the project shall provide to the
66 director appropriate information so that the low-income housing tax credit can be
67 properly allocated.

68 [6.] **8.** In the event that recapture of Missouri low-income housing tax
69 credits is required pursuant to subsection 2 of section 135.355, any statement
70 submitted to the director as provided in this section shall include the proportion
71 of the state credit required to be recaptured, the identity of each taxpayer subject
72 to the recapture and the amount of credit previously allocated to such taxpayer.

73 **9. A taxpayer that receives state tax credits under the provisions**
74 **of sections 253.545 to 253.559 shall be ineligible to receive state tax**
75 **credits under the provisions of sections 135.350 to 135.363 for the same**
76 **project, if such project is not financed through tax exempt bond**
77 **issuance.**

78 [7.] **10.** The director of the department may promulgate rules and
79 regulations necessary to administer the provisions of this section. No rule or
80 portion of a rule promulgated pursuant to the authority of this section shall
81 become effective unless it has been promulgated pursuant to the provisions of
82 section 536.024.

83 **11. Notwithstanding any provision of law to the contrary, no tax**
84 **credits provided under this section shall be authorized on or after**
85 **August 28, 2019. The provisions of this subsection shall not be**
86 **construed to limit or in any way impair the department's ability to**
87 **issue tax credits authorized prior to August 28, 2019, or a taxpayer's**
88 **ability to redeem such tax credits.**

143.011. **1.** A tax is hereby imposed for every taxable year on the
2 Missouri taxable income of every resident. The tax shall be determined by
3 applying the tax table or the rate provided in section 143.021, which is based

4 upon the following rates:

5	If the Missouri taxable income is:	The tax is:
6	Not over \$1,000.00	1 1/2% of the Missouri
7		taxable income
8	Over \$1,000 but not over \$2,000	\$15 plus 2% of excess
9		over \$1,000
10	Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess
11		over \$2,000
12	Over \$3,000 but not over \$4,000	\$60 plus 3% of excess
13		over \$3,000
14	Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess
15		over \$4,000
16	Over \$5,000 but not over \$6,000	\$125 plus 4% of excess
17		over \$5,000
18	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess
19		over \$6,000
20	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess
21		over \$7,000
22	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess
23		over \$8,000
24	Over \$9,000	\$315 plus 6% of excess
25		over \$9,000

26 **2. Beginning on January 1, 2016, the director of revenue shall**
 27 **examine the revenue generated by taxation from the previous calendar**
 28 **year and determine the amount of any increase in this revenue from**
 29 **the prior calendar year that is due to a reduction in the redemption of**
 30 **tax credits attributable to the provisions of sections 135.352 and**
 31 **253.550.**

32 **3. Based on the examination required by subsection 2 of this**
 33 **section, effective January 1, 2017, the department of revenue shall**
 34 **promulgate a rule reducing the tax rate provided in subsection 1 of this**
 35 **section, so that the increase in revenue attributable to sections 135.352**
 36 **and 253.550 results in a corresponding decrease in the tax rate.**

37 **4. The director shall make such examination and corresponding**
 38 **reduction in the tax rate on an annual basis, unless the increase in**
 39 **revenue attributable to the provisions of sections 135.352 and 253.550**

40 would only result in a decrease of the tax rate from the prior year of
41 less than one one-hundredth of one percent.

42 **5. Any rule or portion of a rule, as that term is defined in section**
43 **536.010 that is created under the authority delegated in this section**
44 **shall become effective only if it complies with and is subject to all of**
45 **the provisions of chapter 536, and, if applicable, section 536.028. This**
46 **section and chapter 536 are nonseverable and if any of the powers**
47 **vested with the general assembly pursuant to chapter 536, to review, to**
48 **delay the effective date, or to disapprove and annul a rule are**
49 **subsequently held unconstitutional, then the grant of rulemaking**
50 **authority and any rule proposed or adopted after August 28, 2013, shall**
51 **be invalid and void.**

