

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 869  
AN ACT

To repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to charter school funding.

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

Section A. Section 160.415, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 160.415,  
3 to read as follows:

160.415. 1. This section shall be known and may be  
2 cited as the "Charter School Funding Act."

3 2. For the purposes of calculation and distribution of  
4 state school aid under section 163.031, pupils enrolled in a  
5 charter school shall be included in the pupil enrollment of  
6 the school district within which each pupil resides. Each  
7 charter school shall report the [names, addresses, and]  
8 eligibility for free and reduced price lunch, special  
9 education, or limited English proficiency status, as well as  
10 eligibility for categorical aid, of pupils resident in a  
11 school district who are enrolled in the charter school to  
12 the school district in which those pupils reside. The  
13 charter school shall report the average daily attendance  
14 data, free and reduced price lunch count, special education  
15 pupil count, and limited English proficiency pupil count to  
16 the state department of elementary and secondary education.  
17 Each charter school shall promptly notify the state  
18 department of elementary and secondary education and the  
19 pupil's school district when a [student] pupil discontinues  
20 enrollment at a charter school.

21           [2.] 3. This subsection shall apply in all school  
22 districts, except metropolitan school districts, for all  
23 school years ending before July 1, 2023. This subsection  
24 shall apply in all metropolitan school districts for all  
25 school years ending before July 1, 2028. Except as provided  
26 in subsections 3 and 4 of this section, the aid payments for  
27 charter schools shall be as described in this subsection.

28           (1) A school district having one or more resident  
29 pupils attending a charter school shall pay to the charter  
30 school an annual amount equal to the product of the charter  
31 school's weighted average daily attendance and the state  
32 adequacy target, multiplied by the dollar value modifier for  
33 the district, plus local tax revenues per weighted average  
34 daily attendance from the incidental and teachers' funds in  
35 excess of the performance levy as defined in section 163.011  
36 plus all other state aid attributable to such pupils.

37           (2) The district of residence of a pupil attending a  
38 charter school shall also pay to the charter school any  
39 other federal or state aid that the district receives on  
40 account of such [child] pupil.

41           (3) If the department overpays or underpays the amount  
42 due to the charter school, such overpayment or underpayment  
43 shall be repaid by the [public] charter school or credited  
44 to the [public] charter school in twelve equal payments in  
45 the next fiscal year.

46           (4) The amounts provided pursuant to this subsection  
47 shall be prorated for partial year enrollment for a pupil.

48           (5) A school district shall pay the amounts due  
49 pursuant to this subsection as the disbursal agent and no  
50 later than twenty days following the receipt of any such  
51 funds. The department of elementary and secondary education  
52 shall pay the amounts due when it acts as the disbursal  
53 agent within five days of the required due date.

54           [3.] 4. This subsection shall apply in all school  
55 districts, except metropolitan school districts, for all  
56 school years ending before July 1, 2023. This subsection  
57 shall apply in all metropolitan school districts for all  
58 school years ending before July 1, 2028. A workplace  
59 charter school shall receive payment for each eligible pupil  
60 as provided under subsection 2 of this section, except that  
61 if the [student] pupil is not a resident of the district and  
62 is participating in a voluntary interdistrict transfer  
63 program, the payment for such pupils shall be the same as  
64 provided under section 162.1060.

65           [4.] 5. This subsection shall apply in all school  
66 districts, except metropolitan school districts, for all  
67 school years ending before July 1, 2023. This subsection  
68 shall apply in all metropolitan school districts for all  
69 school years ending before July 1, 2028. A charter school  
70 that has declared itself as a local educational agency shall  
71 receive from the department of elementary and secondary  
72 education an annual amount equal to the product of the  
73 charter school's weighted average daily attendance and the  
74 state adequacy target, multiplied by the dollar value  
75 modifier for the district, plus local tax revenues per  
76 weighted average daily attendance from the incidental and  
77 teachers funds in excess of the performance levy as defined  
78 in section 163.011 plus all other state aid attributable to  
79 such pupils. If a charter school declares itself as a local  
80 educational agency, the department of elementary and  
81 secondary education shall, upon notice of the declaration,  
82 reduce the payment made to the school district by the amount  
83 specified in this subsection and pay directly to the charter  
84 school the annual amount reduced from the school district's  
85 payment.

