

FIRST REGULAR SESSION

HOUSE BILL NO. 136

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSMER.

Pre-filed December 14, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0252L.011

AN ACT

To repeal sections 137.100 and 137.115, RSMo 2000, relating to real property, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

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

Section A. Sections 137.100 and 137.115, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 137.100 and 137.115, to read as follows:

137.100. 1. The following subjects are exempt from taxation for state, county or local
2 purposes:

3 (1) Lands and other property belonging to this state;

4 (2) Lands and other property belonging to any city, county or other political subdivision
5 in this state, including market houses, town halls and other public structures, with their furniture
6 and equipments, and on public squares and lots kept open for health, use or ornament;

7 (3) Nonprofit cemeteries;

8 (4) The real estate and tangible personal property which is used exclusively for
9 agricultural or horticultural societies organized in this state, including not for profit agribusiness
10 associations;

11 (5) All property, real and personal, actually and regularly used exclusively for religious
12 worship, for schools and colleges, or for purposes purely charitable and not held for private or
13 corporate profit, except that the exemption herein granted does not include real property not
14 actually used or occupied for the purpose of the organization but held or used as investment even
15 though the income or rentals received therefrom is used wholly for religious, educational or
16 charitable purposes;

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

17 (6) Household goods, furniture, wearing apparel and articles of personal use and
18 adornment, as defined by the state tax commission, owned and used by a person in [his] **such**
19 **person's** home or dwelling place.

20 **2. If an organization which is exempt from taxation pursuant to this section**
21 **purchases real property, then such real property shall not be exempt from taxation until**
22 **such time as the property is used or occupied by the organization for the purposes for**
23 **which such organization is exempt.**

24 **3. The county assessor shall, prior to an assessment of real property made pursuant**
25 **to section 137.115, distribute a questionnaire provided or designed by the state tax**
26 **commission to all organizations which have been exempted from tax pursuant to**
27 **subdivisions (3), (4) and (5) of subsection 1 of this section during a prior assessment, which**
28 **will assist in determining whether the real property of the organization shall be exempt**
29 **pursuant to this section. The questionnaire shall, when completed, be forwarded to the**
30 **county assessor.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the city of St. Louis shall [annually] make a
3 **quadrennial** list of all real **property** and **an annual list of all** tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of
5 this section, the assessor shall annually assess all personal property at thirty-three and one-third
6 percent of its true value in money as of January first of each calendar year. The assessor shall
7 [annually] assess all real property, including any new construction and improvements to real
8 property, and possessory interests in real property at the percent of its true value in money set in
9 subsection 5 of this section. The assessor shall [annually] assess all real property in the
10 following manner: new assessed values shall be determined as of January first of [each
11 odd-numbered year] **every fourth** year and shall be entered in the assessor's books; those same
12 assessed values shall apply in the following [even-numbered year] **three years**, except for new
13 construction and property improvements which shall be valued as though they had been
14 completed as of January first of the [preceding odd-numbered] year **in which the assessor has**
15 **made the most recent determination of newly assessed values.** The assessor may call at the
16 office, place of doing business, or residence of each person required by this chapter to list
17 property, and require the person to make a correct statement of all taxable real property in the
18 county owned by the person, or under his or her care, charge or management, and all taxable
19 tangible personal property owned by the person or under his or her care, charge or management,
20 taxable in the county. On or before January first of [each even-numbered year] **the first year**
21 **of the four-year period in which the newly assessed values apply,** the assessor shall prepare
22 and submit a [two-year] **four-year** assessment maintenance plan to the county governing body

23 and the state tax commission for their respective approval or modification. The county
24 governing body shall approve and forward such plan or its alternative to the plan to the state tax
25 commission by February first. If the county governing body fails to forward the plan or its
26 alternative to the plan to the state tax commission by February first, the assessor's plan shall be
27 considered approved by the county governing body. If the state tax commission fails to approve
28 a plan and if the state tax commission and the assessor and the governing body of the county
29 involved are unable to resolve the differences, in order to receive state cost-share funds outlined
30 in section 137.750, the county or the assessor shall petition the administrative hearing
31 commission, by May first, to decide all matters in dispute regarding the assessment maintenance
32 plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with
33 mediation or arbitration upon terms agreed to by the parties. The final decision of the
34 administrative hearing commission shall be subject to judicial review in the circuit court of the
35 county involved. In the event a valuation of subclass (1) real property within any county of the
36 first classification with a charter form of government, or within a city not within a county, is
37 made by a computer, computer-assisted method or a computer program, the burden of proof,
38 supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the
39 assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there
40 shall be a presumption that the assessment was made by a computer, computer-assisted method
41 or a computer program. Such evidence shall include, but shall not be limited to, the following:

