

SECOND REGULAR SESSION

# SENATE BILL NO. 1522

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR NICOLA.

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6461S.01I

KRISTINA MARTIN, Secretary

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### AN ACT

To repeal sections 137.115, 138.060, 138.135, 138.434, and 139.031, RSMo, and to enact in lieu thereof six new sections relating to property taxes.

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

Section A. Sections 137.115, 138.060, 138.135, 138.434,  
2 and 139.031, RSMo, are repealed and six new sections enacted in  
3 lieu thereof, to be known as sections 137.115, 137.132, 138.060,  
4 138.135, 138.434, and 139.031, to read as follows:

137.115. 1. All other laws to the contrary  
2 notwithstanding, the assessor or the assessor's deputies in  
3 all counties of this state including the City of St. Louis  
4 shall annually make a list of all real and tangible personal  
5 property taxable in the assessor's city, county, town or  
6 district. Except as otherwise provided in subsection 3 of  
7 this section and section 137.078, the assessor shall  
8 annually assess all personal property at thirty-three and  
9 one-third percent of its true value in money as of January  
10 first of each calendar year. The assessor shall annually  
11 assess all real property, including any new construction and  
12 improvements to real property, and possessory interests in  
13 real property at the percent of its true value in money set  
14 in subsection 5 of this section. The true value in money of  
15 any possessory interest in real property in subclass (3),  
16 where such real property is on or lies within the ultimate

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

17 airport boundary as shown by a federal airport layout plan,  
18 as defined by 14 CFR 151.5, of a commercial airport having a  
19 FAR Part 139 certification and owned by a political  
20 subdivision, shall be the otherwise applicable true value in  
21 money of any such possessory interest in real property, less  
22 the total dollar amount of costs paid by a party, other than  
23 the political subdivision, towards any new construction or  
24 improvements on such real property completed after January  
25 1, 2008, and which are included in the above-mentioned  
26 possessory interest, regardless of the year in which such  
27 costs were incurred or whether such costs were considered in  
28 any prior year. The assessor shall annually assess all real  
29 property in the following manner: new assessed values shall  
30 be determined as of January first of each odd-numbered year  
31 and shall be entered in the assessor's books; those same  
32 assessed values shall apply in the following even-numbered  
33 year, except for new construction and property improvements  
34 which shall be valued as though they had been completed as  
35 of January first of the preceding odd-numbered year. The  
36 assessor may call at the office, place of doing business, or  
37 residence of each person required by this chapter to list  
38 property, and require the person to make a correct statement  
39 of all taxable tangible personal property owned by the  
40 person or under his or her care, charge or management,  
41 taxable in the county. On or before January first of each  
42 even-numbered year, the assessor shall prepare and submit a  
43 two-year assessment maintenance plan to the county governing  
44 body and the state tax commission for their respective  
45 approval or modification. The county governing body shall  
46 approve and forward such plan or its alternative to the plan  
47 to the state tax commission by February first. If the  
48 county governing body fails to forward the plan or its

49 alternative to the plan to the state tax commission by  
50 February first, the assessor's plan shall be considered  
51 approved by the county governing body. If the state tax  
52 commission fails to approve a plan and if the state tax  
53 commission and the assessor and the governing body of the  
54 county involved are unable to resolve the differences, in  
55 order to receive state cost-share funds outlined in section  
56 137.750, the county or the assessor shall petition the  
57 administrative hearing commission, by May first, to decide  
58 all matters in dispute regarding the assessment maintenance  
59 plan. Upon agreement of the parties, the matter may be  
60 stayed while the parties proceed with mediation or  
61 arbitration upon terms agreed to by the parties. The final  
62 decision of the administrative hearing commission shall be  
63 subject to judicial review in the circuit court of the  
64 county involved. In the event a valuation of subclass (1)  
65 real property within any county with a charter form of  
66 government, or within a city not within a county, is made by  
67 a computer, computer-assisted method or a computer program,  
68 the burden of proof, supported by clear, convincing and  
69 cogent evidence to sustain such valuation, shall be on the  
70 assessor at any hearing or appeal. In any such county,  
71 unless the assessor proves otherwise, there shall be a  
72 presumption that the assessment was made by a computer,  
73 computer-assisted method or a computer program. Such  
74 evidence shall include, but shall not be limited to, the  
75 following:

