

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1576
91ST GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, April 18, 2002, with recommendation that the House Committee Substitute for House Bill No. 1576 Do Pass.

TED WEDEL, Chief Clerk

3552L.03C

AN ACT

To repeal sections 137.073, 137.115, 138.060, and 138.100, RSMo, and to enact in lieu thereof six new sections relating to the assessment and levy of property taxes.

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

Section A. Sections 137.073, 137.115, 138.060, and 138.100, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 137.073, 137.115, 137.121,
3 137.122, 138.060, and 138.100, to read as follows:

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

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

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

9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021,
13 RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980

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

15 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is
16 approved by voters of the political subdivision as provided in this section;

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property **which shall be**
19 **included in the commercial and industrial levy calculation**, in the immediately preceding
20 fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the
21 fiscal year and plus an additional allowance for the revenue which would have been collected
22 from property which was annexed by such political subdivision but which was not previously
23 used in determining tax revenue pursuant to this section. The term "tax revenue" shall not
24 include any receipts from ad valorem levies on any property of a railroad corporation or a public
25 utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor
26 of a county or city in the previous year but are assessed by the state tax commission in the current
27 year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo,
28 shall include in the calculation of tax revenue an amount equivalent to that by which they
29 reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section
30 164.013, RSMo, in the immediately preceding fiscal year but not including any amount
31 calculated to adjust for prior years. For purposes of political subdivisions which were authorized
32 to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term
33 "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the
34 revenues equal to the amount that would have been available if the voluntary rate reduction had
35 not been made.

36 2. Whenever changes in assessed valuation are entered in the assessor's books **for any**
37 **subclass of real property as such subclasses are established in section 4(b) of article X of**
38 **the Missouri Constitution and defined in section 137.016**, the county clerk in all counties and
39 the assessor of St. Louis City shall notify each political subdivision wholly or partially within
40 the county or St. Louis City of the change in valuation **of each subclass of real property,**
41 **individually, and personal property, in the aggregate**, exclusive of new construction and
42 improvements. All political subdivisions shall immediately revise the **applicable** rates of levy
43 for each [purpose] **subclass of real property, individually, and personal property, in the**
44 **aggregate**, for which taxes are levied to the extent necessary to produce from all taxable
45 property, exclusive of new construction and improvements, substantially the same amount of tax
46 revenue as was produced in the previous year **for each subclass of real property, individually,**
47 **and personal property, in the aggregate**, except that the rate may not exceed the greater of the
48 rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section
49 22 of article X of the constitution, a political subdivision may also revise each levy to allow for
50 inflationary assessment growth occurring within the political subdivision. The inflationary

51 growth factor shall be limited to the actual assessment growth within the political subdivision,
52 exclusive of new construction and improvements, but not to exceed the consumer price index
53 or five percent, whichever is lower.

54 3. (1) Where the taxing authority is a school district, it shall be required to revise the
55 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
56 railroad and utility property, which shall be separately estimated in addition to other data
57 required in complying with section 164.011, RSMo, substantially the amount of tax revenue
58 permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be
59 adjusted to offset such district's reduction in the apportionment of state school moneys due to its
60 reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling
61 pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility
62 valuation or loss of state aid, discovers that the estimates used result in receipt of excess
63 revenues, which would have required a lower rate if the actual information had been known, the
64 school district shall reduce the tax rate ceiling in the following year to compensate for the excess
65 receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

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

70 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
71 taxes to compensate for the reduction in assessed value occurring after the political subdivision
72 calculated the tax rate ceiling **for the particular subclass of real property or for personal**
73 **property, in the aggregate**, in the prior year. Such revision by the political subdivision shall
74 be made at the time of the next calculation of the tax rate **for the particular subclass of real**
75 **property or for personal property, in the aggregate**, after the reduction in assessed valuation
76 has been determined and shall be calculated in a manner that results in the revised tax rate ceiling
77 being the same as it would have been had the corrected or finalized assessment been available
78 at the time of the prior calculation;

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

84 4. (1) In order to implement the provisions of this section and section 22 of article X of
85 the Constitution of Missouri, the term "improvements" shall apply to both real and personal
86 property. In order to determine the value of new construction and improvements, each county

