

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711
94TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, February 7, 2008, with recommendation that the Senate Committee Substitute do pass.

3297S.12C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 67.110, 135.025, 135.030, 137.055, 137.073, 137.180, 137.245, 137.275, 137.355, 137.490, 137.720, 138.050, 138.090, 138.170, 138.180, 138.395, 138.430, and 139.031, RSMo, and to enact in lieu thereof eighteen new sections relating to property taxation, with penalty provisions.

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

Section A. Sections 67.110, 135.025, 135.030, 137.055, 137.073, 137.180, 137.245, 137.275, 137.355, 137.490, 137.720, 138.050, 138.090, 138.170, 138.180, 138.395, 138.430, and 139.031, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 67.110, 135.025, 135.030, 137.055, 137.073, 137.180, 137.243, 137.245, 137.275, 137.355, 137.490, 137.720, 138.050, 138.090, 138.170, 138.180, 138.430, and 139.031, to read as follows:

67.110. 1. Each political subdivision in the state, except counties **and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county**, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. **Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books.** Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 each tax rate to be levied: the assessed valuation by category of real, personal
14 and other tangible property in the political subdivision as entered in the tax book
15 for the fiscal year for which the tax is to be levied, as provided by subsection 3 of
16 section 137.245, RSMo, the assessed valuation by category of real, personal and
17 other tangible property in the political subdivisions for the preceding taxable
18 year, the amount of revenue required to be provided from the property tax as set
19 forth in the annual budget adopted as provided by this chapter, and the tax rate
20 proposed to be set. Should any political subdivision whose taxes are collected by
21 the county collector of revenue fail to fix its ad valorem property tax rate by
22 September first, then no tax rate other than the rate, if any, necessary to pay the
23 interest and principal on any outstanding bonds shall be certified for that year.

24 2. The governing body shall hold at least one public hearing on the
25 proposed rates of taxes at which citizens may be heard prior to their
26 approval. The governing body shall determine the time and place for such
27 hearing. A notice stating the hour, date and place of the hearing shall be
28 published in at least one newspaper qualified under the laws of the state of
29 Missouri of general circulation in the county within which all or the largest
30 portion of the political subdivision is situated, or such notice shall be posted in
31 at least three public places within the political subdivision; except that, in any
32 county of the first class having a charter form of government, such notice may be
33 published in a newspaper of general circulation within the political subdivision
34 even though such newspaper is not qualified under the laws of Missouri for other
35 legal notices. Such notice shall be published or posted at least seven days prior
36 to the date of the hearing. The notice shall include the assessed valuation by
37 category of real, personal and other tangible property in the political subdivision
38 for the fiscal year for which the tax is to be levied as provided by subsection 3 of
39 section 137.245, RSMo, the assessed valuation by category of real, personal and
40 other tangible property in the political subdivision for the preceding taxable year,
41 for each rate to be levied the amount of revenue required to be provided from the
42 property tax as set forth in the annual budget adopted as provided by this
43 chapter, and the tax rates proposed to be set for the various purposes of
44 taxation. The tax rates shall be calculated to produce substantially the same
45 revenues as required in the annual budget adopted as provided in this
46 chapter. Following the hearing the governing body of each political subdivision
47 shall fix the rates of taxes, the same to be entered in the tax book. Failure of any
48 taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit

49 of any other legal remedy otherwise available to the taxpayer. Nothing in this
50 section absolves political subdivisions of responsibilities under section 137.073,
51 RSMo, nor to adjust tax rates in event changes in assessed valuation occur that
52 would alter the tax rate calculations.

53 3. Each political subdivision of the state shall fix its property tax rates in
54 the manner provided in this section for each fiscal year which begins after
55 December 31, 1976. New or increased tax rates for political subdivisions whose
56 taxes are collected by the county collector approved by voters after September
57 first of any year shall not be included in that year's tax levy except for any new
58 tax rate ceiling approved pursuant to section 71.800, RSMo.

59 4. In addition to the information required under subsections 1 and 2 of
60 this section, each political subdivision shall also include the increase in tax
61 revenue due to an increase in assessed value as a result of new construction and
62 improvement and the increase, both in dollar value and percentage, in tax
63 revenue as a result of reassessment if the proposed tax rate is adopted.

135.025. The property taxes accrued and rent constituting property taxes
2 accrued on each return shall be totaled. This total, up to **[seven] eleven** hundred
3 **[fifty]** dollars, shall be used in determining the property tax credit. The director
4 of revenue shall prescribe regulations providing for allocations where part of a
5 claimant's homestead is rented to another or used for nondwelling purposes or
6 where a homestead is owned or rented or used as a dwelling for part of a year.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after
3 December 31, 1997, but before calendar year 2008, be the sum of twenty-five
4 thousand dollars. For **[the] all** calendar **[year] years** beginning on **or after**
5 January 1, 2008, the maximum upper limit shall be the sum of twenty-seven
6 thousand five hundred dollars;

7 (2) The term "minimum base" shall, for each calendar year after December
8 31, 1997, but before calendar year 2008, be the sum of thirteen thousand
9 dollars. For **[the] all** calendar **[year] years** beginning **on or after** January 1,
10 2008, the minimum base shall be the sum of fourteen thousand three hundred
11 dollars.

12 2. If the income on a return is equal to or less than the maximum upper
13 limit for the calendar year for which the return is filed, the property tax credit
14 shall be determined from a table of credits based upon the amount by which the
15 total property tax described in section 135.025 exceeds the percent of income in

16 the following list:

17 If the income on the return is:

The percent is:

18 Not over the minimum base

0 percent with credit not to
exceed actual property tax
or rent equivalent paid up
to ~~[\$750]~~ **\$1,100**

19

20

21

22 Over the minimum base but

1/16 percent accumulative
per \$300 from 0 percent
to 4 percent.

23 not over the maximum upper

24 limit

25 The director of revenue shall prescribe a table based upon the preceding
26 sentences. The property tax shall be in increments of twenty-five dollars and the
27 income in increments of three hundred dollars. The credit shall be the amount
28 rounded to the nearest whole dollar computed on the basis of the property tax
29 and income at the midpoints of each increment. As used in this subsection, the
30 term "accumulative" means an increase by continuous or repeated application of
31 the percent to the income increment at each three hundred dollar level.

32 3. Notwithstanding subsection 4 of section 32.057, RSMo, the department
33 of revenue or any duly authorized employee or agent shall determine whether any
34 taxpayer filing a report or return with the department of revenue who has not
35 applied for the credit allowed pursuant to section 135.020 may qualify for the
36 credit, and shall notify any qualified claimant of the claimant's potential
37 eligibility, where the department determines such potential eligibility exists.

137.055. 1. After the assessor's book of each county, except in the city of
2 St. Louis **or any county with a charter form of government**, shall be
3 corrected and adjusted according to law, but not later than September twentieth,
4 of each year, the county governing body shall ascertain the sum necessary to be
5 raised for county purposes, and fix the rate of taxes on the several subjects of
6 taxation so as to raise the required sum, and the same to be entered in the proper
7 columns in the tax book.