86           [5.] 6. This subsection shall apply in all school  
87 districts, except metropolitan school districts, for all  
88 school years ending before July 1, 2023. This subsection  
89 shall apply in all metropolitan school districts for all  
90 school years ending before July 1, 2028. If a school  
91 district fails to make timely payments of any amount for  
92 which it is the disbursal agent, the state department of  
93 elementary and secondary education shall authorize payment  
94 to the charter school of the amount due pursuant to  
95 subsection 2 of this section and shall deduct the same  
96 amount from the next state school aid apportionment to the  
97 owing school district. If a charter school is paid more or  
98 less than the amounts due pursuant to this section, the  
99 amount of overpayment or underpayment shall be adjusted  
100 equally in the next twelve payments by the school district  
101 or the department of elementary and secondary education, as  
102 appropriate. Any dispute between the school district and a  
103 charter school as to the amount owing to the charter school  
104 shall be resolved by the department of elementary and  
105 secondary education, and the department's decision shall be  
106 the final administrative action for the purposes of review  
107 pursuant to chapter 536. During the period of dispute, the  
108 department of elementary and secondary education shall make  
109 every administrative and statutory effort to allow the  
110 continued education of [children] students in their current  
111 [public] charter school setting.

112           [6.] 7. The charter school and a local school board  
113 may agree by contract for services to be provided by the  
114 school district to the charter school. The charter school  
115 may contract with any other entity for services. Such  
116 services may include but are not limited to food service,  
117 custodial service, maintenance, management assistance,  
118 curriculum assistance, media services and libraries and

119 shall be subject to negotiation between the charter school  
120 and the local school board or other entity. Documented  
121 actual costs of such services shall be paid for by the  
122 charter school.

123 [7.] 8. In the case of a proposed charter school that  
124 intends to contract with an education service provider for  
125 substantial educational services or management services, the  
126 request for proposals shall additionally require the charter  
127 school applicant to:

128 (1) Provide evidence of the education service  
129 provider's success in serving student populations similar to  
130 the targeted population, including demonstrated academic  
131 achievement as well as successful management of nonacademic  
132 school functions, if applicable;

133 (2) Provide a term sheet setting forth the proposed  
134 duration of the service contract; roles and responsibilities  
135 of the governing board, the school staff, and the service  
136 provider; scope of services and resources to be provided by  
137 the service provider; performance evaluation measures and  
138 time lines; compensation structure, including clear  
139 identification of all fees to be paid to the service  
140 provider; methods of contract oversight and enforcement;  
141 investment disclosure; and conditions for renewal and  
142 termination of the contract;

143 (3) Disclose any known conflicts of interest between  
144 the school governing board and proposed service provider or  
145 any affiliated business entities;

146 (4) Disclose and explain any termination or nonrenewal  
147 of contracts for equivalent services for any other charter  
148 school in the United States within the past five years;

149 (5) Ensure that the legal counsel for the charter  
150 school shall report directly to the charter school's  
151 governing board; and

152           (6) Provide a process to ensure that the expenditures  
153 that the education service provider intends to bill to the  
154 charter school shall receive prior approval of the governing  
155 board or its designee.

156           [8.] 9. A charter school may enter into contracts with  
157 community partnerships and state agencies acting in  
158 collaboration with such partnerships that provide services  
159 to [children] students and their families linked to the  
160 school.

161           [9.] 10. A charter school shall be eligible for  
162 transportation state aid pursuant to section 163.161 and  
163 shall be free to contract with the local district, or any  
164 other entity, for the provision of transportation to the  
165 students of the charter school.

166           [10.] 11. (1) The proportionate share of state and  
167 federal resources generated by students with disabilities or  
168 staff serving them shall be paid in full to charter schools  
169 enrolling those students by their school district where such  
170 enrollment is through a contract for services described in  
171 this section. The proportionate share of money generated  
172 under other federal or state categorical aid programs shall  
173 be directed to charter schools serving such students  
174 eligible for that aid.

175           (2) A charter school shall provide the special  
176 services provided pursuant to section 162.705 and may  
177 provide the special services pursuant to a contract with a  
178 school district or any provider of such services.

179           [11.] 12. A charter school [may] shall not charge  
180 tuition or impose fees that a school district is prohibited  
181 from charging or imposing, except that a charter school may  
182 receive tuition payments from districts in the same or an  
183 adjoining county for nonresident students who transfer to an

184 approved charter school, as defined in section 167.895, from  
185 an unaccredited district.

