

SECOND REGULAR SESSION

# HOUSE BILL NO. 1322

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS (122).

Read 1<sup>st</sup> time January 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4285L.011

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### AN ACT

To repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to eligible pupil counts for summer school and kindergarten, with an emergency clause.

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

Section A. Section 163.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.036, to read as follows:

163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the [ensuing] **current** year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. **Beginning with the 2004-2005 school year, the summer school add-on for eligible pupils as defined in subdivision (8) of section 163.011 shall only include those eligible pupils that attended summer school in the current year. Beginning with the 2004-2005 school year, when the current year kindergarten average daily attendance decreases from the immediately preceding year without a corresponding decrease in kindergarten enrollment for the current year compared to the immediately preceding year, the eligible pupils payment shall only include the current year kindergarten average daily attendance.** Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the

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

18 next succeeding year.

19           2. Notwithstanding the provisions of subsection 1 of this section or any other provision  
20 of law, the state board of education shall make an adjustment for the immediately preceding year  
21 for any increase in the actual number of eligible pupils above the number on which the state aid  
22 in section 163.031 was calculated. Said adjustment shall be made in the manner providing for  
23 correction of errors under subsection 1 of this section.

24           3. (1) For any district which has, for at least five years immediately preceding the year  
25 in which the error is discovered, adopted a calendar for the school term in which elementary  
26 schools are in session for twelve months of each calendar year, any error made in the  
27 apportionment of state aid to such district because of a difference between the actual number of  
28 eligible pupils and the estimated number of eligible pupils shall be corrected as provided in  
29 section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the  
30 amount to which the district was actually entitled by more than five percent and the district  
31 provides written application to the state board requesting that the deductions be made pursuant  
32 to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision  
33 (2) of this subsection.

34           (2) For deductions made pursuant to this subdivision, interest at the rate of six percent  
35 shall be charged on the excess and shall be included in the amount deducted and the total amount  
36 of such excess plus accrued interest shall be deducted from the district's apportionment in equal  
37 monthly amounts beginning with the succeeding school year and extending for a period of  
38 months specified by the district in its written request and no longer than sixty months.

39           4. For the purposes of distribution of state school aid pursuant to section 163.031, a  
40 school district may elect to use the district's equalized assessed valuation for the preceding year,  
41 or an estimate of the current year's assessed valuation if the current year's equalized assessed  
42 valuation is estimated to be more than ten percent less than the district's equalized assessed  
43 valuation for the preceding year. A district shall give prior notice to the department of its  
44 intention to use the current year's assessed valuation pursuant to this subsection. Any error made  
45 in the apportionment of state aid because of a difference between the actual equalized assessed  
46 valuation for the current year and the estimated equalized assessed valuation for the current year  
47 shall be corrected as provided in section 163.091, except that if the amount paid to a district  
48 estimating current equalized assessed valuation exceeds the amount to which the district was  
49 actually entitled, interest at the rate of six percent shall be charged on the excess and shall be  
50 added to the amount to be deducted from the district's apportionment the next succeeding year.

51           5. For the purposes of distribution of state school aid pursuant to section 163.031, a  
52 school district with ten percent or more of its assessed valuation that is owned by one person or  
53 corporation as commercial or personal property who is delinquent in a property tax payment may  
54 elect, after receiving notice from the county clerk on or before March fifteenth, except in the year

55 enacted, that more than ten percent of its current taxes due the preceding December thirty-first  
56 by a single property owner are delinquent, to use on line 2 of the state aid formula the district's  
57 equalized assessed valuation for the preceding year or the actual assessed valuation of the year  
58 for which the taxes are delinquent less the assessed valuation of property for which the current  
59 year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year  
60 for which the taxes are delinquent less the assessed valuation of property for which the current  
61 year's property tax is delinquent, a district must notify the department of elementary and  
62 secondary education on or before April first, except in the year enacted, of the current year  
63 amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes  
64 are owed and the total assessed valuation of the district for the year in which the taxes were due  
65 but not paid. Any district giving such notice to the department of elementary and secondary  
66 education shall present verification of the accuracy of such notice obtained from the clerk of the  
67 county levying delinquent taxes. When any of the delinquent taxes identified by such notice are  
68 paid during a four-year period following the due date, the county clerk shall give notice to the  
69 district and the department of elementary and secondary education, and state aid paid to the  
70 district shall be reduced by an amount equal to the delinquent taxes received plus interest. The  
71 reduction in state aid shall occur over a period not to exceed five years and the interest rate on  
72 excess state aid not refunded shall be six percent annually.

73         6. If a district receives state aid based on equalized assessed valuation as determined by  
74 subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to  
75 subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year  
76 of such notice and the first year following shall equal the sum of state aid paid pursuant to line  
77 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference  
78 between the state aid amount being paid after such notice minus the amount of state aid the  
79 district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and  
80 6 of section 163.031 before such notice. To be eligible to receive state aid based on this  
81 provision the district must levy during the first year following such notice at least the maximum  
82 levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have  
83 a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars  
84 assessed valuation.

Section B. Because immediate action is necessary to ensure the efficient operation of the  
2 public schools, section A of this act is deemed necessary for the immediate preservation of the  
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within  
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon  
5 its passage and approval.