87 assessor shall maintain a record of real property valuations in such a manner as to identify each
88 year the increase in valuation for each political subdivision in the county as a result of new
89 construction and improvements. The value of new construction and improvements shall include
90 the additional assessed value of all improvements or additions to real property which were begun
91 after and were not part of the prior year's assessment, except that the additional assessed value
92 of all improvements or additions to real property which had been totally or partially exempt from
93 ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255,
94 RSMo, and section 353.110, RSMo, shall be included in the value of new construction and
95 improvements when the property becomes totally or partially subject to assessment and payment
96 of all ad valorem taxes. The aggregate increase in valuation of personal property for the current
97 year over that of the previous year is the equivalent of the new construction and improvements
98 factor for personal property. The assessor shall certify the amount of new construction and
99 improvements for each political subdivision to the county clerk in order that political
100 subdivisions shall have this information for the purpose of calculating tax rates pursuant to this
101 section and section 22, article X, Constitution of Missouri. In addition, the state tax commission
102 shall certify each year to each county clerk the increase in the general price level as measured by
103 the Consumer Price Index for All Urban Consumers for the United States, or its successor
104 publications, as defined and officially reported by the United States Department of Labor, or its
105 successor agency. The state tax commission shall certify the increase in such index on the latest
106 twelve-month basis available on June first of each year over the immediately preceding prior
107 twelve-month period in order that political subdivisions shall have this information available in
108 setting their tax rates according to law and section 22 of article X of the Constitution of Missouri.
109 For purposes of implementing the provisions of this section and section 22 of article X of the
110 Missouri Constitution, the term "property" means all taxable property, including state assessed
111 property.

112 (2) Each political subdivision required to revise rates of levy pursuant to this section or
113 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
114 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
115 provided in this section and section 22 of article X of the Constitution of Missouri, separately
116 and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section
117 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using
118 the calculation that produces the lowest tax rate ceiling. It is further the intent of the general
119 assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri,
120 that the provisions of such section be applicable to tax rate revisions mandated pursuant to
121 section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in
122 subsequent years, enforcement provisions, and other provisions not in conflict with section 22

123 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section
124 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established
125 pursuant to this section and section 22 of article X of the Constitution of Missouri, unless
126 otherwise provided by law.

127 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
128 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
129 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
130 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
131 increase must receive approval by at least the majority required.

132 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
133 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
134 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
135 for approval rather than describing the amount of increase in the question, the stated tax rate
136 approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be
137 applied to the total assessed valuation of the political subdivision at the setting of the next tax
138 rate.

139 (3) The governing body of any political subdivision may levy a tax rate lower than its
140 tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling
141 without voter approval **if approved by the majority of the governing body at a public**
142 **meeting.**

143 6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of
144 the county commission in the county or counties where the tax rate applies of its tax rate ceiling
145 and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction
146 equal to the nearest [one/one hundredth] **one/ten thousandth** of a cent. A taxing authority shall
147 round up a fraction greater than or equal to five/one **hundred** thousandth of one cent to the next
148 higher [one/one hundredth] **one/ten thousandth** of a cent. Any taxing authority levying a
149 property tax rate shall provide data, in such form as shall be prescribed by the state auditor by
150 rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority
151 proposing to levy a tax rate for debt service shall provide data, in such form as shall be
152 prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with
153 Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid
154 if, after making the payment for which the tax was levied, bonds remain outstanding and the debt
155 fund reserves do not exceed the following year's payments. The county clerk shall keep on file
156 and available for public inspection all such information for a period of three years. The clerk
157 shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate
158 ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor

159 shall, within fifteen days of the date of receipt, examine such information and return to the
160 county clerk his or her findings as to compliance of the tax rate ceiling with this section and as
161 to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor
162 believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the
163 state auditor's findings shall include a recalculated tax rate, and the state auditor may request a
164 taxing authority to submit documentation supporting such taxing authority's proposed tax rate.
165 The county clerk shall immediately forward a copy of the auditor's findings to the taxing
166 authority and shall file a copy of the findings with the information received from the taxing
167 authority. The taxing authority shall have fifteen days from the date of receipt from the county
168 clerk of the state auditor's findings and any request for supporting documentation to accept or
169 reject in writing the rate change certified by the state auditor and to submit all requested
170 information to the state auditor. A copy of the taxing authority's acceptance or rejection and any
171 information submitted to the state auditor shall also be mailed to the county clerk. If a taxing
172 authority rejects a rate change certified by the state auditor and the state auditor does not receive
173 supporting information which justifies the taxing authority's original or any subsequent proposed
174 tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the
175 attorney general's office and the attorney general is authorized to obtain injunctive relief to
176 prevent the taxing authority from levying a violative tax rate.

