

SECOND REGULAR SESSION

SENATE BILL NO. 730

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3233S.011

AN ACT

To repeal section 163.031, RSMo, and to enact in lieu thereof two new sections relating to the establishment of a county municipal court in certain counties.

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

Section A. Section 163.031, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 163.031 and 479.275, to read as
3 follows:

163.031. 1. The department of elementary and secondary education shall
2 calculate and distribute to each school district qualified to receive state aid under
3 section 163.021 an amount determined by multiplying the district's weighted
4 average daily attendance by the state adequacy target, multiplying this product
5 by the dollar value modifier for the district, and subtracting from this product the
6 district's local effort and, in years not governed under subsection 4 of this section,
7 subtracting payments from the classroom trust fund under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three
10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2006-07 school year, the state revenue per weighted average
12 daily attendance received by a district from the state aid calculation under
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
14 under section 163.043 shall not be less than the state revenue received by a
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment
17 amounts multiplied by the sum of one plus the product of one-third multiplied by
18 the remainder of the dollar value modifier minus one, and dividing this product
19 by the weighted average daily attendance computed for the 2005-06 school year;

20 (b) For the 2007-08 school year, the state revenue per weighted average
21 daily attendance received by a district from the state aid calculation under
22 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
23 under section 163.043 shall not be less than the state revenue received by a
24 district in the 2005-06 school year from the foundation formula, line 14, gifted,
25 remedial reading, exceptional pupil aid, fair share, and free textbook payment
26 amounts multiplied by the sum of one plus the product of two-thirds multiplied
27 by the remainder of the dollar value modifier minus one, and dividing this
28 product by the weighted average daily attendance computed for the 2005-06
29 school year;

30 (c) For the 2008-09 school year, the state revenue per weighted average
31 daily attendance received by a district from the state aid calculation under
32 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
33 under section 163.043 shall not be less than the state revenue received by a
34 district in the 2005-06 school year from the foundation formula, line 14, gifted,
35 remedial reading, exceptional pupil aid, fair share, and free textbook payment
36 amounts multiplied by the dollar value modifier, and dividing this product by the
37 weighted average daily attendance computed for the 2005-06 school year;

38 (d) For each year subsequent to the 2008-09 school year, the amount shall
39 be no less than that computed in paragraph (c) of this subdivision, multiplied by
40 the weighted average daily attendance pursuant to section 163.036, less any
41 increase in revenue received from the classroom trust fund under section 163.043;

42 **(e) For districts located at least partially within any county that**
43 **has created or creates a county municipal court after January 1, 2006,**
44 **and meets the criteria of paragraphs (a) through (d) of this subdivision,**
45 **an additional payment amount equal to the decrease, if any, in the**
46 **amount of revenue a district receives from fines in the current year**
47 **from the revenue the district received from fines in fiscal year 2005**
48 **shall be paid to any such qualified district;**

49 (2) For districts with an average daily attendance of three hundred fifty
50 or less in the school year preceding the payment year:

51 (a) For the 2006-07 school year, the state revenue received by a district
52 from the state aid calculation under subsections 1 and 4 of this section, as
53 applicable, and the classroom trust fund under section 163.043 shall not be less
54 than the greater of state revenue received by a district in the 2004-05 or 2005-06
55 school year from the foundation formula, line 14, gifted, remedial reading,

56 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
57 by the sum of one plus the product of one-third multiplied by the remainder of the
58 dollar value modifier minus one;

59 (b) For the 2007-08 school year, the state revenue received by a district
60 from the state aid calculation under subsections 1 and 4 of this section, as
61 applicable, and the classroom trust fund under section 163.043 shall not be less
62 than the greater of state revenue received by a district in the 2004-05 or 2005-06
63 school year from the foundation formula, line 14, gifted, remedial reading,
64 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
65 by the sum of one plus the product of two-thirds multiplied by the remainder of
66 the dollar value modifier minus one;

67 (c) For the 2008-09 school year, the state revenue received by a district
68 from the state aid calculation under subsections 1 and 4 of this section, as
69 applicable, and the classroom trust fund under section 163.043 shall not be less
70 than the greater of state revenue received by a district in the 2004-05 or 2005-06
71 school year from the foundation formula, line 14, gifted, remedial reading,
72 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
73 by the dollar value modifier;