8 2. Prior to fixing the rate of taxes, as provided in this section, the county
9 governing body shall hold a public hearing on the proposed rate of taxes. A notice
10 stating the time and place for the hearing shall be published in at least one
11 newspaper qualified under the laws of Missouri of general circulation in the
12 county at least seven days prior to the date of the hearing. The notice shall
13 include the aggregate assessed valuation by category of real, total personal and
14 other tangible property in the county as entered in the tax book for the fiscal year

15 for which the tax is to be levied, the aggregate assessed valuation by category of
16 real, total personal and other tangible property in the county for the preceding
17 taxable year, the required sums to be raised from the property tax for each
18 purpose for which the county levies taxes as approved in the budget adopted
19 under chapter 50, RSMo, the proposed rate of taxes which will produce
20 substantially the same revenues as required by the budget, and the increase in
21 tax revenue realized due to an increase in assessed value as a result of new
22 construction and improvement, and the increase, both in dollar value and
23 percentage, in tax revenue as a result of reassessment if the proposed tax rate is
24 adopted. Failure of any taxpayer to appear at said hearing shall not prevent the
25 taxpayer from pursuit of any other legal remedy otherwise available to the
26 taxpayer. Nothing in this subsection absolves county governing bodies of
27 responsibilities under section 137.073 nor to adjust tax rates in event changes in
28 assessed valuation occur that would alter the tax rate calculations.

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's
3 books, of a substantial portion of the parcels of real property within a county
4 resulting wholly or partly from reappraisal of value or other actions of the
5 assessor or county equalization body or ordered by the state tax commission or
6 any court;

7 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax
8 rate for each purpose of taxation of property a taxing authority is authorized to
9 levy without a vote and any tax rate authorized by election, including bond
10 interest and sinking fund;

11 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to
12 comply with the provisions of this section or when a court has determined the tax
13 rate; except that, other provisions of law to the contrary notwithstanding, a school
14 district may levy the operating levy for school purposes required for the current
15 year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments
16 required pursuant to article X, section 22 of the Missouri Constitution, if such tax
17 rate does not exceed the highest tax rate in effect subsequent to the 1980 tax
18 year. This is the maximum tax rate that may be levied, unless a higher tax rate
19 ceiling is approved by voters of the political subdivision as provided in this
20 section;

21 (4) "Tax revenue", when referring to the previous year, means the actual
22 receipts from ad valorem levies on all classes of property, including state-assessed

23 property, in the immediately preceding fiscal year of the political subdivision,
24 plus an allowance for taxes billed but not collected in the fiscal year and plus an
25 additional allowance for the revenue which would have been collected from
26 property which was annexed by such political subdivision but which was not
27 previously used in determining tax revenue pursuant to this section. The term
28 "tax revenue" shall not include any receipts from ad valorem levies on any
29 property of a railroad corporation or a public utility, as these terms are defined
30 in section 386.020, RSMo, which were assessed by the assessor of a county or city
31 in the previous year but are assessed by the state tax commission in the current
32 year. All school districts and those counties levying sales taxes pursuant to
33 chapter 67, RSMo, shall include in the calculation of tax revenue an amount
34 equivalent to that by which they reduced property tax levies as a result of sales
35 tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess
36 home dock city or county fees as provided in subsection 4 of section 313.820,
37 RSMo, in the immediately preceding fiscal year but not including any amount
38 calculated to adjust for prior years. For purposes of political subdivisions which
39 were authorized to levy a tax in the prior year but which did not levy such tax or
40 levied a reduced rate, the term "tax revenue", as used in relation to the revision
41 of tax levies mandated by law, shall mean the revenues equal to the amount that
42 would have been available if the voluntary rate reduction had not been made.

43 2. Whenever changes in assessed valuation are entered in the assessor's
44 books for any personal property, in the aggregate, or for any subclass of real
45 property as such subclasses are established in section 4(b) of article X of the
46 Missouri Constitution and defined in section 137.016, the county clerk in all
47 counties and the assessor of St. Louis City shall notify each political subdivision
48 wholly or partially within the county or St. Louis City of the change in valuation
49 of each subclass of real property, individually, and personal property, in the
50 aggregate, exclusive of new construction and improvements. All political
51 subdivisions shall immediately revise the applicable rates of levy for each purpose
52 for each subclass of real property, individually, and personal property, in the
53 aggregate, for which taxes are levied to the extent necessary to produce from all
54 taxable property, exclusive of new construction and improvements, substantially
55 the same amount of tax revenue as was produced in the previous year for each
56 subclass of real property, individually, and personal property, in the aggregate,
57 except that the rate may not exceed the greater of the rate in effect in the 1984
58 tax year or the most recent voter-approved rate. Such tax revenue shall not

59 include any receipts from ad valorem levies on any real property which was
60 assessed by the assessor of a county or city in such previous year but is assessed
61 by the assessor of a county or city in the current year in a different subclass of
62 real property. Where the taxing authority is a school district for the purposes of
63 revising the applicable rates of levy for each subclass of real property, the tax
64 revenues from state-assessed railroad and utility property shall be apportioned
65 and attributed to each subclass of real property based on the percentage of the
66 total assessed valuation of the county that each subclass of real property
67 represents in the current taxable year. As provided in section 22 of article X of
68 the constitution, a political subdivision may also revise each levy to allow for
69 inflationary assessment growth occurring within the political subdivision. The
70 inflationary growth factor for any such subclass of real property or personal
71 property shall be limited to the actual assessment growth in such subclass or
72 class, exclusive of new construction and improvements, and exclusive of the
73 assessed value on any real property which was assessed by the assessor of a
74 county or city in the current year in a different subclass of real property, but not
75 to exceed the consumer price index or five percent, whichever is lower. Should
76 the tax revenue of a political subdivision from the various tax rates determined
77 in this subsection be different than the tax revenue that would have been
78 determined from a single tax rate as calculated pursuant to the method of
79 calculation in this subsection prior to January 1, 2003, then the political
80 subdivision shall revise the tax rates of those subclasses of real property,
81 individually, and/or personal property, in the aggregate, in which there is a tax
82 rate reduction, pursuant to the provisions of this subsection. Such revision shall
83 yield an amount equal to such difference and shall be apportioned among such
84 subclasses of real property, individually, and/or personal property, in the
85 aggregate, based on the relative assessed valuation of the class or subclasses of
86 property experiencing a tax rate reduction. Such revision in the tax rates of each
87 class or subclass shall be made by computing the percentage of current year
88 adjusted assessed valuation of each class or subclass with a tax rate reduction to
89 the total current year adjusted assessed valuation of the class or subclasses with
90 a tax rate reduction, multiplying the resulting percentages by the revenue
91 difference between the single rate calculation and the calculations pursuant to
92 this subsection and dividing by the respective adjusted current year assessed
93 valuation of each class or subclass to determine the adjustment to the rate to be
94 levied upon each class or subclass of property. The adjustment computed herein

95 shall be multiplied by one hundred, rounded to four decimals in the manner
96 provided in this subsection, and added to the initial rate computed for each class
97 or subclass of property. Notwithstanding any provision of this subsection to the
98 contrary, no revision to the rate of levy for personal property shall cause such
99 levy to increase over the levy for personal property from the prior year.

100 3. (1) Where the taxing authority is a school district, it shall be required
101 to revise the rates of levy to the extent necessary to produce from all taxable
102 property, including state-assessed railroad and utility property, which shall be
103 separately estimated in addition to other data required in complying with section
104 164.011, RSMo, substantially the amount of tax revenue permitted in this section.
105 In the year following tax rate reduction, the tax rate ceiling may be adjusted to
106 offset such district's reduction in the apportionment of state school moneys due
107 to its reduced tax rate. However, in the event any school district, in calculating
108 a tax rate ceiling pursuant to this section, requiring the estimating of effects of
109 state-assessed railroad and utility valuation or loss of state aid, discovers that the
110 estimates used result in receipt of excess revenues, which would have required
111 a lower rate if the actual information had been known, the school district shall
112 reduce the tax rate ceiling in the following year to compensate for the excess
113 receipts, and the recalculated rate shall become the tax rate ceiling for purposes
114 of this section.