76 (1) The findings of the assessor based on an appraisal  
77 of the property by generally accepted appraisal techniques;  
78 and

79 (2) The purchase prices from sales of at least three  
80 comparable properties and the address or location thereof.

81 As used in this subdivision, the word "comparable" means  
82 that:

83 (a) Such sale was closed at a date relevant to the  
84 property valuation; and

85 (b) Such properties are not more than one mile from  
86 the site of the disputed property, except where no similar  
87 properties exist within one mile of the disputed property,  
88 the nearest comparable property shall be used. Such  
89 property shall be within five hundred square feet in size of  
90 the disputed property, and resemble the disputed property in  
91 age, floor plan, number of rooms, and other relevant  
92 characteristics.

93 2. Assessors in each county of this state and the City  
94 of St. Louis may send personal property assessment forms  
95 through the mail.

96 3. The following items of personal property shall each  
97 constitute separate subclasses of tangible personal property  
98 and shall be assessed and valued for the purposes of  
99 taxation at the following percentages of their true value in  
100 money:

101 (1) Grain and other agricultural crops in an  
102 unmanufactured condition, one-half of one percent;

103 (2) Livestock, twelve percent;

104 (3) Farm machinery, twelve percent;

105 (4) Motor vehicles which are eligible for registration  
106 as and are registered as historic motor vehicles pursuant to  
107 section 301.131 and aircraft which are at least twenty-five  
108 years old and which are used solely for noncommercial  
109 purposes and are operated less than two hundred hours per  
110 year or aircraft that are home built from a kit, five  
111 percent;

112 (5) Poultry, twelve percent;

113 (6) Tools and equipment used for pollution control and  
114 tools and equipment used in retooling for the purpose of  
115 introducing new product lines or used for making  
116 improvements to existing products by any company which is  
117 located in a state enterprise zone and which is identified  
118 by any standard industrial classification number cited in  
119 subdivision (7) of section 135.200, twenty-five percent; and

120 (7) Solar panels, racking systems, inverters, and  
121 related solar equipment, components, materials, and supplies  
122 installed in connection with solar photovoltaic energy  
123 systems, as described in subdivision (46) of subsection 2 of  
124 section 144.030, that were constructed and producing solar  
125 energy prior to August 9, 2022, five percent.

126           4. The person listing the property shall enter a true  
127 and correct statement of the property, in a printed blank  
128 prepared for that purpose. The statement, after being  
129 filled out, shall be signed and either affirmed or sworn to  
130 as provided in section 137.155. The list shall then be  
131 delivered to the assessor.

132           5. (1) All subclasses of real property, as such  
133        subclasses are established in Section 4(b) of Article X of  
134        the Missouri Constitution and defined in section 137.016,  
135        shall be assessed at the following percentages of true value:

136 (a) For real property in subclass (1), nineteen  
137 percent;

138 (b) For real property in subclass (2), twelve percent;  
139 and

140 (c) For real property in subclass (3), thirty-two  
141 percent.

142 (2) A taxpayer may apply to the county assessor, or,  
143 if not located within a county, then the assessor of such  
144 city, for the reclassification of such taxpayer's real

145 property if the use or purpose of such real property is  
146 changed after such property is assessed under the provisions  
147 of this chapter. If the assessor determines that such  
148 property shall be reclassified, he or she shall determine  
149 the assessment under this subsection based on the percentage  
150 of the tax year that such property was classified in each  
151 subclassification.