186       [12.] 13. A charter school is authorized to incur debt  
187 in anticipation of receipt of funds. A charter school may  
188 also borrow to finance facilities and other capital items.  
189 A school district may incur bonded indebtedness or take  
190 other measures to provide for physical facilities and other  
191 capital items for charter schools that it sponsors or  
192 contracts with. Except as otherwise specifically provided  
193 in sections 160.400 to 160.425, upon the dissolution of a  
194 charter school, any liabilities of the corporation will be  
195 satisfied through the procedures of chapter 355. A charter  
196 school shall satisfy all its financial obligations within  
197 twelve months of notice from the sponsor of the charter  
198 school's closure under subsection 8 of section 160.405.  
199 After satisfaction of all its financial obligations, a  
200 charter school shall return any remaining state and federal  
201 funds to the department of elementary and secondary  
202 education for disposition as stated in subdivision (17) of  
203 subsection 1 of section 160.405. The department of  
204 elementary and secondary education may withhold funding at a  
205 level the department determines to be adequate during a  
206 school's last year of operation until the department  
207 determines that school records, liabilities, and reporting  
208 requirements, including a full audit, are satisfied.

209       [13.] 14. Charter schools shall not have the power to  
210 acquire property by eminent domain.

211       [14.] 15. The governing [body] board of a charter  
212 school is authorized to accept grants, gifts or donations of  
213 any kind and to expend or use such grants, gifts or  
214 donations. A grant, gift or donation [may] shall not be  
215 accepted by the governing [body] board if it is subject to  
216 any condition contrary to law applicable to the charter

217 school or other public schools, or contrary to the terms of  
218 the charter.

219 16. (1) As used in this section, the following terms  
220 mean:

221 (a) "Department", the department of elementary and  
222 secondary education;

223 (b) "Local aid", all local and county revenue received  
224 by the school district and charter schools within the school  
225 district. The term "local aid":

226 a. Includes, but is not limited to, the following:

227 (i) Property taxes and delinquent taxes;

228 (ii) Merchants' and manufacturers' tax revenues,  
229 except that an urban school district containing most or all  
230 of a city with more than four hundred thousand inhabitants  
231 and located in more than one county may annually withhold  
232 merchants' and manufacturers' tax revenues required for  
233 repayment of Series 2009, Series 2010, Series 2015, and  
234 Series 2016 bonds. Such school district shall not withhold  
235 merchants' and manufacturers' tax revenues after the fiscal  
236 year ending June 30, 2036;

237 (iii) Financial institutions' tax revenues;

238 (iv) City sales tax revenue, including city sales tax  
239 collected in any city not within a county, but excludes city  
240 sales tax revenue collected but withheld by any metropolitan  
241 school district pursuant to a court mandated desegregation  
242 settlement agreement if a federal court issues a final  
243 decision finding the city sales tax may only be used by the  
244 metropolitan school district;

245 (v) Payments in lieu of taxes;

246 (vi) Revenues from state-assessed railroad and  
247 utilities tax; or

248 (vii) Any future aid; and

249 b. Shall not be construed to include:



250           (i) Charitable contributions, gifts, and grants made  
251 to school districts and charter schools;

252           (ii) Interest earnings of school districts and charter  
253 schools;

254           (iii) Student fees paid to school districts and  
255 charter schools;

256           (iv) Debt service authorized by a public vote for the  
257 purpose of making payments on a bond issuance of a school  
258 district;

259           (v) Proposition C revenues received for school  
260 purposes from the school district trust fund under section  
261 163.087;

262           (vi) Any funding solely intended for any special  
263 school district providing services to students in any county  
264 with more than one million inhabitants; or

265           (vii) Any other funding solely intended for a  
266 particular school district or charter school and its  
267 respective employees, schools, foundations, or organizations.