74 (d) For each year subsequent to the 2008-09 school year, the amount shall
75 be no less than that computed in paragraph (c) of this subdivision;

76 **(e) For districts located at least partially in any county that has**
77 **created or creates a county municipal court after January 1, 2006, that**
78 **meet the criteria of paragraphs (a) through (d) of this subdivision, an**
79 **additional payment amount equal to the decrease, if any, in the amount**
80 **of revenue a district receives from fines in the current year from the**
81 **revenue the district received from fines in fiscal year 2005 shall be paid**
82 **to any such qualified district;**

83 (3) The department of elementary and secondary education shall make an
84 addition in the payment amount specified in subsection 1 of this section to assure
85 compliance with the provisions contained in this subsection.

86 3. School districts that meet the requirements of section 163.021 shall
87 receive categorical add-on revenue as provided in this subsection. The categorical
88 add-on for the district shall be the sum of: seventy-five percent of the district
89 allowable transportation costs under section 163.161; the career ladder
90 entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo;
91 the vocational education entitlement for the district, as provided for in section

92 167.332, RSMo; and the district educational and screening program entitlements
93 as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on
94 revenue amounts may be adjusted to accommodate available appropriations.

95 4. In the 2006-07 school year and each school year thereafter for five
96 years, those districts entitled to receive state aid under the provisions of
97 subsection 1 of this section shall receive state aid in an amount as provided in
98 this subsection.

99 (1) For the 2006-07 school year, the amount shall be fifteen percent of the
100 amount of state aid calculated for the district for the 2006-07 school year under
101 the provisions of subsection 1 of this section, plus eighty-five percent of the total
102 amount of state revenue received by the district for the 2005-06 school year from
103 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,
104 fair share, and free textbook payments less any amounts received under section
105 163.043.

106 (2) For the 2007-08 school year, the amount shall be thirty percent of the
107 amount of state aid calculated for the district for the 2007-08 school year under
108 the provisions of subsection 1 of this section, plus seventy percent of the total
109 amount of state revenue received by the district for the 2005-06 school year from
110 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,
111 fair share, and free textbook payments less any amounts received under section
112 163.043.

113 (3) For the 2008-09 school year, the amount of state aid shall be forty-four
114 percent of the amount of state aid calculated for the district for the 2008-09
115 school year under the provisions of subsection 1 of this section plus fifty-six
116 percent of the total amount of state revenue received by the district for the
117 2005-06 school year from the foundation formula, line 14, gifted, remedial
118 reading, exceptional pupil aid, fair share, and free textbook payments less any
119 amounts received under section 163.043.

120 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight
121 percent of the amount of state aid calculated for the district for the 2009-10
122 school year under the provisions of subsection 1 of this section plus forty-two
123 percent of the total amount of state revenue received by the district for the
124 2005-06 school year from the foundation formula, line 14, gifted, remedial
125 reading, exceptional pupil aid, fair share, and free textbook payments less any
126 amounts received under section 163.043.

127 (5) For the 2010-11 school year, the amount of state aid shall be

128 seventy-two percent of the amount of state aid calculated for the district for the
129 2010-11 school year under the provisions of subsection 1 of this section plus
130 twenty-eight percent of the total amount of state revenue received by the district
131 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
132 reading, exceptional pupil aid, fair share, and free textbook payments less any
133 amounts received under section 163.043.

134 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six
135 percent of the amount of state aid calculated for the district for the 2011-12
136 school year under the provisions of subsection 1 of this section plus fourteen
137 percent of the total amount of state revenue received by the district for the
138 2005-06 school year from the foundation formula, line 14, gifted, remedial
139 reading, exceptional pupil aid, fair share, and free textbook payments less any
140 amounts received under section 163.043.

141 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state
142 adequacy target may not be adjusted downward to accommodate available
143 appropriations in any year governed by this subsection.