152 6. Manufactured homes, as defined in section 700.010,  
153 which are actually used as dwelling units shall be assessed  
154 at the same percentage of true value as residential real  
155 property for the purpose of taxation. The percentage of  
156 assessment of true value for such manufactured homes shall  
157 be the same as for residential real property. If the county  
158 collector cannot identify or find the manufactured home when  
159 attempting to attach the manufactured home for payment of  
160 taxes owed by the manufactured home owner, the county  
161 collector may request the county commission to have the  
162 manufactured home removed from the tax books, and such  
163 request shall be granted within thirty days after the  
164 request is made; however, the removal from the tax books  
165 does not remove the tax lien on the manufactured home if it  
166 is later identified or found. For purposes of this section,  
167 a manufactured home located in a manufactured home rental  
168 park, rental community or on real estate not owned by the  
169 manufactured home owner shall be considered personal  
170 property. For purposes of this section, a manufactured home  
171 located on real estate owned by the manufactured home owner  
172 may be considered real property.

173 7. Each manufactured home assessed shall be considered  
174 a parcel for the purpose of reimbursement pursuant to  
175 section 137.750, unless the manufactured home is deemed to  
176 be real estate as defined in subsection 7 of section 442.015

177 and assessed as a realty improvement to the existing real  
178 estate parcel.

179 8. Any amount of tax due and owing based on the  
180 assessment of a manufactured home shall be included on the  
181 personal property tax statement of the manufactured home  
182 owner unless the manufactured home is deemed to be real  
183 estate as defined in subsection 7 of section 442.015, in  
184 which case the amount of tax due and owing on the assessment  
185 of the manufactured home as a realty improvement to the  
186 existing real estate parcel shall be included on the real  
187 property tax statement of the real estate owner.

188 9. The assessor of each county and each city not  
189 within a county shall use a nationally recognized automotive  
190 trade publication such as the National Automobile Dealers'  
191 Association Official Used Car Guide, Kelley Blue Book,  
192 Edmunds, or other similar publication as the recommended  
193 guide of information for determining the true value of motor  
194 vehicles described in such publication. The state tax  
195 commission shall select and make available to all assessors  
196 which publication shall be used. The assessor of each  
197 county and each city not within a county shall use the trade-  
198 in value published in the current October issue of the  
199 publication selected by the state tax commission. The  
200 assessor shall not use a value that is greater than the  
201 average trade-in value in determining the true value of the  
202 motor vehicle without performing a physical inspection of  
203 the motor vehicle. For vehicles two years old or newer from  
204 a vehicle's model year, the assessor may use a value other  
205 than average without performing a physical inspection of the  
206 motor vehicle. In the absence of a listing for a particular  
207 motor vehicle in such publication, the assessor shall use  
208 such information or publications that, in the assessor's

209 judgment, will fairly estimate the true value in money of  
210 the motor vehicle. For motor vehicles with a true value of  
211 less than fifty thousand dollars as of January 1, 2025, the  
212 assessor shall not assess such motor vehicle for an amount  
213 greater than such motor vehicle was assessed in the previous  
214 year, provided that such motor vehicle was properly assessed  
215 in the previous year.

216 10. Before the assessor may increase the assessed  
217 valuation of any parcel of subclass (1) real property by  
218 more than fifteen percent since the last assessment,  
219 excluding increases due to new construction or improvements,  
220 the assessor shall conduct a physical inspection of such  
221 property.

222 11. If a physical inspection is required[,] pursuant  
223 to subsection 10 of this section, the assessor shall notify  
224 the property owner of that fact in writing and shall provide  
225 the owner clear written notice of the owner's rights  
226 relating to the physical inspection. If a physical  
227 inspection is required, the property owner may request that  
228 an interior inspection be performed during the physical  
229 inspection. The owner shall have no less than thirty days  
230 **prior to the physical inspection** to notify the assessor of a  
231 request for an interior physical inspection.