268           (2) Notwithstanding any other provision of law to the  
269 contrary, the calculation in this subsection shall be used  
270 to calculate state and local aid for charter schools  
271 operated only:

272           (a) In a metropolitan school district;

273           (b) In an urban school district containing most or all  
274 of a city with a population greater than three hundred fifty  
275 thousand inhabitants;

276           (c) In a school district that has been classified as  
277 unaccredited by the state board of education;

278           (d) In a school district that has been classified as  
279 provisionally accredited by the state board of education and  
280 has received scores on its annual performance report  
281 consistent with a classification of provisionally accredited  
282 or unaccredited for three consecutive school years beginning

283 with the 2012-2013 accreditation year under the conditions  
284 described in paragraphs (a) and (b) of subdivision (4) of  
285 subsection 2 of section 160.400; or

286 (e) In a school district that has been accredited  
287 without provisions, sponsored only by the local school board  
288 under the conditions described in subdivision (5) of  
289 subsection 2 of section 160.400.

290 (3) Each charter school and each school district  
291 responsible for distributing local aid to charter schools  
292 under this subsection shall include as part of its annual  
293 independent audit an audit of pupil residency, enrollment,  
294 and attendance in order to verify pupil residency in the  
295 school district or local educational agency.

296 (4) A school district having one or more resident  
297 pupils attending a charter school shall pay to the charter  
298 school an annual amount equal to the product of the charter  
299 school's weighted average daily attendance and the state  
300 adequacy target, multiplied by the dollar value modifier for  
301 the district, less the charter school's share of local  
302 effort as defined in section 163.011 plus all other state  
303 aid attributable to such pupils plus local aid received by  
304 the school district divided by the total weighted average  
305 daily attendance of the school district and all charter  
306 schools within the school district per weighted average  
307 daily attendance of the charter school.

308 (5) A charter school that has declared itself a local  
309 educational agency shall receive all state aid calculated  
310 under this subsection from the department and all local aid  
311 calculated under this subsection from the school district  
312 within which the charter school is operating. A charter  
313 school shall receive an annual amount equal to the product  
314 of the charter school's weighted average daily attendance  
315 and the state adequacy target, multiplied by the dollar

316 value modifier for the district, less the charter school's  
317 share of local effort as defined in section 163.011 plus all  
318 other state aid attributable to such pupils plus local aid  
319 received by the school district divided by the total  
320 weighted average daily attendance of the school district and  
321 all charter schools within the school district per weighted  
322 average daily attendance of the charter school.

323 (6) (a) The school district with charter schools  
324 operating within the district shall withhold, from the  
325 January local effort payment received by the school  
326 district, an annual administrative fee for the purpose of  
327 supporting administrative costs the school district incurs  
328 for charter schools operating within the school district.  
329 In all school districts except a metropolitan school  
330 district, the administrative fee shall be equal to one-  
331 fourth of one percent of the sum of the prior year's state  
332 aid received by the school district, the prior year's state  
333 aid received by the charter school within the school  
334 district, and the prior year's local aid received by the  
335 school district and the charter schools within the school  
336 district. The administrative fee in a metropolitan school  
337 district shall be equal to two percent of the sum of the  
338 prior year's state aid received by the school district, the  
339 prior year's state aid received by the charter school within  
340 the school district, and the prior year's local aid received  
341 by the school district and the charter schools within the  
342 school district. As used in this paragraph, "state aid"  
343 means the product of the school district or charter school's  
344 weighted average daily attendance and the state adequacy  
345 target, multiplied by the dollar value modifier for the  
346 district, less the school district or charter school's share  
347 of local effort as defined in section 163.011.

348           (b) On or before December thirty-first of each year,  
349 any school district that has charter schools operating  
350 within the district shall transmit to the department the  
351 total annual local aid calculation described in subdivision  
352 (7) of this subsection. If the school district fails to  
353 transmit the annual local aid calculation to the department,  
354 the school district shall not withhold the administrative  
355 fee.

356           (c) The department shall calculate the administrative  
357 fee under the formula in this subdivision using data from  
358 the previous school year. On or before January fifteenth of  
359 the following year, the department shall transmit to any  
360 school district that has charter schools operating within  
361 the district the calculation of the administrative fee and  
362 make such calculation publicly available on the department's  
363 website.

364           (7) Each month any school district that has charter  
365 schools operating within the district shall calculate the  
366 amount of local aid received by the school district that is  
367 owed to the charter schools by the school district under  
368 this subsection. The school district shall pay to the  
369 charter school the amount of local aid owed to the charter  
370 school, as calculated by the school district using the  
371 previous month's weighted average daily attendance of the  
372 charter school. If any payment of local aid is due, the  
373 school district shall make monthly payments on the twenty-  
374 first day of each month or upon the closest business day,  
375 beginning in July of each year.