144 (b) a. For the 2006-07 school year, if a school district experiences a
145 decrease in summer school average daily attendance of more than twenty percent
146 from the district's 2005-06 summer school average daily attendance, an amount
147 equal to the product of the percent reduction that is in excess of twenty percent
148 of the district's summer school average daily attendance multiplied by the funds
149 generated by the district's summer school program in the 2005-06 school year
150 shall be subtracted from the district's current year payment amount.

151 b. For the 2007-08 school year, if a school district experiences a decrease
152 in summer school average daily attendance of more than thirty percent from the
153 district's 2005-06 summer school average daily attendance, an amount equal to
154 the product of the percent reduction that is in excess of thirty percent of the
155 district's summer school average daily attendance multiplied by the funds
156 generated by the district's summer school program in the 2005-06 school year
157 shall be subtracted from the district's payment amount.

158 c. For the 2008-09 school year through the 2011-12 school year, if a school
159 district experiences a decrease in summer school average daily attendance of
160 more than thirty-five percent from the district's 2005-06 summer school average
161 daily attendance, an amount equal to the product of the percent reduction that
162 is in excess of thirty-five percent of the district's summer school average daily
163 attendance multiplied by the funds generated by the district's summer school

164 program in the 2005-06 school year shall be subtracted from the district's
165 payment amount.

166 d. Notwithstanding the provisions of this paragraph, no such reduction
167 shall be made in the case of a district that is receiving a payment under section
168 163.044 or any district whose regular school term average daily attendance for
169 the preceding year was three hundred fifty or less.

170 e. This paragraph shall not be construed to permit any reduction applied
171 under this paragraph to result in any district receiving a current-year payment
172 that is less than the amount calculated for such district under subsection 2 of this
173 section.

174 (c) If a school district experiences a decrease in its gifted program
175 enrollment of more than twenty percent from its 2005-06 gifted program
176 enrollment in any year governed by this subsection, an amount equal to the
177 product of the percent reduction in the district's gifted program enrollment
178 multiplied by the funds generated by the district's gifted program in the 2005-06
179 school year shall be subtracted from the district's current year payment amount.

180 5. For any school district meeting the eligibility criteria for state aid as
181 established in section 163.021, but which is considered an option district under
182 section 163.042 and therefore receives no state aid, the commissioner of education
183 shall present a plan to the superintendent of the school district for the waiver of
184 rules and the duration of said waivers, in order to promote flexibility in the
185 operations of the district and to enhance and encourage efficiency in the delivery
186 of instructional services as provided in section 163.042.

187 6. (1) No less than seventy-five percent of the state revenue received
188 under the provisions of subsections 1, 2, and 4 of this section shall be placed in
189 the teachers' fund, and the remaining percent of such moneys shall be placed in
190 the incidental fund. No less than seventy-five percent of one-half of the funds
191 received from the school district trust fund distributed under section 163.087
192 shall be placed in the teachers' fund. One hundred percent of revenue received
193 under the provisions of section 163.161 shall be placed in the incidental
194 fund. One hundred percent of revenue received under the provisions of sections
195 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

196 (2) A school district shall spend for certificated compensation and tuition
197 expenditures each year:

198 (a) An amount equal to at least seventy-five percent of the state revenue
199 received under the provisions of subsections 1, 2, and 4 of this section;

200 (b) An amount equal to at least seventy-five percent of one-half of the
201 funds received from the school district trust fund distributed under section
202 163.087 during the preceding school year; and

203 (c) Beginning in fiscal year 2008, as much as was spent per the second
204 preceding year's weighted average daily attendance for certificated compensation
205 and tuition expenditures the previous year from revenue produced by local and
206 county tax sources in the teachers' fund, plus the amount of the incidental fund
207 to teachers' fund transfer calculated to be local and county tax sources by dividing
208 local and county tax sources in the incidental fund by total revenue in the
209 incidental fund.

210 In the event a district fails to comply with this provision, the amount by which
211 the district fails to spend funds as provided herein shall be deducted from the
212 district's state revenue received under the provisions of subsections 1, 2, and 4
213 of this section for the following year, provided that the state board of education
214 may exempt a school district from this provision if the state board of education
215 determines that circumstances warrant such exemption.