115 (2) For any political subdivision which experiences a reduction in the
116 amount of assessed valuation relating to a prior year, due to decisions of the state
117 tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due
118 to clerical errors or corrections in the calculation or recordation of any assessed
119 valuation:

120 (a) Such political subdivision may revise the tax rate ceiling for each
121 purpose it levies taxes to compensate for the reduction in assessed value
122 occurring after the political subdivision calculated the tax rate ceiling for the
123 particular subclass of real property or for personal property, in the aggregate, in
124 the prior year. Such revision by the political subdivision shall be made at the
125 time of the next calculation of the tax rate for the particular subclass of real
126 property or for personal property, in the aggregate, after the reduction in
127 assessed valuation has been determined and shall be calculated in a manner that
128 results in the revised tax rate ceiling being the same as it would have been had
129 the corrected or finalized assessment been available at the time of the prior
130 calculation;

131 (b) In addition, for up to three years following the determination of the
132 reduction in assessed valuation as a result of circumstances defined in this
133 subdivision, such political subdivision may levy a tax rate for each purpose it
134 levies taxes above the revised tax rate ceiling provided in paragraph (a) of this
135 subdivision to recoup any revenues it was entitled to receive for the three-year
136 period preceding such determination.

137 4. (1) In order to implement the provisions of this section and section 22
138 of article X of the Constitution of Missouri, the term "improvements" shall apply
139 to both real and personal property. In order to determine the value of new
140 construction and improvements, each county assessor shall maintain a record of
141 real property valuations in such a manner as to identify each year the increase
142 in valuation for each political subdivision in the county as a result of new
143 construction and improvements. The value of new construction and
144 improvements shall include the additional assessed value of all improvements or
145 additions to real property which were begun after and were not part of the prior
146 year's assessment, except that the additional assessed value of all improvements
147 or additions to real property which had been totally or partially exempt from ad
148 valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to
149 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new
150 construction and improvements when the property becomes totally or partially
151 subject to assessment and payment of all ad valorem taxes. The aggregate
152 increase in valuation of personal property for the current year over that of the
153 previous year is the equivalent of the new construction and improvements factor
154 for personal property. Notwithstanding any opt-out implemented pursuant to
155 subsection 15 of section 137.115, the assessor shall certify the amount of new
156 construction and improvements and the amount of assessed value on any real
157 property which was assessed by the assessor of a county or city in such previous
158 year but is assessed by the assessor of a county or city in the current year in a
159 different subclass of real property separately for each of the three subclasses of
160 real property for each political subdivision to the county clerk in order that
161 political subdivisions shall have this information for the purpose of calculating
162 tax rates pursuant to this section and section 22, article X, Constitution of
163 Missouri. In addition, the state tax commission shall certify each year to each
164 county clerk the increase in the general price level as measured by the Consumer
165 Price Index for All Urban Consumers for the United States, or its successor
166 publications, as defined and officially reported by the United States Department

167 of Labor, or its successor agency. The state tax commission shall certify the
168 increase in such index on the latest twelve-month basis available on [June]
169 **February** first of each year over the immediately preceding prior twelve-month
170 period in order that political subdivisions shall have this information available
171 in setting their tax rates according to law and section 22 of article X of the
172 Constitution of Missouri. For purposes of implementing the provisions of this
173 section and section 22 of article X of the Missouri Constitution, the term
174 "property" means all taxable property, including state-assessed property.

175 (2) Each political subdivision required to revise rates of levy pursuant to
176 this section or section 22 of article X of the Constitution of Missouri shall
177 calculate each tax rate it is authorized to levy and, in establishing each tax rate,
178 shall consider each provision for tax rate revision provided in this section and
179 section 22 of article X of the Constitution of Missouri, separately and without
180 regard to annual tax rate reductions provided in section 67.505, RSMo, and
181 section 164.013, RSMo. Each political subdivision shall set each tax rate it is
182 authorized to levy using the calculation that produces the lowest tax rate ceiling.
183 It is further the intent of the general assembly, pursuant to the authority of
184 section 10(c) of article X of the Constitution of Missouri, that the provisions of
185 such section be applicable to tax rate revisions mandated pursuant to section 22
186 of article X of the Constitution of Missouri as to reestablishing tax rates as
187 revised in subsequent years, enforcement provisions, and other provisions not in
188 conflict with section 22 of article X of the Constitution of Missouri. Annual tax
189 rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo,
190 shall be applied to the tax rate as established pursuant to this section and section
191 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

192 5. (1) In all political subdivisions, the tax rate ceiling established
193 pursuant to this section shall not be increased unless approved by a vote of the
194 people. Approval of the higher tax rate shall be by at least a majority of votes
195 cast. When a proposed higher tax rate requires approval by more than a simple
196 majority pursuant to any provision of law or the constitution, the tax rate
197 increase must receive approval by at least the majority required.

198 (2) When voters approve an increase in the tax rate, the amount of the
199 increase shall be added to the tax rate ceiling as calculated pursuant to this
200 section to the extent the total rate does not exceed any maximum rate prescribed
201 by law. If a ballot question presents a stated tax rate for approval rather than
202 describing the amount of increase in the question, the stated tax rate approved

203 shall be adjusted as provided in this section and, so adjusted, shall be
204 the current tax rate ceiling. The increased tax rate ceiling as approved shall be
205 adjusted such that when applied to the current total assessed valuation,
206 excluding new construction and improvements since the date of the
207 election approving such increase, of the political subdivision the
208 revenue derived from the adjusted tax rate ceiling is equal the sum of:
209 the amount of revenue which would have been derived by applying the
210 voter approved increased tax rate ceiling to total assessed valuation of
211 the political subdivision, as most recently certified by the state tax
212 commission on or before the date of the election in which such increase
213 is approved, increased by the percentage increase in the consumer
214 price index, as provided by law. Such adjusted tax rate ceiling may be
215 applied to the total assessed valuation of the political subdivision at the setting
216 of the next tax rate. If a ballot question presents a phased-in tax rate
217 increase, upon voter approval, each tax rate increase shall be adjusted
218 in the manner prescribed in this section to yield the sum of: the
219 amount of revenue that would be derived by applying such voter
220 approved increased rate to the total assessed valuation, as most
221 recently certified by the state tax commission on or before the date of
222 the election in which such increase was approved, increased by the
223 percentage increase in the consumer price index, as provided by law,
224 from the date of the election to the time of such increase.

225 (3) The governing body of any political subdivision may levy a tax rate
226 lower than its tax rate ceiling and may, in a non-reassessment year, increase
227 that lowered tax rate to a level not exceeding the tax rate ceiling without voter
228 approval in the manner provided under subdivision (4) of this
229 subsection. Nothing in this section shall be construed as prohibiting a
230 political subdivision from voluntarily levying a tax rate lower than that
231 which is required under the provisions of this section or from seeking
232 voter approval of a reduction to such political subdivision's tax rate
233 ceiling.