232 12. A physical inspection[, as] required by subsection  
233 10 of this section[,] **shall be completed prior to July first**  
234 **of the reassessment year and** shall include, but not be  
235 limited to, an on-site personal observation and review of  
236 all exterior portions of the land and any buildings and  
237 improvements to which the inspector has or may reasonably  
238 and lawfully gain external access, and shall include an  
239 observation and review of the interior of any buildings or  
240 improvements on the property upon the timely request of the

241 owner pursuant to subsection 11 of this section. Mere  
242 observation of the property via a drive-by inspection or the  
243 like shall not be considered sufficient to constitute a  
244 physical inspection as required by this section.

245 13. A county or city collector may accept credit cards  
246 as proper form of payment of outstanding property tax or  
247 license due. No county or city collector may charge  
248 surcharge for payment by credit card which exceeds the fee  
249 or surcharge charged by the credit card bank, processor, or  
250 issuer for its service. A county or city collector may  
251 accept payment by electronic transfers of funds in payment  
252 of any tax or license and charge the person making such  
253 payment a fee equal to the fee charged the county by the  
254 bank, processor, or issuer of such electronic payment.

255 14. Any county or city not within a county in this  
256 state may, by an affirmative vote of the governing body of  
257 such county, opt out of the provisions of this section and  
258 sections 137.073, 138.060, and 138.100 as enacted by house  
259 bill no. 1150 of the ninety-first general assembly, second  
260 regular session and section 137.073 as modified by house  
261 committee substitute for senate substitute for senate  
262 committee substitute for senate bill no. 960, ninety-second  
263 general assembly, second regular session, for the next year  
264 of the general reassessment, prior to January first of any  
265 year. No county or city not within a county shall exercise  
266 this opt-out provision after implementing the provisions of  
267 this section and sections 137.073, 138.060, and 138.100 as  
268 enacted by house bill no. 1150 of the ninety-first general  
269 assembly, second regular session and section 137.073 as  
270 modified by house committee substitute for senate substitute  
271 for senate committee substitute for senate bill no. 960,  
272 ninety-second general assembly, second regular session, in a

273 year of general reassessment. For the purposes of applying  
274 the provisions of this subsection, a political subdivision  
275 contained within two or more counties where at least one of  
276 such counties has opted out and at least one of such  
277 counties has not opted out shall calculate a single tax rate  
278 as in effect prior to the enactment of house bill no. 1150  
279 of the ninety-first general assembly, second regular  
280 session. A governing body of a city not within a county or  
281 a county that has opted out under the provisions of this  
282 subsection may choose to implement the provisions of this  
283 section and sections 137.073, 138.060, and 138.100 as  
284 enacted by house bill no. 1150 of the ninety-first general  
285 assembly, second regular session, and section 137.073 as  
286 modified by house committee substitute for senate substitute  
287 for senate committee substitute for senate bill no. 960,  
288 ninety-second general assembly, second regular session, for  
289 the next year of general reassessment, by an affirmative  
290 vote of the governing body prior to December thirty-first of  
291 any year.

292 15. The governing body of any city of the third  
293 classification with more than twenty-six thousand three  
294 hundred but fewer than twenty-six thousand seven hundred  
295 inhabitants located in any county that has exercised its  
296 authority to opt out under subsection 14 of this section may  
297 levy separate and differing tax rates for real and personal  
298 property only if such city bills and collects its own  
299 property taxes or satisfies the entire cost of the billing  
300 and collection of such separate and differing tax rates.  
301 Such separate and differing rates shall not exceed such  
302 city's tax rate ceiling.