216 7. If a school district's annual audit discloses that students were
217 inappropriately identified as eligible for free and reduced lunch, special
218 education, or limited English proficiency and the district does not resolve the
219 audit finding, the department of elementary and secondary education shall
220 require that the amount of aid paid pursuant to the weighting for free and
221 reduced lunch, special education, or limited English proficiency in the weighted
222 average daily attendance on the inappropriately identified pupils be repaid by the
223 district in the next school year and shall additionally impose a penalty of one
224 hundred percent of such aid paid on such pupils, which penalty shall also be paid
225 within the next school year. Such amounts may be repaid by the district through
226 the withholding of the amount of state aid.

**479.275. 1. Any county of the first classification may establish a
2 county municipal court in which to prosecute and punish violations of
3 its county ordinances. In addition, such county may prosecute and
4 punish municipal ordinance violations in the county municipal court
5 pursuant to a contract with any municipality within the county. The
6 county municipal court established under the provisions of this section
7 shall have jurisdiction over violations of that county's ordinances and
8 the ordinances of municipalities with which the county has a contract
9 to prosecute and punish violations of municipal ordinances of the**

10 city. Costs and procedures in any such county municipal court shall be
11 governed by the provisions of law relating to municipal ordinance
12 violations in municipal divisions of circuit courts.

13 2. In a county municipal court established under this section, the
14 judges for such court shall be appointed by the county
15 commission. The number of judges appointed, and qualifications for
16 their appointment, shall be established by ordinance of the county.

17 3. The number of divisions of such county municipal court and
18 its term shall be established by ordinance of the county.

19 4. The ordinance of the county shall provide for regular sessions
20 of court in the evening hours after 6:00 p.m. and at locations outside
21 the county seat.

22 5. Judges of the county municipal court shall be licensed to
23 practice law in this state and shall be residents of the county in which
24 they serve. Municipal court judges shall not accept or handle cases in
25 their practice of law which are inconsistent with their duties as a
26 municipal court judge and shall not be a judge or prosecutor for any
27 other court.

28 6. In establishing the county municipal court, provisions shall be
29 made for appropriate circumstances whereby defendants may enter not
30 guilty pleas and obtain trial dates by telephone or written
31 communication without personal appearance, or to plead guilty and
32 deliver by mail or electronic transfer or other approved method the
33 specified amount of the fine and costs as otherwise provided by law,
34 within a specified period of time.

35 7. In a county municipal court established under this section, the
36 county may provide by ordinance for court costs not to exceed the sum
37 which may be provided by municipalities for municipal violations
38 before municipal courts. The county municipal judge may assess costs
39 against a defendant who pleads guilty or is found guilty except in those
40 cases where the defendant is found by the judge to be indigent and
41 unable to pay the costs. The costs authorized in this subsection are in
42 addition to service costs, witness fees and jail costs that may otherwise
43 be authorized to be assessed, but are in lieu of other court or judge
44 costs or fees. Such costs shall be collected by the authorized clerk and
45 deposited into the county treasury.

46 8. Provisions shall be made for recording of proceedings, except

47 that if such proceedings are not recorded, then, in that event, a person
48 aggrieved by a judgment of a traffic judge or commissioner shall have
49 the right of a trial de novo. The procedures for perfecting the right of
50 a trial de novo shall be the same as that provided under sections
51 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of
52 section 512.180, RSMo, shall not apply to such cases. In the event that
53 such proceedings are recorded, all final decisions of the county
54 municipal court shall be appealable on such record to the appellate
55 court with appropriate jurisdiction.

56 9. Any person charged with the violation of a county ordinance
57 in a county which has established a county municipal court under the
58 provisions of this section shall, upon request, be entitled to a trial by
59 jury before a county municipal court judge. Any jury trial shall be
60 heard with a record being made.

61 10. In the event that a court is established pursuant to this
62 section, the circuit judges of the judicial circuit with jurisdiction
63 within that county may authorize the judges of the county municipal
64 court to act as commissioners to hear in the first instance nonfelony
65 violations of state law involving motor vehicles as provided by local
66 rule.

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