234 (4) In a year of general reassessment, a governing body whose
235 tax rate is lower than its tax rate ceiling shall revise its tax rate
236 pursuant to the provisions of subsection 4 of this section as if its tax
237 rate was at the tax rate ceiling. In a year following general
238 reassessment, if such governing body intends to increase its tax rate,
239 the governing body shall conduct a public hearing, and in a public

240 **meeting it shall adopt an ordinance, resolution, or policy statement**
241 **justifying its action prior to setting and certifying its tax rate. The**
242 **provisions of this subdivision shall not apply to any political**
243 **subdivision which levies a tax rate lower than its tax rate ceiling solely**
244 **due to a reduction required by law resulting from sales tax collections.**

245 6. (1) For the purposes of calculating state aid for public schools pursuant
246 to section 163.031, RSMo, each taxing authority which is a school district shall
247 determine its proposed tax rate as a blended rate of the classes or subclasses of
248 property. Such blended rate shall be calculated by first determining the total tax
249 revenue of the property within the jurisdiction of the taxing authority, which
250 amount shall be equal to the sum of the products of multiplying the assessed
251 valuation of each class and subclass of property by the corresponding tax rate for
252 such class or subclass, then dividing the total tax revenue by the total assessed
253 valuation of the same jurisdiction, and then multiplying the resulting quotient
254 by a factor of one hundred. Where the taxing authority is a school district, such
255 blended rate shall also be used by such school district for calculating revenue
256 from state-assessed railroad and utility property as defined in chapter 151, RSMo,
257 and for apportioning the tax rate by purpose.

258 (2) Each taxing authority proposing to levy a tax rate in any year shall
259 notify the clerk of the county commission in the county or counties where the tax
260 rate applies of its tax rate ceiling and its proposed tax rate. Each taxing
261 authority shall express its proposed tax rate in a fraction equal to the nearest
262 one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then
263 one/one-hundredth of a cent. If a taxing authority shall round to
264 one/one-hundredth of a cent, it shall round up a fraction greater than or equal to
265 five/one-thousandth of one cent to the next higher one/one-hundredth of a cent;
266 if a taxing authority shall round to one-tenth of a cent, it shall round up a
267 fraction greater than or equal to five/one-hundredths of a cent to the next higher
268 one-tenth of a cent. Any taxing authority levying a property tax rate shall
269 provide data, in such form as shall be prescribed by the state auditor by rule,
270 substantiating such tax rate complies with Missouri law. All forms for the
271 calculation of rates pursuant to this section shall be promulgated as a rule and
272 shall not be incorporated by reference. The state auditor shall promulgate rules
273 for any and all forms for the calculation of rates pursuant to this section which
274 do not currently exist in rule form or that have been incorporated by reference.
275 In addition, each taxing authority proposing to levy a tax rate for debt service

276 shall provide data, in such form as shall be prescribed by the state auditor by
277 rule, substantiating the tax rate for debt service complies with Missouri law. A
278 tax rate proposed for annual debt service requirements will be prima facie valid
279 if, after making the payment for which the tax was levied, bonds remain
280 outstanding and the debt fund reserves do not exceed the following year's
281 payments. The county clerk shall keep on file and available for public inspection
282 all such information for a period of three years. The clerk shall, within three
283 days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling
284 and proposed tax rate and any substantiating data to the state auditor. The state
285 auditor shall, within fifteen days of the date of receipt, examine such information
286 and return to the county clerk his or her findings as to compliance of the tax rate
287 ceiling with this section and as to compliance of any proposed tax rate for debt
288 service with Missouri law. If the state auditor believes that a taxing authority's
289 proposed tax rate does not comply with Missouri law, then the state auditor's
290 findings shall include a recalculated tax rate, and the state auditor may request
291 a taxing authority to submit documentation supporting such taxing authority's
292 proposed tax rate. The county clerk shall immediately forward a copy of the
293 auditor's findings to the taxing authority and shall file a copy of the findings with
294 the information received from the taxing authority. The taxing authority shall
295 have fifteen days from the date of receipt from the county clerk of the state
296 auditor's findings and any request for supporting documentation to accept or
297 reject in writing the rate change certified by the state auditor and to submit all
298 requested information to the state auditor. A copy of the taxing authority's
299 acceptance or rejection and any information submitted to the state auditor shall
300 also be mailed to the county clerk. If a taxing authority rejects a rate change
301 certified by the state auditor and the state auditor does not receive supporting
302 information which justifies the taxing authority's original or any subsequent
303 proposed tax rate, then the state auditor shall refer the perceived violations of
304 such taxing authority to the attorney general's office and the attorney general is
305 authorized to obtain injunctive relief to prevent the taxing authority from levying
306 a violative tax rate.

307 7. No tax rate shall be extended on the tax rolls by the county clerk unless
308 the political subdivision has complied with the foregoing provisions of this
309 section.

310 8. Whenever a taxpayer has cause to believe that a taxing authority has
311 not complied with the provisions of this section, the taxpayer may make a formal

312 complaint with the prosecuting attorney of the county. Where the prosecuting
313 attorney fails to bring an action within ten days of the filing of the complaint, the
314 taxpayer may bring a civil action pursuant to this section and institute an action
315 as representative of a class of all taxpayers within a taxing authority if the class
316 is so numerous that joinder of all members is impracticable, if there are questions
317 of law or fact common to the class, if the claims or defenses of the representative
318 parties are typical of the claims or defenses of the class, and if the representative
319 parties will fairly and adequately protect the interests of the class. In any class
320 action maintained pursuant to this section, the court may direct to the members
321 of the class a notice to be published at least once each week for four consecutive
322 weeks in a newspaper of general circulation published in the county where the
323 civil action is commenced and in other counties within the jurisdiction of a taxing
324 authority. The notice shall advise each member that the court will exclude him
325 or her from the class if he or she so requests by a specified date, that the
326 judgment, whether favorable or not, will include all members who do not request
327 exclusion, and that any member who does not request exclusion may, if he or she
328 desires, enter an appearance. In any class action brought pursuant to this
329 section, the court, in addition to the relief requested, shall assess against the
330 taxing authority found to be in violation of this section the reasonable costs of
331 bringing the action, including reasonable attorney's fees, provided no attorney's
332 fees shall be awarded any attorney or association of attorneys who receive public
333 funds from any source for their services. Any action brought pursuant to this
334 section shall be set for hearing as soon as practicable after the cause is at issue.

335 9. If in any action, including a class action, the court issues an order
336 requiring a taxing authority to revise the tax rates as provided in this section or
337 enjoins a taxing authority from the collection of a tax because of its failure to
338 revise the rate of levy as provided in this section, any taxpayer paying his or her
339 taxes when an improper rate is applied has erroneously paid his or her taxes in
340 part, whether or not the taxes are paid under protest as provided in section
341 139.031, RSMo. The part of the taxes paid erroneously is the difference in the
342 amount produced by the original levy and the amount produced by the revised
343 levy. The township or county collector of taxes or the collector of taxes in any city
344 shall refund the amount of the tax erroneously paid. The taxing authority
345 refusing to revise the rate of levy as provided in this section shall make available
346 to the collector all funds necessary to make refunds pursuant to this subsection.
347 No taxpayer shall receive any interest on any money erroneously paid by him or

348 her pursuant to this subsection. Effective in the 1994 tax year, nothing in this
349 section shall be construed to require a taxing authority to refund any tax
350 erroneously paid prior to or during the third tax year preceding the current tax
351 year.

352 10. [A taxing authority, including but not limited to a township, county
353 collector, or collector of taxes, responsible for determining and collecting the
354 amount of residential real property tax levied in its jurisdiction, shall report such
355 amount of tax collected by December thirty-first of each year such property is
356 assessed to the state tax commission. The state tax commission shall compile the
357 tax data by county or taxing jurisdiction and submit a report to the general
358 assembly no later than January thirty-first of the following year.