303 16. Any portion of real property that is available as  
304 reserve for strip, surface, or coal mining for minerals for

305 purposes of excavation for future use or sale to others that  
306 has not been bonded and permitted under chapter 444 shall be  
307 assessed based upon how the real property is currently being  
308 used. Any information provided to a county assessor, state  
309 tax commission, state agency, or political subdivision  
310 responsible for the administration of tax policies shall, in  
311 the performance of its duties, make available all books,  
312 records, and information requested, except such books,  
313 records, and information as are by law declared confidential  
314 in nature, including individually identifiable information  
315 regarding a specific taxpayer or taxpayer's mine property.  
316 For purposes of this subsection, "mine property" shall mean  
317 all real property that is in use or readily available as a  
318 reserve for strip, surface, or coal mining for minerals for  
319 purposes of excavation for current or future use or sale to  
320 others that has been bonded and permitted under chapter 444.

137.132. 1. **For the purposes of this section, and in  
2 any appeal alleging a violation thereof, the following terms  
3 shall mean:**

4 (1) **"Common level of assessment", the ratio of the  
5 total of the assessor's assessed values for all real  
6 property in a subclass, as verified pursuant to section  
7 137.245, to the total of actual true values in money of the  
8 same real property, expressed as a percentage, and measured  
9 by an assessment ratio study;**

10 (2) **"Individual level of assessment", the ratio of an  
11 assessor's assessed value for an individual parcel of real  
12 property, as verified pursuant to section 137.245, to the  
13 actual true value in money of such real property, expressed  
14 as a percentage.**

15 2. **The level of assessment of all real property in  
16 subclass (1) or subclass (3), as provided in section**

17 137.115, shall be uniform and equal throughout each  
18 subclass. If the common level of assessment in either  
19 subclass is lower than the individual level of assessment of  
20 any parcel in the same subclass, the individual level of  
21 assessment of such parcel shall be lowered to the common  
22 level of assessment for the subclass upon appeal by the  
23 property owner to the local board of equalization, state tax  
24 commission, or circuit court.

25 3. When determining the individual level of assessment  
26 of a parcel of real property, the lesser of the assessor's  
27 appraised value, as verified pursuant to section 137.245, or  
28 the appraised value set by the local board of equalization  
29 shall be presumed to be the actual true value in money for  
30 such real property, absent substantial and persuasive  
31 evidence establishing a lower true value in money.

138.060. 1. The county board of equalization shall,  
2 in a summary way, determine all appeals from the valuation  
3 of property made by the assessor, and shall correct and  
4 adjust the assessment accordingly. There shall be no  
5 presumption that the assessor's valuation is correct. In  
6 any county with a charter form of government with a  
7 population greater than two hundred eighty thousand  
8 inhabitants but less than two hundred eighty-five thousand  
9 inhabitants, in any county with a charter form of government  
10 with greater than one million inhabitants, in any city not  
11 within a county, and in any other county for any property  
12 whose assessed valuation increased at least fifteen percent  
13 from the previous assessment unless the increase is due to  
14 new construction or improvement, the assessor shall have the  
15 burden to prove that the assessor's valuation does not  
16 exceed the true market value of the subject property. In  
17 such county or city, in the event a physical inspection of

18 the subject property is required by subsection 10 of section  
19 137.115, the assessor shall have the burden to establish the  
20 manner in which the physical inspection was performed and  
21 shall have the burden to prove that the physical inspection  
22 was performed in accordance with section 137.115. In such  
23 county or city, in the event the assessor fails to provide  
24 sufficient evidence to establish that the physical  
25 inspection was performed in accordance with section 137.115,  
26 the property owner shall prevail on the appeal as a matter  
27 of law, **and the assessor's increased assessed valuation**  
28 **shall be void in its entirety, and the previous assessed**  
29 **valuation shall be applied to the property in place of the**  
30 **increased assessed valuation.** At any hearing before the  
31 state tax commission or a court of competent jurisdiction of  
32 an appeal of assessment from a first class charter county or  
33 a city not within a county, the assessor shall not advocate  
34 nor present evidence advocating a valuation higher than that  
35 value finally determined by the assessor or the value  
36 determined by the board of equalization, whichever is  
37 higher, for that assessment period.

