

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 40

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES NIEVES (Sponsor), RUESTMAN, DUSENBERG, BIVINS,  
GATSCHENBERGER, JONES (89) AND DIEHL (Co-sponsors).

2459L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of real property.

---

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2010, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article X of the Constitution of the state of  
5 Missouri:

Section A. Sections 3 and 4(b), article X, Constitution of Missouri, is repealed and two  
2 new sections adopted in lieu thereof, to be known as sections 3 and 4(b), to read as follows:

Section 3. Taxes may be levied and collected for public purposes only, and, **except as**  
2 **otherwise provided in this constitution**, shall be uniform upon the same class or subclass of  
3 subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and  
4 collected by general laws and shall be payable during the fiscal or calendar year in which the  
5 property is assessed. Except as otherwise provided in this constitution, the methods of  
6 determining the value of property for taxation shall be fixed by law.

Section 4(b). **Except as otherwise provided in this section**, property in classes 1 and  
2 2 and subclasses of those classes, shall be assessed for tax purposes at its value or such  
3 percentage of its value as may be fixed by law for each class and for each subclass. **The**  
4 **assessed valuation of real property in class 1 shall not increase annually by a percentage**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 greater than the lesser of the percentage increase in the consumer price index for the  
6 Midwest Region or two percent due to reassessment, except for increases due to new  
7 construction and improvement, for years in which such property is not subject to a transfer  
8 of title. After a title transfer occurs, the assessed value of such transferred residential real  
9 property shall be determined based upon a reassessment of such property's value for the  
10 year of such transfer. The general assembly may, by law, delineate what constitutes a  
11 transfer of title. Property in class 3 and its subclasses shall be taxed only to the extent  
12 authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on  
13 the annual yield and shall not exceed eight percent thereof. Property in class 1 shall be  
14 subclassed in the following classifications:

- 15 (1) Residential property;
- 16 (2) Agricultural and horticultural property;
- 17 (3) Utility, industrial, commercial, railroad, and all other property not included in  
18 subclasses (1) and (2) of class 1. Property in the subclasses of class 1 may be defined by law,  
19 however subclasses (1), (2), and (3) shall not be further divided, provided, land in subclass (2)  
20 may by general law be assessed for tax purposes on its productive capability. The same  
21 percentage of value shall be applied to all properties within any subclass. No classes or subclass  
22 shall have a percentage of its true value in money in excess of thirty-three and one-third percent.

✓