359 11.] Any rule or portion of a rule, as that term is defined in section
360 536.010, RSMo, that is created under the authority delegated in this section shall
361 become effective only if it complies with and is subject to all of the provisions of
362 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
363 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
364 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
365 date, or to disapprove and annul a rule are subsequently held unconstitutional,
366 then the grant of rulemaking authority and any rule proposed or adopted after
367 August 28, 2004, shall be invalid and void.

137.180. 1. Whenever any assessor shall increase the valuation of any
2 real property he shall forthwith notify the record owner of such increase, either
3 in person, or by mail directed to the last known address; every such increase in
4 assessed valuation made by the assessor shall be subject to review by the county
5 board of equalization whereat the landowner shall be entitled to be heard, and
6 the notice to the landowner shall so state.

7 **2. Effective January 1, 2009, for all counties with a charter form**
8 **of government, whenever any assessor shall increase the valuation of**
9 **any real property, he or she shall forthwith notify the record owner on**
10 **or before May thirty-first of such increase and the county shall notify**
11 **the record owner of the projected tax liability likely to result from such**
12 **an increase, either in person, or by mail directed to the last known**
13 **address; every such increase in assessed valuation made by the assessor**
14 **shall be subject to review by the county board of equalization whereat**
15 **the landowner shall be entitled to be heard, and the notice to the**
16 **landowner shall so state. Notice of the projected tax liability from the**

17 county shall accompany the notice of increased valuation from the
18 assessor.

19 3. Effective January 1, 2011, for all counties not subject to the
20 provisions of subsection 2 of this section or subsection 2 of section
21 137.355, whenever any assessor shall increase the valuation of any real
22 property, he or she shall forthwith notify the record owner on or before
23 May thirty-first of such increase and the county shall notify the record
24 owner of the projected tax liability likely to result from such an
25 increase, either in person, or by mail directed to the last known
26 address; every such increase in assessed valuation made by the assessor
27 shall be subject to review by the county board of equalization whereat
28 the landowner shall be entitled to be heard, and the notice to the
29 landowner shall so state. Notice of the projected tax liability from the
30 county shall accompany the notice of increased valuation from the
31 assessor.

32 4. The notice of projected tax liability, required under
33 subsections 2 and 3 of this section, from the county shall include:

34 (1) Record owner's name, address, and the parcel number of the
35 property;

36 (2) A list of all political subdivisions levying a tax upon the
37 property of the record owner;

38 (3) The projected tax rate for each political subdivision levying
39 a tax upon the property of the record owner, and the purpose for each
40 levy of such political subdivisions;

41 (4) The previous year's tax rates for each individual tax levy
42 imposed by each political subdivision levying a tax upon the property
43 of the record owner;

44 (5) The tax rate ceiling for each levy imposed by each political
45 subdivision levying a tax upon the property of the record owner;

46 (6) The contact information for each political subdivision levying
47 a tax upon the property of the record owner;

48 (7) A statement identifying any projected tax rates for political
49 subdivisions levying a tax upon the property of the record owner,
50 which were not calculated and provided by the political subdivision
51 levying the tax; and

52 (8) The total projected property tax liability of the taxpayer.

137.243. 1. To determine the "projected tax liability" required by

2 subsections 2 and 3 of section 137.180 and subsection 2 of section
3 137.490, the assessor, on or before March first of each tax year, shall
4 provide the county clerk with the assessment book which for this
5 purpose shall contain the real estate values for that year, the prior
6 year's state assessed values, and the prior year's personal property
7 values. On or before March fifteenth, the county clerk shall make out
8 an abstract of the assessment book showing the aggregate amounts of
9 different kinds of real, personal, and other tangible property and the
10 valuations of each for each political subdivision in the county entitled
11 to levy ad valorem taxes on property except for municipalities
12 maintaining their own tax or assessment books. The governing body of
13 each political subdivision or a person designated by the governing body
14 shall use such information to informally project a non-binding tax levy
15 for that year and return such projected tax levy to the county clerk no
16 later than April fifteenth. The county clerk shall forward such
17 information to the county collector who shall then calculate and, no
18 later than April thirtieth, provide to the county assessor the projected
19 tax liability for each real estate parcel for which the assessor intends
20 to mail a notice of increase pursuant to sections 137.180 and 137.490.

21 2. For all calendar years beginning on or after January 1, 2011,
22 to determine the "projected tax liability" required by subsection 2 of
23 section 137.355, the provisions of subsection 1 of this section shall
24 apply.

25 3. Political subdivisions located at least partially within two or
26 more counties, which are subject to divergent time requirements, shall
27 comply with all requirements applicable to each such county and may
28 utilize the most recent available information to satisfy such
29 requirements.

30 4. Failure by an assessor to timely provide the assessment book
31 or notice of increased assessed value, as provided in this section, shall
32 result in the state tax commission withholding all or a part of the
33 moneys provided under section 137.720 and all state per parcel
34 reimbursement funds which would otherwise be made available to such
35 assessor.

36 5. Failure by a political subdivision to provide the clerk with a
37 projected tax levy in the time prescribed under this section shall result
38 in a twenty percent reduction in such political subdivision's tax rate

39 **for the tax year, unless such failure is a direct result of a delinquency**
40 **in the provision of, or failure to provide, information required by this**
41 **section by the assessor or the clerk. If a political subdivision fails to**
42 **provide the projected tax rate as provided in this section, the clerk**
43 **shall notify the state auditor who shall, within seven days of receiving**
44 **such notice, estimate a non-binding tax levy for such political**
45 **subdivision and return such to the clerk. The clerk shall notify the**
46 **state auditor of any applicable reduction to a political subdivision's tax**
47 **rate.**

137.245. 1. The assessor, except in St. Louis City **or counties with a**
2 **charter form of government**, shall make out and return to the county
3 governing body, on or before the thirty-first day of May in every year, the
4 assessor's book, verified by an affidavit annexed thereto, in the following words:
5 "..... being duly sworn, makes oath and says that such person has made
6 diligent efforts to ascertain all the taxable property being or situate, on the first
7 day of January last past, in the county of which such person is assessor; that, so
8 far as such person has been able to ascertain the same, it is correctly set forth in
9 the foregoing book, in the manner and the value thereof stated therein, according
10 to the mode required by law".

11 2. The clerk of the county governing body shall immediately make out an
12 abstract of the assessment book, showing aggregate footings of the different
13 columns, so as to set forth the aggregate amounts of the different kinds of real
14 and tangible personal property and the valuation thereof, and forward the
15 abstract to the state tax commission. Failure of the clerk, **except clerks of**
16 **counties with a charter form of government**, to make out and forward the
17 abstract to the state tax commission on or before the twentieth day of June is a
18 misdemeanor.

19 3. The clerk of the county governing body in all counties, and the assessor
20 in St. Louis City, shall make out an abstract of the assessment book showing the
21 aggregate amounts of different kinds of real, personal and other tangible property
22 and the valuations of each for each political subdivision in the county entitled to
23 levy ad valorem taxes on property except for municipalities maintaining their own
24 tax or assessment books. The clerk of each county, and the assessor in St. Louis
25 City **and any county with a charter form of government**, shall forward a
26 copy of the aggregate valuation listed in the tax book for each political
27 subdivision, except counties and municipalities maintaining their own tax or

28 assessment books, to the governing body of the subdivision by the first day of July
29 of each year. In any county which contains a city with a population of one
30 hundred thousand or more inhabitants which is located within a county of the
31 first classification that adjoins no other county of the first classification, the clerk
32 of the county shall provide the final revised assessed valuation listed in the tax
33 book for each school district within the county to each such district on or before
34 the fifteenth day of August of each year. The clerk of any county of the first
35 classification with a charter form of government and with more than six hundred
36 thousand but less than seven hundred thousand inhabitants shall forward a copy
37 of the aggregate valuation listed in the tax book for school districts within the
38 county to each such district by the ~~[fifteenth]~~ **first** day of ~~[June]~~ **July** of each
39 year.