38 2. The county clerk shall keep an accurate record of  
39 the proceedings and orders of the board, and the assessor  
40 shall correct all erroneous assessments, and the clerk shall  
41 adjust the tax book according to the orders of such board  
42 and the orders of the state tax commission, except that in  
43 adding or deducting such percent to each tract or parcel of  
44 real estate as required by such board or state tax  
45 commission, he shall add or deduct in each case any  
46 fractional sum of less than fifty cents, so that the value  
47 of any separate tract shall contain no fractions of a dollar.

138.135. 1. Notwithstanding any other provision of  
2 law to the contrary, the county assessor of any county of

3 the first classification with a population of at least nine  
4 hundred thousand inhabitants shall not be a member of the  
5 county board of equalization.

6       2. In any county of the first classification with a  
7 population of at least nine hundred thousand inhabitants,  
8 when there is an order of the board of equalization or the  
9 state tax commission, including a settlement order, relating  
10 to the assessment of property, the assessment shall remain  
11 the same for the subsequent even-numbered year unless there  
12 has been new construction or property improvements between  
13 January first of the odd-numbered year and January first of  
14 the following even-numbered year. **However, in the event of**  
15 **a transfer of ownership of real property on or after January**  
16 **first of an even-numbered year, the new owner shall be**  
17 **entitled to appeal the assessed value directly to the state**  
18 **tax commission by no later than December thirty-first of the**  
19 **same year, even if the prior owner appealed the value in the**  
20 **previous odd-numbered year and the appeal resulted in an**  
21 **order of the board of equalization or state tax commission.**  
22 **In any such appeal by a new owner, the state tax commission**  
23 **shall have authority to lower the assessed value for the**  
24 **even-numbered year.**

25       3. In any county of the first classification with a  
26 population of at least nine hundred thousand inhabitants,  
27 when a hearing is conducted by the board of equalization  
28 pursuant to this chapter, if the property owner requests to  
29 be heard by a majority of the board of equalization, and a  
30 majority of the board of equalization is not in attendance  
31 for any reason, the position of the property owner shall  
32 prevail without further action.

138.434. **In** any first class charter county or a city  
2 not within a county [may require by ordinance or charter the

3 reimbursement to], a taxpayer [for the amount of just and  
4 reasonable appraisal costs, attorney fees and court costs]  
5 **shall be entitled to an award of all attorney's fees and**  
6 **costs of litigation** resulting from an evidentiary hearing  
7 before the state tax commission or a court of competent  
8 jurisdiction, **including, but not limited to, attorney's**  
9 **fees, appraisal costs, witness fees, and court costs,**  
10 **whether paid directly by the taxpayer or paid by an**  
11 **attorney, tax agent, or other third party,** if such appeal  
12 results in a final decision reducing the appraised value of  
13 residential property by at least fifteen percent or the  
14 appraised value of utility, industrial railroad and other  
15 subclass three property by at least twenty-five percent from  
16 the appraised value determined by the board of equalization  
17 for that tax year. The commission or court awarding such  
18 fees and costs shall consider the reasonableness of the fees  
19 and costs within the context of the particular case. Such  
20 fees and costs shall not exceed [one] **five** thousand dollars  
21 for a residential property appeal. Such fees and costs for  
22 utility, industrial railroad or other subclass three  
23 property appeals shall not exceed the lesser of [four] **five**  
24 thousand dollars or twenty-five percent of the tax savings  
25 resulting from the appeal. The provisions of this section  
26 shall only apply to the first contested year when cases are  
27 tried on a consolidated basis.

139.031. 1. Any taxpayer may protest all or any part  
2 of any current taxes assessed against the taxpayer, except  
3 taxes collected by the director of revenue of Missouri. Any  
4 such taxpayer desiring to pay any current taxes under  
5 protest or while paying taxes based upon a disputed  
6 assessment shall[, at the time of paying such taxes,] make  
7 full payment of the current tax bill before the delinquency

8 date and file with the collector **before the delinquency date**  
9 a written statement setting forth the grounds on which the  
10 protest is based. The statement shall include the true  
11 value in money claimed by the taxpayer if disputed. An  
12 appeal before the state tax commission shall not be  
13 dismissed on the grounds that a taxpayer failed to file a  
14 written statement when paying taxes based upon a disputed  
15 assessment.

