

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 380, Page 2, Section 479.020, Line 41, by
2 inserting immediately after all of said section and line the following:

3
4 "479.350. For purposes of sections 479.350 to 479.372, the following terms mean:

5 (1) "Annual general operating revenue", revenue that can be used to pay any bill or
6 obligation of a county, city, town, or village, including general sales tax; general use tax; general
7 property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond
8 forfeitures, and penalties. Annual general operating revenue does not include designated sales or
9 use taxes; restricted user fees; grant funds; funds expended by a political subdivision for
10 technological assistance in collecting, storing, and disseminating criminal history record information
11 and facilitating criminal identification activities for the purpose of sharing criminal justice-related
12 information among political subdivisions; or other revenue designated for a specific purpose;

13 (2) "Court costs", costs, fees, or surcharges which are retained by a county, city, town, or
14 village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or surcharges
15 disbursed to the state or other entities by a county, city, town, or village and any certified costs, not
16 including fines added to the annual real estate tax bill or a special tax bill under section 67.398,
17 67.402, or 67.451;

18 (3) "Minor traffic violation", a municipal or county traffic ordinance violation prosecuted
19 that does not involve an accident or injury, that does not involve the operation of a commercial
20 motor vehicle, and for which no points are assessed by the department of revenue or the department
21 of revenue is authorized to assess one to four points to a person's driving record upon conviction.
22 Minor traffic violation shall include amended charges for any minor traffic violation. Minor traffic
23 violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per
24 hour or a violation occurring within a construction zone or school zone[;

25 ~~_____ (4) "Municipal ordinance violation", a municipal or county ordinance violation prosecuted~~
26 ~~for which penalties are authorized by statute under sections 64.160, 64.200, 64.295, 64.487, 64.690,~~
27 ~~64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance violation shall include amended~~
28 ~~charges for municipal ordinance violations]."; and~~

29
30 Further amend said bill and page, Section 479.353, Lines 1-10, by deleting all of said lines and
31 inserting in lieu thereof the following:

32
33 "479.353. 1. Notwithstanding any [~~provisions~~] provision of law to the contrary, the
34 following conditions shall apply to minor traffic violations [~~and municipal ordinance violations~~]:

35 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling in
36 excess of[;

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1 ———(a)] two hundred twenty-five dollars [~~for minor traffic violations; and~~
 2 ———(b) For municipal ordinance violations committed within a twelve-month period beginning
 3 with the first violation: two hundred dollars for the first municipal ordinance violation, two
 4 hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty
 5 dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and
 6 any subsequent municipal ordinance violations];"; and

7
 8 Further amend said bill, Page 3, Section 479.354, Line 3, by inserting immediately after all of said
 9 section and line the following:

10
 11 "479.359. 1. Every county, city, town, and village shall annually calculate the percentage of
 12 its annual general operating revenue received from fines, bond forfeitures, and court costs for
 13 [~~municipal ordinance violations and~~] minor traffic violations, including amended charges for any
 14 [~~municipal ordinance violations and~~] minor traffic violations, whether the violation was prosecuted
 15 in municipal court, associate circuit court, or circuit court, occurring within the county, city, town,
 16 or village. If the percentage is more than thirty percent, the excess amount shall be sent to the
 17 director of the department of revenue. The director of the department of revenue shall set forth by
 18 rule a procedure whereby excess revenues as set forth in this section shall be sent to the department
 19 of revenue. The department of revenue shall distribute these moneys annually to the schools of the
 20 county in the same manner that proceeds of all fines collected for any breach of the penal laws of
 21 this state are distributed.

22 2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section shall
 23 be reduced from thirty percent to twenty percent, unless any county, city, town, or village has a
 24 fiscal year beginning on any date other than January first, in which case the reduction shall begin on
 25 the first day of the immediately following fiscal year except that any county with a charter form of
 26 government and with more than nine hundred fifty thousand inhabitants and any city, town, or
 27 village with boundaries found within such county shall be reduced from thirty percent to twelve and
 28 one-half percent.

29 3. An addendum to the annual financial report submitted to the state auditor under section
 30 105.145 by the county, city, town, or village that has chosen to have a municipal court division shall
 31 contain an accounting of:

32 (1) Annual general operating revenue [~~as defined in section 479.350~~];

33 (2) The total revenues from fines, bond forfeitures, and court costs for [~~municipal ordinance~~
 34 ~~violations and~~] minor traffic violations occurring within the county, city, town, or village, including
 35 amended charges from any [~~municipal ordinance violations and~~] minor traffic violations;

36 (3) The percent of annual general operating revenue from fines, bond forfeitures, and court
 37 costs for [~~municipal ordinance violations and~~] minor traffic violations occurring within the county,
 38 city, town, or village, including amended charges from any charged [~~municipal ordinance violations~~
 39 ~~and~~] minor traffic violation, charged in the municipal court of that county, city, town, or village; and

40 (4) Said addendum shall be certified and signed by a representative with knowledge of the
 41 subject matter as to the accuracy of the addendum contents, under oath and under the penalty of
 42 perjury, and witnessed by a notary public.

43 4. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for
 44 including the addendum information required by this section. The rule shall also allow reasonable
 45 opportunity for demonstration of compliance without unduly burdensome calculations.

46 479.368. 1. (1) Except for county sales taxes deposited in the county sales tax trust fund as
 47 defined in section 66.620, any county, city, town, or village failing to timely file the required
 48 addendums or remit the required excess revenues, if applicable, after the time period provided by

1 the notice by the director of the department of revenue or any final determination on excess revenue
2 by the court in a judicial proceeding, whichever is later, shall not receive from that date any amount
3 of moneys to which the county, city, town, or village would otherwise be entitled to receive from
4 revenues from local sales tax as defined in section 32.085.