137.275. Every person who thinks himself aggrieved by the assessment
2 of his property may appeal to the county board of equalization, in person, by
3 attorney or agent, or in writing. **For appeals arising in any county with a**
4 **charter form of government, such appeals shall be lodged with the**
5 **county board of equalization on or before the third Monday in July.**

137.355. 1. If an assessor increases the valuation of any tangible personal
2 property as estimated in the itemized list furnished to the assessor, and if an
3 assessor increases the valuation of any real property, he shall forthwith notify the
4 record owner of the increase either in person or by mail directed to the last
5 known address, and if the address of the owner is unknown notice shall be given
6 by publication in two newspapers published in the county.

7 **2. Effective January 1, 2011, if an assessor increases the**
8 **valuation of any tangible personal property as estimated in the**
9 **itemized list furnished to the assessor, and if an assessor increases the**
10 **valuation of any real property, the assessor, on or before May thirty-**
11 **first, shall notify the record owner of the increase and, for any increase**
12 **in real property, the county shall notify the record owner of the**
13 **projected tax liability likely to result from such an increase either in**
14 **person or by mail directed to the last known address, and, if the**
15 **address of the owner is unknown, notice shall be given by publication**
16 **in two newspapers published in the county. Notice of the projected tax**
17 **liability from the county shall accompany the notice of increased**
18 **valuation from the assessor.**

19 **3. The notice of projected tax liability, required under subsection**

20 **2 of this section, from the county shall include:**

21 **(1) Record owner's name, address, and the parcel number of the**
22 **property;**

23 **(2) A list of all political subdivisions levying a tax upon the**
24 **property of the record owner;**

25 **(3) The projected tax rate for each political subdivision levying**
26 **a tax upon the property of the record owner, and the purpose for each**
27 **levy of such political subdivisions;**

28 **(4) The previous year's tax rates for each individual tax levy**
29 **imposed by each political subdivision levying a tax upon the property**
30 **of the record owner;**

31 **(5) The tax rate ceiling for each levy imposed by each political**
32 **subdivision levying a tax upon the property of the record owner;**

33 **(6) The contact information for each political subdivision levying**
34 **a tax upon the property of the record owner;**

35 **(7) A statement identifying any projected tax rates for political**
36 **subdivisions levying a tax upon the property of the record owner,**
37 **which were not calculated and provided by the political subdivision**
38 **levying the tax; and**

39 **(8) The total projected property tax liability of the taxpayer.**

137.490. 1. The assessor, or his deputies under his direction, shall assess
2 all the taxable real property within the city and all tangible personal property
3 taxable by the city under the laws of this state in the manner provided in sections
4 137.485 to 137.550 and as otherwise provided by law, and for that purpose the
5 assessor may divide and assign the work or any of it among them. They shall
6 commence their assessment on the first day of January in each year and complete
7 the assessment, and the deputies make their final reports thereof to the assessor,
8 on or before the first day of April next following. The assessor shall see that the
9 assessment is made uniform and equal throughout the city. If the assessor
10 proposes to increase any assessment of real property, he shall give notice of the
11 fact to the person owning the property affected, his agent or representative, by
12 personal notice, or by mail directed to the last known address.

13 **2. Effective January 1, 2009, the assessor, or his or her deputies**
14 **under his or her direction, shall commence their assessment on the first**
15 **day of January in each year and complete the assessment, and the**
16 **deputies make their final reports thereof to the assessor, on or before**
17 **the first day of March next following. The assessor shall see that the**

18 assessment is made uniform and equal throughout the city. If the
19 assessor proposes to increase any assessment of real property, the
20 assessor shall, on or before the thirty-first day of May, give notice of
21 the fact and the city shall provide notice of the projected tax liability
22 likely to result from such an increase to the person owning the
23 property affected, his or her agent or representative, by personal
24 notice, or by mail directed to the last known address. Notice of the
25 projected tax liability from the city shall accompany the notice of
26 increased valuation from the assessor.

27 **3. The notice of projected tax liability, required under subsection**
28 **2 of this section, from the city shall include:**

29 **(1) Record owner's name, address, and the parcel number of the**
30 **property;**

31 **(2) A list of all political subdivisions levying a tax upon the**
32 **property of the record owner;**

33 **(3) The projected tax rate for each political subdivision levying**
34 **a tax upon the property of the record owner, and the purpose for each**
35 **levy of such political subdivisions;**

36 **(4) The previous year's tax rates for each individual tax levy**
37 **imposed by each political subdivision levying a tax upon the property**
38 **of the record owner;**

39 **(5) The tax rate ceiling for each levy imposed by each political**
40 **subdivision levying a tax upon the property of the record owner;**

41 **(6) The contact information for each political subdivision levying**
42 **a tax upon the property of the record owner;**

43 **(7) A statement identifying any projected tax rates for political**
44 **subdivisions levying a tax upon the property of the record owner,**
45 **which were not calculated and provided by the political subdivision**
46 **levying the tax; and**

47 **(8) The total projected property tax liability of the taxpayer.**

137.720. 1. A percentage of all ad valorem property tax collections
2 allocable to each taxing authority within the county and the county shall be
3 deducted from the collections of taxes each year and shall be deposited into the
4 assessment fund of the county as required pursuant to section 137.750. The
5 percentage shall be one-half of one percent for all counties of the first and second
6 classification and cities not within a county and one percent for counties of the
7 third and fourth classification.

8 2. For counties of the first classification, counties with a charter form of
9 government, and any city not within a county, an additional one-eighth of one
10 percent of all ad valorem property tax collections shall be deducted from the
11 collections of taxes each year and shall be deposited into the assessment fund of
12 the county as required pursuant to section 137.750, and for counties of the
13 second, third, and fourth classification, an additional one-quarter of one percent
14 of all ad valorem property tax collections shall be deducted from the collections
15 of taxes each year and shall be deposited into the assessment fund of the county
16 as required pursuant to section 137.750, provided that such additional amounts
17 shall not exceed one hundred thousand dollars in any year for any county of the
18 first classification and any county with a charter form of government and fifty
19 thousand dollars in any year for any county of the second, third, or fourth
20 classification.

21 3. The county shall bill any taxing authority collecting its own taxes. The
22 county may also provide additional moneys for the fund. To be eligible for state
23 cost-share funds provided pursuant to section 137.750, every county shall provide
24 from the county general revenue fund an amount equal to an average of the three
25 most recent years of the amount provided from general revenue to the assessment
26 fund; provided, however, that capital expenditures and equipment expenses
27 identified in a memorandum of understanding signed by the county's governing
28 body and the county assessor prior to transfer of county general revenue funds
29 to the assessment fund shall be deducted from a year's contribution before
30 computing the three-year average, except that a lesser amount shall be acceptable
31 if unanimously agreed upon by the county assessor, the county governing body,
32 and the state tax commission. The county shall deposit the county general
33 revenue funds in the assessment fund as agreed to in its original or amended
34 maintenance plan, state reimbursement funds shall be withheld until the amount
35 due is properly deposited in such fund.

36 4. [Four years following the effective date, the state tax commission shall
37 conduct a study to determine the impact of increased fees on assessed valuation.