16 2. Upon receiving [payment of current taxes under]  
17 **written notice of** protest under subsection 1 of this section  
18 or upon receiving from the state tax commission or the  
19 circuit court notice of an appeal from the state tax  
20 commission or the circuit court under section 138.430,  
21 [along with] **and** full payment of the current tax bill before  
22 the delinquency date, the collector shall disburse to the  
23 proper official all portions of taxes not protested or not  
24 disputed by the taxpayer and shall impound in a separate  
25 fund all portions of such taxes which are protested or in  
26 dispute. Every taxpayer protesting the payment of current  
27 taxes under subsection 1 of this section shall, within  
28 ninety days after filing his protest, commence an action  
29 against the collector by filing a petition for the recovery  
30 of the amount protested in the circuit court of the county  
31 in which the collector maintains his office. If any  
32 taxpayer so protesting his taxes under subsection 1 of this  
33 section shall fail to commence an action in the circuit  
34 court for the recovery of the taxes protested within the  
35 time prescribed in this subsection, such protest shall  
36 become null and void and of no effect, and the collector  
37 shall then disburse to the proper official the taxes  
38 impounded, and any interest earned thereon, as provided  
39 above in this subsection.

40       3. No action against the collector shall be commenced  
41 by any taxpayer who has, effective for the current tax year,  
42 filed with the state tax commission or the circuit court a  
43 timely and proper appeal of the assessment of the taxpayer's  
44 property. The portion of taxes in dispute from an appeal of  
45 an assessment shall be impounded in a separate fund and the  
46 commission in its decision and order issued under chapter  
47 138 or the circuit court in its judgment may order all or  
48 any part of such taxes refunded to the taxpayer, or may  
49 authorize the collector to release and disburse all or any  
50 part of such taxes.

51       4. Trial of the action for recovery of taxes protested  
52 under subsection 1 of this section in the circuit court  
53 shall be in the manner prescribed for nonjury civil  
54 proceedings, and, after determination of the issues, the  
55 court shall make such orders as may be just and equitable to  
56 refund to the taxpayer all or any part of the current taxes  
57 paid under protest, together with any interest earned  
58 thereon, or to authorize the collector to release and  
59 disburse all or any part of the impounded taxes, and any  
60 interest earned thereon, to the appropriate officials of the  
61 taxing authorities. Either party to the proceedings may  
62 appeal the determination of the circuit court.

63       5. All the county collectors of taxes, and the  
64 collector of taxes in any city not within a county, shall,  
65 upon written application of a taxpayer, refund or credit  
66 against the taxpayer's tax liability in the following  
67 taxable year and subsequent consecutive taxable years until  
68 the taxpayer has received credit in full for any real or  
69 personal property tax mistakenly or erroneously levied  
70 against the taxpayer and collected in whole or in part by  
71 the collector. Such application shall be filed within three

72 years after the tax is mistakenly or erroneously paid. The  
73 governing body, or other appropriate body or official of the  
74 county or city not within a county, shall make available to  
75 the collector funds necessary to make refunds under this  
76 subsection by issuing warrants upon the fund to which the  
77 mistaken or erroneous payment has been credited, or  
78 otherwise.

79 6. No taxpayer shall receive any interest on any money  
80 paid in by the taxpayer erroneously.

81 7. All protested taxes impounded under protest under  
82 subsection 1 of this section and all disputed taxes  
83 impounded under notice as required by section 138.430 shall  
84 be invested by the collector in the same manner as assets  
85 specified in section 30.260 for investment of state moneys.  
86 A taxpayer who is entitled to a refund of protested or  
87 disputed taxes shall also receive the interest earned on the  
88 investment thereof. If the collector is ordered to release  
89 and disburse all or part of the taxes paid under protest or  
90 dispute to the proper official, such taxes shall be  
91 disbursed along with the proportional amount of interest  
92 earned on the investment of the taxes due the particular  
93 taxing authority.