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

179 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied
180 with the provisions of this section, the taxpayer may make a formal complaint with the
181 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within
182 ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this
183 section and institute an action as representative of a class of all taxpayers within a taxing
184 authority if the class is so numerous that joinder of all members is impracticable, if there are
185 questions of law or fact common to the class, if the claims or defenses of the representative
186 parties are typical of the claims or defenses of the class, and if the representative parties will
187 fairly and adequately protect the interests of the class. In any class action maintained pursuant
188 to this section, the court may direct to the members of the class a notice to be published at least
189 once each week for four consecutive weeks in a newspaper of general circulation published in
190 the county where the civil action is commenced and in other counties within the jurisdiction of
191 a taxing authority. The notice shall advise each member that the court will exclude him or her
192 from the class if he or she so requests by a specified date, that the judgment, whether favorable
193 or not, will include all members who do not request exclusion, and that any member who does
194 not request exclusion may, if he or she desires, enter an appearance. In any class action brought

195 pursuant to this section, the court, in addition to the relief requested, shall assess against the
196 taxing authority found to be in violation of this section the reasonable costs of bringing the
197 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
198 attorney or association of attorneys who receive public funds from any source for their services.
199 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
200 the cause is at issue.

201 9. If in any action, including a class action, the court issues an order requiring a taxing
202 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
203 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
204 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
205 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031,
206 RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the
207 original levy and the amount produced by the revised levy. The township or county collector of
208 taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid.
209 The taxing authority refusing to revise the rate of levy as provided in this section shall make
210 available to the collector all funds necessary to make refunds pursuant to this subsection. No
211 taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this
212 subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require
213 a taxing authority to refund any tax erroneously paid prior to or during the third tax year
214 preceding the current tax year.

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

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 list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess
5 all personal property at thirty-three and one-third percent of its true value in money as of January
6 first of each calendar year. The assessor shall annually assess all real property, including any
7 new construction and improvements to real property, and possessory interests in real property
8 at the percent of its true value in money set in subsection 5 of this section. The assessor shall
9 annually assess all real property in the following manner: new assessed values shall be
10 determined as of January first of each odd-numbered year and shall be entered in the assessor's

11 books; those same assessed values shall apply in the following even-numbered year, except for
12 new construction and property improvements which shall be valued as though they had been
13 completed as of January first of the preceding odd-numbered year. The assessor may call at the
14 office, place of doing business, or residence of each person required by this chapter to list
15 property, and require the person to make a correct statement of all taxable real property in the
16 county owned by the person, or under his or her care, charge or management, and all taxable
17 tangible personal property owned by the person or under his or her care, charge or management,
18 taxable in the county. On or before January first of each even-numbered year, the assessor shall
19 prepare and submit a two-year assessment maintenance plan to the county governing body and
20 the state tax commission for their respective approval or modification. The county governing
21 body shall approve and forward such plan or its alternative to the plan to the state tax
22 commission by February first. If the county governing body fails to forward the plan or its
23 alternative to the plan to the state tax commission by February first, the assessor's plan shall be
24 considered approved by the county governing body. If the state tax commission fails to approve
25 a plan and if the state tax commission and the assessor and the governing body of the county
26 involved are unable to resolve the differences, in order to receive state cost-share funds outlined
27 in section 137.750, the county or the assessor shall petition the administrative hearing
28 commission, by May first, to decide all matters in dispute regarding the assessment maintenance
29 plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with
30 mediation or arbitration upon terms agreed to by the parties. The final decision of the
31 administrative hearing commission shall be subject to judicial review in the circuit court of the
32 county involved. In the event a valuation of subclass (1) real property within any county of the
33 first classification with a charter form of government, or within a city not within a county, is
34 made by a computer, computer-assisted method or a computer program, the burden of proof,
35 supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the
36 assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there
37 shall be a presumption that the assessment was made by a computer, computer-assisted method
38 or a computer program. Such evidence shall include, but shall not be limited to, the following:

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

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

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

44 (b) Such properties are not more than one mile from the site of the disputed property,
45 except where no similar properties exist within one mile of the disputed property, the nearest
46 comparable property shall be used. Such property shall be within five hundred square feet in size

47 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
48 and other relevant characteristics.