376           (a) If the school district fails to make timely  
377 payment, the department shall impose any penalty the  
378 department deems appropriate.

379           (b) The school district shall, as part of its annual  
380 audit as required under section 165.111, include a report

381 converting the local aid received by the district from an  
382 accrual basis to a cash basis. Such report shall be made  
383 publicly available on the district website in a searchable  
384 format or as a downloadable and searchable document.

385 (8) The department shall conduct an annual review of  
386 any payments made in the previous fiscal year under  
387 subdivision (7) of this subsection to determine if there has  
388 been any underpayment or overpayment. The annual review, to  
389 be conducted in January of each year, shall include a  
390 calculation of the amount of local aid owed to charter  
391 schools using the first preceding year's annual audit  
392 required under section 165.111. A school district shall pay  
393 to a charter school operating in the district the amount of  
394 local aid owed to the charter school as calculated by the  
395 department. In the event of an underpayment, the school  
396 district shall remit the underpayment amount to the charter  
397 school. In the event of an overpayment, the charter school  
398 shall remit the overpayment amount to the school district.

399 (a) If the school district fails to remit any  
400 underpayment amount to the charter school within thirty days  
401 of notification of the underpayment amount, the department  
402 shall impose any penalty the department deems appropriate.

403 (b) If the charter school fails to remit any  
404 overpayment amount owed to the school district within thirty  
405 days of notification of the overpayment amount, the  
406 department shall impose any penalty the department deems  
407 appropriate.

408 (9) If a prior year correction of the amount of local  
409 aid is necessary, the school district shall recalculate the  
410 amount owed to a charter school and either remit any  
411 underpayment amount to the charter school or provide a bill  
412 to the charter school for any overpayment amount. Any  
413 underpayment or overpayment amount shall be remitted under

414 the schedules in paragraphs (a) and (b) of subdivision (8)  
415 of this subsection.

416 (10) (a) For the purposes of this subdivision, net  
417 cost for providing special educational services for the  
418 school district with charter schools operating within the  
419 school district and each charter school within the school  
420 district shall be calculated as the total special  
421 educational services costs minus the total special  
422 educational services funding.

423 (b) For the purposes of this subdivision, total  
424 special educational services costs shall be calculated as  
425 the sum of the total cost of the following as reported on  
426 the annual secretary of the board report for the school  
427 district with charter schools operating within the district  
428 and each charter school within the school district:

- 429 a. Department-defined special education instruction;
- 430 b. Tuition for special education programs;
- 431 c. Health services;
- 432 d. Psychology services;
- 433 e. Speech and language services;
- 434 f. Audiology services;
- 435 g. Occupational therapy;
- 436 h. Physical therapy;
- 437 i. Visually impaired services;
- 438 j. Special education transportation services; and
- 439 k. Tuition to other districts within the state that  
440 fulfill requirements of the voluntary interdistrict  
441 coordinating council program.

442 (c) For the purposes of this subdivision, total  
443 special educational services funding shall be calculated as  
444 the sum of the state aid and local effort per weighted  
445 average daily attendance for the school district and the sum  
446 of the state aid and local aid per weighted average daily

447 attendance for the charter schools within the school  
448 district multiplied by the total number of students with an  
449 individualized educational plan as reported in December of  
450 each year to the department, plus any funds received under  
451 section 162.974, plus any funds received under the federal  
452 Individuals with Disabilities Education Act (IDEA) (20  
453 U.S.C. Section 1400 et seq.), as amended, plus any  
454 additional weighted state aid funds received as a result of  
455 servicing a percentage of special education students that  
456 exceeds the special educational threshold as defined in  
457 section 163.011.

458 (d) Each school district that has charter schools  
459 operating within the school district and each charter school  
460 shall, as part of the annual audit provided to the  
461 department, report the number of students with an  
462 individualized educational plan, the costs incurred for  
463 providing special educational services as described in  
464 paragraph (b) of this subdivision, the amount of funds drawn  
465 down under section 162.974, and the amount of funds drawn  
466 down under the federal Individuals with Disabilities  
467 Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), as  
468 amended.