38 5.] Any [increase to the portion of] property tax collections deposited into
39 the county assessment funds provided for in subsection 2 of this section shall be
40 **[disallowed] forfeited and returned proportionately by the county to the**
41 **political subdivisions** in any year in which the state tax commission [certifies
42 an equivalent sales ratio for the county of less than or equal to thirty-one and
43 two-thirds percent pursuant to the provisions of section 138.395, RSMo] **notifies**

44 **the county that state assessment reimbursement funds have been**
45 **withheld from the county for three consecutive quarters due to non-**
46 **compliance by the assessor or county commission with the county's**
47 **assessment maintenance plan. If such funds for the year were spent**
48 **prior to the notification by the state tax commission, the county shall**
49 **take an equivalent amount from the subsequent year's collections**
50 **provided for in subsection 2 of this section and return it**
51 **proportionately to the political subdivisions.**

52 [6.] 5. The provisions of subsections 2[, 4, and 5] **and 4** of this section
53 shall expire on December 31, [2009] **2015**.

138.050. The following rules shall be observed by county boards of
2 equalization:

3 (1) They shall raise the valuation of all tracts or parcels of land and all
4 tangible personal property as in their opinion have been returned below their real
5 value; but, after the board has raised the valuation of such property, it shall give
6 notice of the fact, specifying the property and the amount raised, to the persons
7 owning or controlling the same, by personal notice, or through the mail if address
8 is known, or if address is unknown, by notice in one issue of any newspaper
9 published within the county at least once a week, and that said board shall meet
10 on the second Monday in August, to hear reasons, if any be given, why such
11 increase should not be made; the board shall meet on the second Monday in
12 August in each year to hear any person relating to any such increase in
13 valuation. **In any county with a charter form of government or any city**
14 **not within a county, the board shall complete all business by the fourth**
15 **Saturday in August;**

16 (2) They shall reduce the valuation of such tracts or parcels of land or any
17 tangible personal property which, in their opinion, has been returned above its
18 true value as compared with the average valuation of all the real and tangible
19 personal property of the county.

138.090. 1. Except as provided in subsection 2 of this section, the county
2 board of equalization in first class counties shall meet on the first Monday in
3 June of each year **and the county board of equalization in counties with**
4 **a charter form of government shall meet on the first Monday in July.**

5 2. Upon a finding by the board that it is necessary in order to fairly hear
6 all cases arising from a general reassessment, the board may begin meeting after
7 May thirty-first in any applicable year to timely consider any appeal or complaint

8 resulting from an evaluation made during a general reassessment of all taxable
9 real property and possessory interests in the county. There shall be no
10 presumption that the assessor's valuation is correct.

138.170. 1. Except as provided in subsection 4 of this section, the board
2 shall meet on the [~~third~~] **first** Monday in [~~May~~] **July**, annually, and remain in
3 continuous session for at least three hours of each day, except Saturday, Sunday
4 and holidays, for four weeks, **and may continue to meet as needed until the**
5 **fourth Saturday in August.**

6 2. The board may subpoena witnesses and order the production of books
7 and papers, and any member may administer oaths, in relation to any matter
8 within its jurisdiction.

9 3. The board shall hear and determine all appeals summarily, and keep
10 a record of its proceedings, which shall remain in the assessment division.

11 4. Upon a finding by the board that it is necessary in order to fairly hear
12 all cases arising from a general reassessment, the board may begin meeting after
13 [~~May thirty-first~~] **July first** in any applicable year to timely consider any appeal
14 or complaint resulting from an evaluation made during a general reassessment
15 of all taxable real property and possessory interests in the city.

138.180. Any person may appeal in writing to the board of equalization
2 from the assessment of his property, which appeal shall specify the matter of
3 which he complains and which shall be filed at the office of the assessor of the
4 city on or before the [~~second~~] **third** Monday in [~~May~~] **July** of each year, and any
5 person so appealing shall have the right of appeal from decisions of the local
6 board to the state tax commission as provided by law. There shall be no
7 presumption that the assessor's valuation is correct.

138.430. 1. Every owner of real property or tangible personal property
2 shall have the right to appeal from the local boards of equalization to the state
3 tax commission under rules prescribed by the state tax commission, within the
4 time prescribed in this chapter or thirty days following the final action of the
5 local board of equalization, whichever date later occurs, concerning all questions
6 and disputes involving the assessment against such property, the correct
7 valuation to be placed on such property, the method or formula used in
8 determining the valuation of such property, or the assignment of a discriminatory
9 assessment to such property. The commission shall investigate all such appeals
10 and shall correct any assessment or valuation which is shown to be unlawful,
11 unfair, improper, arbitrary or capricious. Any person aggrieved by the decision

12 of the commission may seek review as provided in chapter 536, RSMo.

13 2. In order to investigate such appeals, the commission may inquire of the
14 owner of the property or of any other party to the appeal regarding any matter
15 or issue relevant to the valuation, subclassification or assessment of the
16 property. The commission may make its decision regarding the assessment or
17 valuation of the property based solely upon its inquiry and any evidence
18 presented by the parties to the commission, or based solely upon evidence
19 presented by the parties to the commission.

20 3. Every owner of real property or tangible personal property shall have
21 the right to appeal to the circuit court of the county in which the collector
22 maintains his office, from the decision of the local board of equalization not later
23 than thirty days after the final decision of the board of equalization concerning
24 all questions and disputes involving the exclusion or exemption of such property
25 from assessment or from the tax rolls pursuant to the Constitution of the United
26 States or the constitution or laws of this state, or of the taxable situs of such
27 property. The appeal shall be as a trial de novo in the manner prescribed for
28 nonjury civil proceedings. **Upon the timely filing of the appeal, the clerk**
29 **of the circuit court shall send to the county collector to whom the taxes**
30 **on the property involved would be due a notice that an appeal seeking**
31 **exemption has been filed, which notice shall contain the name of the**
32 **taxpayer, the case number assigned by the court, and the parcel or**
33 **locator number of the property being appealed. The notice to the**
34 **collector shall state that the taxes in dispute are to be impounded in**
35 **accordance with subsection 2 of section 139.031, RSMo.**

36 4. Upon the timely filing of an appeal as provided in this section, the state
37 tax commission [or the clerk of the circuit court, as applicable,] shall send to the
38 county collector to whom the taxes on the property involved would be due, a
39 notice that an appeal has been filed, which notice shall contain the name [and
40 address] of the taxpayer filing the appeal, **the appeal number assigned by**
41 **the commission, the parcel or locator number of the property being**
42 **appealed, the assessed value by the board of equalization and the**
43 **assessed value proposed by the taxpayer, if such values have been**
44 **provided to the commission when the appeal is filed. The notice to the**
45 **collector shall state that the taxes in dispute are to be impounded in**
46 **accordance with subsection 2 of section 139.031, RSMo. Notice to the**
47 **collector of an appeal filed in an odd numbered year shall also serve as**

48 **notice to the collector to impound taxes for the following even**
49 **numbered year if no decision has been rendered in the appeal. The**
50 **state tax commission shall notify the collector once a decision has been**
51 **rendered in an appeal.**

52 5. If the circuit court, after review of the appeal, finds that the appeal is
53 not a proper subject for the appeal to the circuit court as provided in subsection
54 3 of this section, it shall transfer the appeal to the state tax commission for
55 consideration.

56 6. If an assessor classifies real property under a classification that is
57 contrary to or in conflict with a determination by the state tax commission or a
58 court of competent jurisdiction of said property, the taxpayer shall be awarded
59 costs of appeal and reasonable attorney's fees on a challenge of the assessor's
60 determination.