94 8. Any taxing authority may request to be notified by  
95 the county collector of current taxes paid under protest.  
96 Such request shall be in writing and submitted on or before  
97 February first next following the delinquent date of current  
98 taxes paid under protest or disputed, and the county  
99 collector shall provide such information on or before March  
100 first of the same year to the requesting taxing authority of  
101 the taxes paid under protest and disputed taxes which would  
102 be received by such taxing authority if the funds were not  
103 the subject of a protest or dispute. Any taxing authority

104 may apply to the circuit court of the county or city not  
105 within a county in which a collector has impounded protested  
106 or disputed taxes under this section and, upon a  
107 satisfactory showing that such taxing authority would  
108 receive such impounded tax funds if they were not the  
109 subject of a protest or dispute and that such taxing  
110 authority has the financial ability and legal capacity to  
111 repay such impounded tax funds in the event a decision  
112 ordering a refund to the taxpayer is subsequently made, the  
113 circuit court shall order, pendente lite, the disbursal of  
114 all or any part of such impounded tax funds to such taxing  
115 authority. The circuit court issuing an order under this  
116 subsection shall retain jurisdiction of such matter for  
117 further proceedings, if any, to compel restitution of such  
118 tax funds to the taxpayer. In the event that any protested  
119 or disputed tax funds refunded to a taxpayer were disbursed  
120 to a taxing authority under this subsection instead of being  
121 held and invested by the collector under subsection 7 of  
122 this section, the taxpayer shall be entitled to interest on  
123 all refunded tax funds, **from the date that the disputed**  
**taxes were distributed to a taxing authority through the**  
**date of the refund**, at the [annual rate] **rates** calculated by  
125 the state treasurer and applied by the director of revenue  
126 under section 32.068. This measure of interest shall only  
127 apply to protested or disputed tax funds actually  
128 distributed to a taxing authority pursuant to this  
129 subsection. In the event of a refund of protested or  
130 disputed tax funds which remain impounded by the collector,  
131 the taxpayer shall instead be entitled to the interest  
132 actually earned on those refunded impounded tax funds under  
133 subsection 7 of this section. Any sovereign or official  
134 immunity otherwise applicable to the taxing authorities is  
135

136 hereby waived for all purposes related to this subsection,  
137 and the taxpayer is expressly authorized to seek an order  
138 enforcing this provision from the circuit court that  
139 originally ordered the distribution of the protested or  
140 disputed funds, or directly from the state tax commission,  
141 if the tax appeal that resulted in the refund was heard and  
142 determined by the state tax commission.

143 9. No appeal filed from the circuit court's or state  
144 tax commission's determination pertaining to the amount of  
145 refund shall stay any order of refund, but the decision  
146 filed by any court of last review modifying that  
147 determination shall be binding on the parties, and the  
148 decision rendered shall be complied with by the party  
149 affected by any modification within ninety days of the date  
150 of such decision. No taxpayer shall receive any interest on  
151 any additional award of refund, and the collector shall not  
152 receive any interest on any ordered return of refund in  
153 whole or in part. **In the event that a taxpayer is entitled**  
154 **to a refund, the collector shall issue the refund to the**  
155 **taxpayer within thirty days of the date that the circuit**  
156 **court's or state tax commission's determination establishing**  
157 **the amount of the refund becomes final, and if the collector**  
158 **does not issue the refund within thirty days, the taxpayer**  
159 **shall be entitled to interest on the refund at the rate**  
160 **established by the director of revenue under section 32.065**  
161 **for the period of time after the expiration of the thirty**  
162 **days and until the refund is issued, in addition to all**  
163 **other interest due to the taxpayer under this section.**

✓