5 (2) If any county, city, town, or village has failed to timely file the required addendums, the
6 director of the department of revenue shall hold any moneys the noncompliant city, town, village, or
7 county would otherwise be entitled to from local sales tax as defined in section 32.085 until a
8 determination is made by the director of revenue that the noncompliant city, town, village, or county
9 has come into compliance with the provisions of sections 479.359 and 479.360.

10 (3) If any county, city, town, or village has failed to remit the required excess revenue to the
11 director of the department of revenue such general local sales tax revenues shall be distributed as
12 provided in subsection 1 of section 479.359 by the director of the department of revenue in the
13 amount of excess revenues that the county, city, town, or village failed to remit.

14
15 Upon a noncompliant city, town, village, or county coming into compliance with the provisions of
16 sections 479.359 and 479.360, the director of the department of revenue shall disburse any
17 remaining balance of funds held under this subsection after satisfaction of amounts due under
18 section 479.359. Moneys held by the director of the department of revenue under this subsection
19 shall not be deemed to be state funds and shall not be commingled with any funds of the state.

20 2. (1) Any city, town, village, or county that participates in the distribution of local sales
21 tax in sections 66.600 to 66.630 and fails to timely file the required addendums or remit the required
22 excess revenues, if applicable, after the time period provided by the notice by the director of the
23 department of revenue or any final determination on excess revenue by the court in a judicial
24 proceeding, whichever is later, shall not receive any amount of moneys to which said city, town,
25 village, or county would otherwise be entitled under sections 66.600 to 66.630. The director of the
26 department of revenue shall notify the county to which the duties of the director have been
27 delegated under section 66.601 of any noncompliant city, town, village, or county and the county
28 shall remit to the director of the department of revenue any moneys to which said city, town,
29 village, or county would otherwise be entitled. No disbursements to the noncompliant city, town,
30 village, or county shall be permitted until a determination is made by the director of revenue that the
31 noncompliant city, town, village, or county has come into compliance with the provisions of
32 sections 479.359 and 479.360.

33 (2) If such county, city, town, or village has failed to timely file the required addendums,
34 the director of the department of revenue shall hold any moneys the noncompliant city, town,
35 village, or county would otherwise be entitled to under sections 66.600 to 66.630 until a
36 determination is made by the director of revenue that the noncompliant city, town, village, or county
37 has come into compliance with the provisions of sections 479.359 and 479.360.

38 (3) If any county, city, town, or village has failed to remit the required excess revenue to the
39 director of the department of revenue, the director shall distribute such moneys the county, city,
40 town, or village would otherwise be entitled to under sections 66.600 to 66.630 in the amount of
41 excess revenues that the city, town, village, or county failed to remit as provided in subsection 1 of
42 section 479.359.

43
44 Upon a noncompliant city, town, village, or county coming into compliance with the provisions of
45 sections 479.359 and 479.360, the director of the department of revenue shall disburse any
46 remaining balance of funds held under this subsection after satisfaction of amounts due under
47 section 479.359 and shall notify the county to which the duties of the director have been delegated
48 under section 66.601 that such compliant city, town, village, or county is entitled to distributions

1 under sections 66.600 to 66.630. If a noncompliant city, town, village, or county becomes
 2 disincorporated, any moneys held by the director of the department of revenue shall be distributed
 3 to the schools of the county in the same manner that proceeds of all penalties, forfeitures, and fines
 4 collected for any breach of the penal laws of the state are distributed. Moneys held by the director
 5 of the department of revenue under this subsection shall not be deemed to be state funds and shall
 6 not be commingled with any funds of the state.

7 3. In addition to the provisions of subsection 1 of this section, any county that fails to remit
 8 the required excess revenue as required by section 479.359 shall have an election upon the question
 9 of disincorporation under Article VI, Section 5 of the Constitution of Missouri, and any such city,
 10 town, or village that fails to remit the required excess revenue as required by section 479.359 shall
 11 have an election upon the question of disincorporation according to the following procedure:

12 (1) The election upon the question of disincorporation of such city, town, or village shall be
 13 held on the next general election day, as defined by section 115.121;

14 (2) The director of the department of revenue shall notify the election authorities
 15 responsible for conducting the election according to the terms of section 115.125 and the county
 16 governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth
 17 Tuesday prior to the election of the amount of the excess revenues due;

18 (3) The question shall be submitted to the voters of such city, town, or village in
 19 substantially the following form:

20
 21 The city/town/village of has kept more revenue from fines, bond forfeitures, and court
 22 costs for [~~municipal ordinance violations and~~] minor traffic violations than is permitted by state law
 23 and failed to remit those revenues to the county school fund. Shall the city/town/village of
 24 be dissolved?

25 YES NO

26 (4) Upon notification by the director of the department of revenue, the county governing
 27 body in which the city, town, or village is located shall give notice of the election for eight
 28 consecutive weeks prior to the election by publication in a newspaper of general circulation
 29 published in the city, town, or village, or if there is no such newspaper in the city, town, or village,
 30 then in the newspaper in the county published nearest the city, town, or village; and

31 (5) Upon the affirmative vote of a majority of those persons voting on the question, the
 32 county governing body shall disincorporate the city, town, or village."; and

33
 34 Further amend said bill by amending the title, enacting clause, and intersectional references
 35 accordingly.