

SECOND REGULAR SESSION

HOUSE BILL NO. 1333

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JACKSON (Sponsor), LEMBKE AND WOOD (Co-sponsors).

Read 1st time January 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4319L.011

AN ACT

To repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to the counting of pupils for school aid.

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Section A. Section 163.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.036, to read as follows: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 **for the minimum school term only** under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing 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 section 163.011, shall include only those eligible pupils that attend summer school in the ensuing year.** 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 next succeeding year.

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

19 correction of errors under subsection 1 of this section.

20 3. (1) For any district which has, for at least five years immediately preceding the year
21 in which the error is discovered, adopted a calendar for the school term in which elementary
22 schools are in session for twelve months of each calendar year, any error made in the
23 apportionment of state aid to such district because of a difference between the actual number of
24 eligible pupils and the estimated number of eligible pupils shall be corrected as provided in
25 section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the
26 amount to which the district was actually entitled by more than five percent and the district
27 provides written application to the state board requesting that the deductions be made pursuant
28 to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision
29 (2) of this subsection.

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

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

47 5. For the purposes of distribution of state school aid pursuant to section 163.031, a
48 school district with ten percent or more of its assessed valuation that is owned by one person or
49 corporation as commercial or personal property who is delinquent in a property tax payment may
50 elect, after receiving notice from the county clerk on or before March fifteenth, except in the year
51 enacted, that more than ten percent of its current taxes due the preceding December thirty-first
52 by a single property owner are delinquent, to use on line 2 of the state aid formula the district's
53 equalized assessed valuation for the preceding year or the actual assessed valuation of the year
54 for which the taxes are delinquent less the assessed valuation of property for which the current

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

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