42 (1) The findings of the assessor based on an appraisal of the property by generally
43 accepted appraisal techniques; and

44 (2) The purchase prices from sales of at least three comparable properties and the address
45 or location thereof. As used in this paragraph, the word "comparable" means that:

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

47 (b) Such properties are not more than [one] **one-half** mile from the site of the disputed
48 property, except where no similar properties exist within [one] **one-half** mile of the disputed
49 property, the nearest comparable property shall be used. Such property shall be within [five] **two**
50 hundred square feet in size of the disputed property, and **closely** resemble the disputed property
51 in age, floor plan, number of rooms, and other relevant characteristics.

52 2. Assessors in each county of this state and the city of St. Louis may send personal
53 property assessment forms through the mail.

54 3. The following items of personal property shall each constitute separate subclasses of
55 tangible personal property and shall be assessed and valued for the purposes of taxation at the
56 following percents of their true value in money:

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

- 59 (2) Livestock, twelve percent;
- 60 (3) Farm machinery, twelve percent;
- 61 (4) Motor vehicles which are eligible for registration as and are registered as historic
- 62 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five
- 63 years old and which are used solely for noncommercial purposes and are operated less than fifty
- 64 hours per year or aircraft that are home built from a kit, five percent;
- 65 (5) Poultry, twelve percent; and
- 66 (6) Tools and equipment used for pollution control and tools and equipment used in
- 67 retooling for the purpose of introducing new product lines or used for making improvements to
- 68 existing products by any company which is located in a state enterprise zone and which is
- 69 identified by any standard industrial classification number cited in subdivision (6) of section
- 70 135.200, RSMo, twenty-five percent.
- 71 4. The person listing the property shall enter a true and correct statement of the property,
- 72 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
- 73 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
- 74 to the assessor.
- 75 5. All subclasses of real property, as such subclasses are established in section 4(b) of
- 76 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
- 77 following percentages of true value:
- 78 (1) For real property in subclass (1), nineteen percent;
- 79 (2) For real property in subclass (2), twelve percent; and
- 80 (3) For real property in subclass (3), thirty-two percent.
- 81 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used
- 82 as dwelling units shall be assessed at the same percentage of true value as residential real
- 83 property for the purpose of taxation. The percentage of assessment of true value for such
- 84 manufactured homes shall be the same as for residential real property. If the county collector
- 85 cannot identify or find the manufactured home when attempting to attach the manufactured home
- 86 for payment of taxes owed by the manufactured home owner, the county collector may request
- 87 the county commission to have the manufactured home removed from the tax books, and such
- 88 request shall be granted within thirty days after the request is made; however, the removal from
- 89 the tax books does not remove the tax lien on the manufactured home if it is later identified or
- 90 found. A manufactured home located in a manufactured home rental park, rental community or
- 91 on real estate not owned by the manufactured home owner shall be considered personal property.
- 92 A manufactured home located on real estate owned by the manufactured home owner may be
- 93 considered real property.
- 94 7. Each manufactured home assessed shall be considered a parcel for the purpose of

95 reimbursement pursuant to section 137.750, unless the manufactured home has been converted
96 to real property in compliance with section 700.111, RSMo, and assessed as a realty
97 improvement to the existing real estate parcel.

98 8. Any amount of tax due and owing based on the assessment of a manufactured home
99 shall be included on the personal property tax statement of the manufactured home owner unless
100 the manufactured home has been converted to real property in compliance with section 700.111,
101 RSMo, in which case the amount of tax due and owing on the assessment of the manufactured
102 home as a realty improvement to the existing real estate parcel shall be included on the real
103 property tax statement of the real estate owner.

104 9. The assessor of each county and each city not within a county shall use the trade-in
105 value published in the October issue of the National Automobile Dealers' Association Official
106 Used Car Guide, or its successor publication, as the recommended guide of information for
107 determining the true value of motor vehicles described in such publication. In the absence of a
108 listing for a particular motor vehicle in such publication, the assessor shall use such information
109 or publications which in the assessor's judgment will fairly estimate the true value in money of
110 the motor vehicle.

111 10. If the assessor increases the assessed valuation of any parcel of subclass (1) real
112 property by more than seventeen percent since the last assessment, excluding increases due to
113 new construction or improvements, then the assessor shall conduct a physical inspection of such
114 property.

Section B. Section A of this act shall become effective on January 1, 2002, and apply to
2 all taxable years beginning after December 31, 2001.