253.550. 1. Any taxpayer incurring costs and expenses for the
2 rehabilitation of eligible property, which is a certified historic structure or
3 structure in a certified historic district, may, subject to the provisions of this
4 section and section 253.559, receive a credit against the taxes imposed pursuant
5 to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer
6 in an amount equal to twenty-five percent of the total costs and expenses of
7 rehabilitation incurred after January 1, 1998, which shall include, but not be
8 limited to, qualified rehabilitation expenditures as defined under section
9 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related
10 regulations thereunder, provided the rehabilitation costs associated with
11 rehabilitation and the expenses exceed fifty percent of the total basis in the
12 property and the rehabilitation meets standards consistent with the standards
13 of the Secretary of the United States Department of the Interior for rehabilitation
14 as determined by the state historic preservation officer of the Missouri
15 department of natural resources.

16 2. During the period beginning on January 1, 2010, but ending on or after
17 June 30, 2010, the department of economic development shall not approve
18 applications for tax credits under the provisions of subsections 3 and 8 of section
19 253.559 which, in the aggregate, exceed seventy million dollars, increased by any
20 amount of tax credits for which approval shall be rescinded under the provisions
21 of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but**
22 **ending on or before June 30, 2014**, the department of economic development
23 shall not approve applications for tax credits under the provisions of subsections
24 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty

25 million dollars, increased by any amount of tax credits for which approval shall
26 be rescinded under the provisions of section 253.559. The limitations provided
27 under this subsection shall not apply to applications approved under the
28 provisions of subsection 3 of section 253.559 for projects to receive less than two
29 hundred seventy-five thousand dollars in tax credits.

30 3. For all applications for tax credits approved on or after January 1,
31 2010, **but before August 28, 2013**, no more than two hundred fifty thousand
32 dollars in tax credits may be issued for eligible costs and expenses incurred in the
33 rehabilitation of an eligible property which is a nonincome producing
34 single-family, owner-occupied residential property and is either a certified historic
35 structure or a structure in a certified historic district.

36 4. The limitations on tax credit authorization provided under the
37 provisions of subsections 2 and 3 of this section shall not apply to:

38 (1) Any application submitted by a taxpayer, which has received approval
39 from the department prior to January 1, 2010; or

40 (2) Any taxpayer applying for tax credits, provided under this section,
41 which, on or before January 1, 2010, has filed an application with the department
42 evidencing that such taxpayer:

43 (a) Has incurred costs and expenses for an eligible property which exceed
44 the lesser of five percent of the total project costs or one million dollars and
45 received an approved Part I from the Secretary of the United States Department
46 of Interior; or

47 (b) Has received certification, by the state historic preservation officer,
48 that the rehabilitation plan meets the standards consistent with the standards
49 of the Secretary of the United States Department of the Interior, and the
50 rehabilitation costs and expenses associated with such rehabilitation shall exceed
51 fifty percent of the total basis in the property.

52 **5. For each fiscal year beginning on or after July 1, 2014, the**
53 **department of economic development shall not approve applications for**
54 **tax credits under the provisions of subsections 3 and 8 of section**
55 **253.559 which, in the aggregate, exceed eighty million dollars,**
56 **increased by any amount of tax credits for which approval shall be**
57 **rescinded under the provisions of section 253.559. The limitations**
58 **provided under this subsection shall not apply to applications approved**
59 **under the provisions of subsection 3 of section 253.559 for projects to**
60 **receive less than two hundred seventy-five thousand dollars in tax**

61 credits.

62 **6. For all applications for tax credits approved on or after**
63 **August 28, 2013, no more than one hundred and twenty-five thousand**
64 **dollars in tax credits may be issued for eligible costs and expenses**
65 **incurred in the rehabilitation of an eligible property which is a**
66 **nonincome producing single-family, owner-occupied residential**
67 **property and is either a certified historic structure or a structure in a**
68 **certified historic district.**

69 **7. In lieu of the limitations on tax credit authorization provided**
70 **under the provisions of subsections 5 and 6 of this section, the**
71 **limitations on tax credit authorization provided under the provisions**
72 **of subsections 2 and 3 of this section shall apply to:**

