

Title 15—Elected Officials
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

ORDER OF RULEMAKING

By the authority vested in the State Auditor under Section 29.100, RSMo 2000, and Sections 479.360 and 479.362, RSMo Supp. 2015, the auditor adopts a rule as follows:

15 CSR 40-3.180 is adopted

A notice of proposed rulemaking was published in the *Missouri Register* on October 1, 2015 (40 Mo. Reg. 1310 -1312). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 2, 2015, and the public comment period ended November 6, 2015. At the public hearing, the State Auditor’s Office staff explained the rule and one comment was made. In addition, the State Auditor received written comments from three individuals.

COMMENT #1: Paul V. Rost, attorney with Cunningham, Vogel, and Rost, P.C., suggested that the Auditor’s Office include an additional subsection stating that any city, town, or village that contracts to have its municipal violations heard in another court or that has its municipal ordinance violations heard by an associate circuit court judge shall not have to file.

RESPONSE AND EXPLANATION OF CHANGE: Section 479.360.1, RSMo, provides that the certificate of compliance must be “signed by its municipal judge.” Subsection (7) will be amended to clarify that cities, towns, and villages without their own municipal judges shall not be required to file the certification.

COMMENT #2: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills, suggested that subsections (6) and (7) are in conflict and requested clarification of when the documents shall be filed.

RESPONSE AND EXPLANATION OF CHANGE: Subsections (6) will be amended to clarify when and where the certification must be filed.

COMMENT #3: Edward Pultz, municipal judge for the cities of Farmington and Iron Mountain Lake, and the city counselor for the City of Park Hills, stated that the language

in Section 479.360(1) saying that the certification must be filed together with the city's report under Section 105.145 seems to be in conflict with the rule.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (6) will be amended for clarity.

COMMENT #4: Michelle Shaffer, Raymore Municipal Court Clerk, requested rules on what a court may or may not require a defendant to provide as proof of income.

RESPONSE: Section 29.100, RSMo 2000, and Sections 479.359 and 479.362, RSMo Supp. 2015, which authorize the Auditor to promulgate this rule, do not provide the authority to promulgate rules related to indigency standards in municipal courts. No changes will be made as a result of this comment.

Comment #5: Carl Lumley, attorney with Curtis, Heinz, Garrett, and O'Keefe, P.C., stated that he would like to acknowledge the benefits of the changes that the Auditor's Office made.

RESPONSE: No changes were made to this rule as a result of this comment.

15 CSR 40-3.180 Municipal Court Certifications Filed with the Auditor's Office

(6) The certification shall be submitted, together with the addendum required by 15 CSR 40-3.170, within six (6) months after the end of the county, city, town, or village's fiscal year. The certification shall be mailed to the State Auditor's Office at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

(7) Any city, town, or village that does not have its own municipal judge because it has all municipal violations adjudicated by a county municipal judge, or by a circuit or associate circuit judge, is not required to file a certification.