139.031. 1. Any taxpayer may protest all or any part of any current taxes
2 assessed against the taxpayer, except taxes collected by the director of revenue
3 of Missouri. Any such taxpayer desiring to [pay] **protest** any current taxes
4 [under protest] shall[, at the time of paying such taxes,] **make full payment of**
5 **the current tax bill and** file with the collector a written statement setting forth
6 the grounds on which the protest is based. The statement shall include the true
7 value in money claimed by the taxpayer if disputed.

8 2. **A taxpayer who has filed an appeal from a local board of**
9 **equalization under section 138.430, RSMo, to the state tax commission**
10 **or the circuit court is not required to file a statement of protest as set**
11 **forth in subsection 1 of this section.** Upon receiving payment of current
12 taxes under protest pursuant to subsection 1 of this section or upon receiving
13 notice of an appeal **from the state tax commission or the circuit court**
14 pursuant to section 138.430, RSMo, the collector shall disburse to the proper
15 official all portions of taxes not **protested or not** disputed by the taxpayer and
16 shall impound in a separate fund all portions of such taxes which are **protested**
17 **or** in dispute. [Except as provided in subsection 3 of this section,] Every
18 taxpayer protesting the payment of current taxes **under subsection 1 of this**
19 **section** shall, within ninety days after filing his protest, commence an action
20 against the collector by filing a petition for the recovery of the amount protested
21 in the circuit court of the county in which the collector maintains his office. If
22 any taxpayer so protesting his taxes **under subsection 1 of this section** shall
23 fail to commence an action in the circuit court for the recovery of the taxes

24 protested within the time prescribed in this subsection, such protest shall become
25 null and void and of no effect, and the collector shall then disburse to the proper
26 official the taxes impounded, and any interest earned thereon, as provided above
27 in this subsection.

28 3. No action against the collector shall be commenced by any taxpayer
29 who has, for the current tax year in issue, filed with the state tax commission **or**
30 **the circuit court** a timely and proper appeal of the [protested taxes. Such
31 taxpayer shall notify the collector of the appeal in the written statement required
32 by subsection 1 of this section] **assessment of the taxpayer's property**. The
33 **portion of taxes [so protested] in dispute from an appeal of an assessment**
34 shall be impounded in a separate fund and the commission **or the circuit court**
35 may order all or any part of such taxes refunded to the taxpayer, or may
36 authorize the collector to release and disburse all or any part of such taxes in its
37 decision and order issued pursuant to chapter 138, RSMo.

38 4. Trial of the action, **for recovery of taxes protested under**
39 **subsection 1 of this section**, in the circuit court shall be in the manner
40 prescribed for nonjury civil proceedings, and, after determination of the issues,
41 the court shall make such orders as may be just and equitable to refund to the
42 taxpayer all or any part of the current taxes paid under protest, together with
43 any interest earned thereon, or to authorize the collector to release and disburse
44 all or any part of the impounded taxes, and any interest earned thereon, to the
45 appropriate officials of the taxing authorities. Either party to the proceedings
46 may appeal the determination of the circuit court.

47 5. All the county collectors of taxes, and the collector of taxes in any city
48 not within a county, shall, upon written application of a taxpayer, refund or credit
49 against the taxpayer's tax liability in the following taxable year and subsequent
50 consecutive taxable years until the taxpayer has received credit in full for any
51 real or personal property tax mistakenly or erroneously levied against the
52 taxpayer and collected in whole or in part by the collector. Such application shall
53 be filed within three years after the tax is mistakenly or erroneously paid. The
54 governing body, or other appropriate body or official of the county or city not
55 within a county, shall make available to the collector funds necessary to make
56 refunds under this subsection by issuing warrants upon the fund to which the
57 mistaken or erroneous payment has been credited, or otherwise.

58 6. No taxpayer shall receive any interest on any money paid in by the
59 taxpayer erroneously.

60 7. All protested taxes **impounded under protest under subsection**
61 **1 of this section and all disputed taxes impounded under notice as**
62 **required by section 138.430, RSMo**, shall be invested by the collector in the
63 same manner as assets specified in section 30.260, RSMo, for investment of state
64 moneys. A taxpayer who is entitled to a refund of protested **or disputed** taxes
65 shall also receive the interest earned on the investment thereof. If the collector
66 is ordered to release and disburse all or part of the taxes paid under protest **or**
67 **dispute** to the proper official, such taxes shall be disbursed along with the
68 proportional amount of interest earned on the investment of the taxes due the
69 particular taxing authority.

70 8. On or before March first next following the delinquent date of taxes
71 paid under protest, the county collector shall notify any taxing authority of the
72 taxes paid under protest **and disputed taxes** which would be received by such
73 taxing authority if the funds were not the subject of a protest **or dispute**. Any
74 taxing authority may apply to the circuit court of the county or city not within a
75 county in which a collector has impounded protested **or disputed** taxes under
76 this section and, upon a satisfactory showing that such taxing authority would
77 receive such impounded tax funds if they were not the subject of a protest **or**
78 **dispute** and that such taxing authority has the financial ability and legal
79 capacity to repay such impounded tax funds in the event a decision ordering a
80 refund to the taxpayer is subsequently made, the circuit court shall order,
81 pendente lite, the disbursement of all or any part of such impounded tax funds to
82 such taxing authority. The circuit court issuing an order under this subsection
83 shall retain jurisdiction of such matter for further proceedings, if any, to compel
84 restitution of such tax funds to the taxpayer. In the event that any protested **or**
85 **disputed** tax funds refunded to a taxpayer were disbursed to a taxing authority
86 under this subsection instead of being held and invested by the collector under
87 subsection 7 of this section, such taxing authority shall pay the taxpayer entitled
88 to the refund of such protested **or disputed** taxes the same amount of interest,
89 as determined by the circuit court having jurisdiction in the matter, such
90 protested **or disputed** taxes would have earned if they had been held and
91 invested by the collector.

92 9. No appeal filed shall stay any order of refund, but the decision filed by
93 any court of last review modifying the circuit court's or state tax commission's
94 determination pertaining to the amount of refund shall be binding on the parties,
95 and the decision rendered shall be complied with by the party affected by any

96 modification within ninety days of the date of such decision. No taxpayer shall
97 receive any interest on any additional award of refund, and the collector shall not
98 receive any interest on any ordered return of refund in whole or in part.

[138.395. The state tax commission shall notify each school
2 district of the equivalent sales ratio for the previous year adopted
3 for determining the equalized assessed valuation of the property
4 and the equalized operating levy of the school district for
5 distributions of school foundation formula funds at least thirty
6 days prior to the certification of such ratio to the department of
7 elementary and secondary education, and shall provide the school
8 district an opportunity for a meeting with the commission, or a
9 duly authorized agent thereof, on such ratio prior to such
10 certification. Prior to January 1, 1997, in certifying said ratios to
11 the department of elementary and secondary education, the
12 commission shall certify all ratios at thirty-three and one-third
13 percent. On and after January 1, 1997, in certifying such ratios to
14 the department of elementary and secondary education, the
15 commission shall certify all ratios higher than thirty-one and
16 two-thirds percent at thirty-three and one-third percent. On and
17 after January 1, 1998, if the state tax commission, after performing
18 the computation of equivalent sales ratio for the county and
19 recomputing such computation to ensure accuracy, finds that such
20 equivalent sales ratio for the county is less than or equal to
21 thirty-one and two-thirds percent, the state tax commission shall
22 reduce the county's reimbursement by fifteen percent the following
23 year if it is not corrected by subsequent action of the state tax
24 commission.]

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