73 **(1) Any application submitted by a taxpayer, which has received**
74 **approval from the department prior to August 28, 2013; or**

75 **(2) Any application for tax credits provided under this section**
76 **for a project, which on or before August 28, 2013:**

77 **(a) Received an approved Part I from the Secretary of the United**
78 **States Department of Interior and has incurred costs and expenses for**
79 **an eligible property which exceed the lesser of fifteen percent of the**
80 **total project costs or three million dollars; or**

81 **(b) Has received certification, by the state historic preservation**
82 **officer, that the rehabilitation plan meets the standards consistent with**
83 **the standards of the Secretary of the United States Department of the**
84 **Interior, and the rehabilitation costs and expenses associated with such**
85 **rehabilitation would, upon completion, be expected to exceed fifty**
86 **percent of the total basis in the property.**

87 **8. For each fiscal year beginning on or after July 1, 2014, the**
88 **department of economic development shall not approve applications for**
89 **projects to receive less than two hundred seventy-five thousand dollars**
90 **in tax credits which, in the aggregate, exceed ten million dollars,**
91 **increased by any amount of tax credits for which approval shall be**
92 **rescinded under the provisions of section 253.559. The limitations on**
93 **tax credit authorization provided under the provisions of this**
94 **subsection, shall not apply to:**

95 **(1) Any application submitted by a taxpayer, which has received**
96 **approval from the department prior to August 28, 2013; or**

97 **(2) Any application for tax credits provided under this section**

98 for a project, which on or before August 28, 2013:

99 (a) Received an approved Part I from the Secretary of the United
100 States Department of Interior and has incurred costs and expenses for
101 an eligible property which exceed five percent of the total project costs;
102 or

103 (b) Has received certification, by the state historic preservation
104 officer, that the rehabilitation plan meets the standards consistent with
105 the standards of the Secretary of the United States Department of the
106 Interior, and the rehabilitation costs and expenses associated with such
107 rehabilitation would, upon completion, be expected to exceed fifty
108 percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for
2 the year in which the rehabilitated property is placed in service, the amount that
3 exceeds the state tax liability may be carried back to any of the three preceding
4 years and carried forward for credit against the taxes imposed pursuant to
5 chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the
6 succeeding ten years, or until the full credit is used, whichever occurs first. **For**
7 **all tax credits authorized under the provisions of sections 253.545 to**
8 **253.559 on or after August 28, 2013, if the total amount of such credit**
9 **exceeds the total tax liability for the year in which the rehabilitated**
10 **property is placed in service, the amount that exceeds the state tax**
11 **liability may be carried back to the preceding year and carried forward**
12 **for credit against the taxes imposed pursuant to chapter 143 and**
13 **chapter 148, except for sections 143.191 to 143.265 for the succeeding**
14 **five years, or until the full credit is used, whichever occurs**
15 **first.** Not-for-profit entities, including but not limited to corporations organized
16 as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the
17 tax credits authorized under sections 253.545 [through 253.561] to 253.559. **Any**
18 **taxpayer that receives state tax credits under the provisions of sections**
19 **135.350 to 135.363 for a project that is not financed through tax exempt**
20 **bonds issuance shall be ineligible for the state tax credits authorized**
21 **under sections 253.545 to 253.559 for the same project.** Taxpayers eligible
22 for such tax credits may transfer, sell or assign the credits to **any other**
23 **taxpayer including, but not limited to, a not-for-profit entity.** Credits
24 granted to a partnership, a limited liability company taxed as a partnership or
25 multiple owners of property shall be passed through to the partners, members or

26 owners **including, but not limited to, any not-for-profit entity that is a**
27 **partner, member, or owner**, respectively pro rata or pursuant to an executed
28 agreement among [the] **such** partners, members or owners documenting an
29 alternate distribution method.