469 (e) On or before February fourteenth of each year, the  
470 department shall calculate for each school district that has  
471 charter schools operating within the school district and  
472 each charter school the net cost for providing special  
473 educational services. The department shall transmit such  
474 calculations to the school district or charter school and  
475 make such calculations publicly available on the  
476 department's website.

477 (f) The February local aid payment to charter schools  
478 within the school district shall be paid from the total  
479 local aid funds received in January by the school district.

480 The February local aid payment per weighted average daily  
481 attendance to charter schools within the school district  
482 shall be calculated as follows:

483 a. The school district shall withhold the  
484 administrative fee described in paragraph (a) of subdivision  
485 (6) of this subsection from the total local aid funds  
486 received in January by the school district;

487 b. After withholding the administrative fee, the  
488 school district shall withhold from the remaining local aid  
489 funds an amount equal to the school district's prior year  
490 positive net cost for providing special educational services  
491 only if the school district is determined to have a positive  
492 net cost by the department under paragraph (e) of this  
493 subdivision;

494 c. After withholding the administrative fee, the  
495 school district shall withhold from the remaining local aid  
496 funds an amount equal to the sum of the prior year positive  
497 net cost for providing special educational services for  
498 charter schools within the school district determined to  
499 have a positive net cost by the department under paragraph  
500 (e) of this subdivision. Before March first of each year,  
501 the school district shall distribute such funds to each  
502 charter school determined to have a positive net cost an  
503 amount equal to each charter school's positive net cost as  
504 calculated under paragraph (e) of this subdivision;

505 d. After withholding the administrative fee and  
506 special education funds under subparagraphs a., b., and c.  
507 of this paragraph, the school district shall divide the  
508 remaining local aid funds by the sum of the current year  
509 estimated weighted average daily attendance for January of  
510 the school district plus the sum of the current year  
511 estimated weighted average daily attendance for January of  
512 all charter schools within the school district; and



513 e. To determine the amount of the February local aid  
514 payment to each charter school within the school district,  
515 the school district shall multiply the value calculated  
516 under subparagraph d. of this paragraph by the current year  
517 estimated weighted average daily attendance for January for  
518 each charter school within the school district. The school  
519 district shall distribute the February local aid payment to  
520 each charter school within the school district before March  
521 first.

522 (g) The department shall adjust the net cost for  
523 providing special educational services for each charter  
524 school and each school district that has charter schools  
525 operating within the school district based on the report  
526 required in paragraph (d) of this subdivision for reasons  
527 including, but not limited to, underreporting or  
528 overreporting the number of students with an individualized  
529 educational plan or the cost to provide services to students  
530 with an individualized educational plan, failure to draw  
531 down or accrue for within the applicable fiscal year all  
532 funds to which the charter school or school district is  
533 entitled under the federal Individuals with Disabilities  
534 Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), as  
535 amended, and costs determined by the department to be  
536 excessive relative to the special educational services  
537 provided.

538 (h) Any funds received by the school district or  
539 charter school under this subdivision shall not be  
540 considered when calculating a withhold or payment under  
541 paragraph (f) of this subdivision in the following year.

542 (i) This subdivision shall apply beginning February 1,  
543 2025.

544 (11) This subsection shall apply in all school  
545 districts listed in subdivision (2) of this section, except

546 metropolitan school districts, for all school years  
547 beginning on or after July 1, 2023. This subsection shall  
548 apply in all metropolitan school districts for all school  
549 years beginning on or after July 1, 2028.

550 17. The department may promulgate rules for the annual  
551 review of payments and any penalties to be assessed under  
552 subsection 15 of this section. Any rule or portion of a  
553 rule, as that term is defined in section 536.010, that is  
554 created under the authority delegated in this section shall  
555 become effective only if it complies with and is subject to  
556 all of the provisions of chapter 536 and, if applicable,  
557 section 536.028. This section and chapter 536 are  
558 nonseverable, and if any of the powers vested with the  
559 general assembly pursuant to chapter 536 to review, to delay  
560 the effective date, or to disapprove and annul a rule are  
561 subsequently held unconstitutional, then the grant of  
562 rulemaking authority and any rule proposed or adopted after  
563 August 28, 2022, shall be invalid and void.

564 18. Notwithstanding the provisions of section 1.140 to  
565 the contrary, the provisions of this act shall be  
566 nonseverable, and if any provision is for any reason held to  
567 be invalid, such decision shall invalidate all of the  
568 remaining provisions of this act.