30 2. The assignee of the tax credits, hereinafter the assignee for purposes
31 of this subsection, may use acquired credits to offset up to one hundred percent
32 of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148,
33 except for sections 143.191 to 143.265. The assignor shall perfect such transfer
34 by notifying the department of economic development in writing within thirty
35 calendar days following the effective date of the transfer and shall provide any
36 information as may be required by the department of economic development to
37 administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections
2 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the
3 department of economic development. Each application for approval, including
4 any applications received for supplemental allocations of tax credits as provided
5 under subsection 8 of this section, shall be prioritized for review and approval,
6 in the order of the date on which the application was postmarked, with the oldest
7 postmarked date receiving priority. Applications postmarked on the same day
8 shall go through a lottery process to determine the order in which such
9 applications shall be reviewed.

10 2. Each application shall be reviewed by the department of economic
11 development for approval. In order to receive approval, an application, other
12 than applications submitted under the provisions of subsection 8 of this section,
13 shall include:

14 (1) Proof of ownership or site control. Proof of ownership shall include
15 evidence that the taxpayer is the fee simple owner of the eligible property, such
16 as a warranty deed or a closing statement. Proof of site control may be evidenced
17 by a leasehold interest or an option to acquire such an interest. If the taxpayer
18 is in the process of acquiring fee simple ownership, proof of site control shall
19 include an executed sales contract or an executed option to purchase the eligible
20 property;

21 (2) Floor plans of the existing structure, architectural plans, and, where
22 applicable, plans of the proposed alterations to the structure, as well as proposed
23 additions;

24 (3) The estimated cost of rehabilitation, the anticipated total costs of the

25 project, the actual basis of the property, as shown by proof of actual acquisition
26 costs, the anticipated total labor costs, the estimated project start date, and the
27 estimated project completion date;

28 (4) Proof that the property is an eligible property and a certified historic
29 structure or a structure in a certified historic district; and

30 (5) Any other information which the department of economic development
31 may reasonably require to review the project for approval. Only the property for
32 which a property address is provided in the application shall be reviewed for
33 approval. Once selected for review, a taxpayer shall not be permitted to request
34 the review of another property for approval in the place of the property contained
35 in such application. Any disapproved application shall be removed from the
36 review process. If an application is removed from the review process, the
37 department of economic development shall notify the taxpayer in writing of the
38 decision to remove such application. Disapproved applications shall lose priority
39 in the review process. A disapproved application, which is removed from the
40 review process, may be resubmitted, but shall be deemed to be a new submission
41 for purposes of the priority procedures described in this section.

42 3. If the department of economic development deems the application
43 sufficient, the taxpayer shall be notified in writing of the approval for an amount
44 of tax credits equal to the amount provided under section 253.550 less any
45 amount of tax credits previously approved. Such approvals shall be granted to
46 applications in the order of priority established under this section and shall
47 require full compliance thereafter with all other requirements of law as a
48 condition to any claim for such credits.

49 4. Following approval of an application, the identity of the taxpayer
50 contained in such application shall not be modified except:

51 (1) The taxpayer may add partners, members, or shareholders as part of
52 the ownership structure, so long as the principal remains the same, provided
53 however, that subsequent to the commencement of renovation and the
54 expenditure of at least ten percent of the proposed rehabilitation budget, removal
55 of the principal for failure to perform duties and the appointment of a new
56 principal thereafter shall not constitute a change of the principal; or

57 (2) Where the ownership of the project is changed due to a foreclosure,
58 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in
59 bankruptcy. **Upon any such change in ownership, the taxpayer contained**
60 **in such application shall notify the department of such change.**

61 5. In the event that the department of economic development grants
62 approval for tax credits equal to the **applicable** total amount available under
63 subsection 2, **5, or 8** of section 253.550, or sufficient that when totaled with all
64 other approvals, the **applicable** amount available under subsection 2, **5, or 8** of
65 section 253.550 is exhausted, all taxpayers with applications then awaiting
66 approval or thereafter submitted for approval shall be notified by the department
67 of economic development that no additional approvals shall be granted during the
68 fiscal year and shall be notified of the priority given to such taxpayer's
69 application then awaiting approval. Such applications shall be kept on file by the
70 department of economic development and shall be considered for approval for tax
71 credits in the order established in this section in the event that additional credits
72 become available due to the rescission of approvals or when a new fiscal year's
73 allocation of credits becomes available for approval.

74 6. All taxpayers with applications receiving approval on or after the
75 effective date of this act shall commence rehabilitation within two years of the
76 date of issuance of the letter from the department of economic development
77 granting the approval for tax credits. "Commencement of rehabilitation" shall
78 mean that as of the date in which actual physical work, contemplated by the
79 architectural plans submitted with the application, has begun, the taxpayer has
80 incurred no less than ten percent of the estimated costs of rehabilitation provided
81 in the application. Taxpayers with approval of a project shall submit evidence of
82 compliance with the provisions of this subsection. If the department of economic
83 development determines that a taxpayer has failed to comply with the
84 requirements provided under this section, the approval for the amount of tax
85 credits for such taxpayer shall be rescinded and such amount of tax credits shall
86 then be included in the **applicable** total amount of tax credits, provided under
87 subsection 2, **5, or 8** of section 253.550, from which approvals may be
88 granted. Any taxpayer whose approval shall be subject to rescission shall be
89 notified of such from the department of economic development and, upon receipt
90 of such notice, may submit a new application for the project.

91 7. To claim the credit authorized under sections 253.550 to 253.559, a
92 taxpayer with approval shall apply for final approval and issuance of tax credits
93 from the department of economic development which, in consultation with the
94 department of natural resources, shall determine the final amount of eligible
95 rehabilitation costs and expenses and whether the completed rehabilitation meets
96 the standards of the Secretary of the United States Department of the Interior

97 for rehabilitation as determined by the state historic preservation officer of the
98 Missouri department of natural resources. For financial institutions credits
99 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be
100 economic development credits for purposes of section 148.064. The approval of
101 all applications and the issuing of certificates of eligible credits to taxpayers shall
102 be performed by the department of economic development. The department of
103 economic development shall inform a taxpayer of final approval by letter and
104 shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the
105 certificate to all Missouri income tax returns on which the credit is claimed.

106 8. Except as expressly provided in this subsection, tax credit certificates
107 shall be issued in the final year that costs and expenses of rehabilitation of the
108 project are incurred, or within the twelve-month period immediately following the
109 conclusion of such rehabilitation. In the event the amount of eligible
110 rehabilitation costs and expenses incurred by a taxpayer would result in the
111 issuance of an amount of tax credits in excess of the amount provided under such
112 taxpayer's approval granted under subsection 3 of this section, such taxpayer may
113 apply to the department for issuance of tax credits in an amount equal to such
114 excess. Applications for issuance of tax credits in excess of the amount provided
115 under a taxpayer's application shall be made on a form prescribed by the
116 department. Such applications shall be subject to all provisions regarding
117 priority provided under subsection 1 of this section.

118 9. The department of economic development shall determine, on an annual
119 basis, the overall economic impact to the state from the rehabilitation of eligible
120 property.

121 **10. Notwithstanding any provision of law to the contrary, no tax**
122 **credits provided under sections 253.545 to 253.559 shall be authorized**
123 **on or after August 28, 2019. The provisions of this subsection shall not**
124 **be construed to limit or in any way impair the department's ability to**
125 **issue tax credits authorized prior to August 28, 2019, or a taxpayer's**
126 **ability to redeem such tax credits.**

127 **11. By no later than January 1, 2014, the department shall**
128 **propose rules to implement the provisions of sections 253.550 to**
129 **253.559. Prior to proposing such rules, the department shall conduct**
130 **a stakeholder process designed to solicit input from interested**
131 **parties. Any rule or portion of a rule, as that term is defined in section**
132 **536.010, that is created under the authority delegated herein shall**

133 **become effective only if it complies with and is subject to all of the**
134 **provisions of chapter 536 and, if applicable, section 536.028. This**
135 **section and chapter 536 are nonseverable and if any of the powers**
136 **vested with the general assembly pursuant to chapter 536 to review, to**
137 **delay the effective date, or to disapprove and annul a rule are**
138 **subsequently held unconstitutional, then the grant of rulemaking**
139 **authority and any rule proposed or adopted after August 28, 2013, shall**
140 **be invalid and void.**

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