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

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

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

56 (2) Livestock, twelve percent;

57 (3) Farm machinery, twelve percent;

58 (4) Motor vehicles which are eligible for registration as and are registered as historic
59 motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five
60 years old and which are used solely for noncommercial purposes and are operated less than fifty
61 hours per year or aircraft that are home built from a kit, five percent;

62 (5) Poultry, twelve percent; and

63 (6) Tools and equipment used for pollution control and tools and equipment used in
64 retooling for the purpose of introducing new product lines or used for making improvements to
65 existing products by any company which is located in a state enterprise zone and which is
66 identified by any standard industrial classification number cited in subdivision (6) of section
67 135.200, RSMo, twenty-five percent.

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

72 5. All subclasses of real property, as such subclasses are established in section 4(b) of
73 article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
74 following percentages of true value:

75 (1) For real property in subclass (1), nineteen percent;

76 (2) For real property in subclass (2), twelve percent; and

77 (3) For real property in subclass (3), thirty-two percent.

78 6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used
79 as dwelling units shall be assessed at the same percentage of true value as residential real
80 property for the purpose of taxation. The percentage of assessment of true value for such
81 manufactured homes shall be the same as for residential real property. If the county collector
82 cannot identify or find the manufactured home when attempting to attach the manufactured home

83 for payment of taxes owed by the manufactured home owner, the county collector may request
84 the county commission to have the manufactured home removed from the tax books, and such
85 request shall be granted within thirty days after the request is made; however, the removal from
86 the tax books does not remove the tax lien on the manufactured home if it is later identified or
87 found. A manufactured home located in a manufactured home rental park, rental community or
88 on real estate not owned by the manufactured home owner shall be considered personal property.
89 A manufactured home located on real estate owned by the manufactured home owner may be
90 considered real property.

91 7. Each manufactured home assessed shall be considered a parcel for the purpose of
92 reimbursement pursuant to section 137.750, unless the manufactured home has been converted
93 to real property in compliance with section 700.111, RSMo, and assessed as a realty
94 improvement to the existing real estate parcel.

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

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

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

112 **11. A physical inspection, as required by subsection 10 of this section, shall include,**
113 **but not be limited to, an on-site personal observation and review of all exterior portions of**
114 **the land and any buildings and improvements to which the inspector has or may**
115 **reasonably and lawfully gain external access. Any inspection by the assessor or assessor's**
116 **staff that fails to comply with the aforementioned language, including "drive by**
117 **inspections", shall not be considered sufficient to constitute a physical inspection as**
118 **required by this section.**

119 **12. The assessor or assessor's staff making the inspection of the property shall leave**
120 **written notice of the physical inspection on the premises in such a place and manner that**
121 **the owner or occupant will easily discover it, and the date of the inspection shall be**
122 **recorded on the assessor's property record card for the property.**

123 **13. A county or city collector may accept credit cards as proper form of payment**
124 **of outstanding property tax due. No county or city collector may charge surcharge for**
125 **payment by credit card which exceeds the fee or surcharge charged by the credit card bank**
126 **for its service.**

137.121. 1. For purposes of determining the amount of state support for school
2 **districts, each school district shall calculate an average tax levy that combines the separate**
3 **levies for the particular subclasses of real property and for personal property into one tax**
4 **levy to be determined as follows:**

5 **(1) Multiply individually the assessed valuation of each subclass of real property**
6 **and personal property by each tax levy associated with the particular subclass of real**
7 **property and personal property;**

8 **(2) Add the total amount of revenue that would be produced in combination of each**
9 **particular subclass of real property and for personal property; and**

10 **(3) Divide the total amount of revenue that would be produced in combination of**
11 **each particular subclass of real property and for personal property by the total assessed**
12 **valuation of the school district.**

13 **2. The average tax levy as determined by this section shall be submitted to the**
14 **department of secondary and elementary education as required in section 162.821, RSMo,**
15 **and shall be used as the basis to determine the amount of state support for the individual**
16 **school district.**

137.122. The tax rate to be applied to the state-assessed railroad and utility
2 **property as provided in chapter 151, RSMo, shall be the tax rate as calculated for**
3 **commercial and industrial property.**

138.060. 1. The county board of equalization shall, in a summary way, determine all
2 **appeals from the valuation of property made by the assessor, and shall correct and adjust the**
3 **assessment accordingly. There shall be no presumption that the assessor's valuation is correct.**
4 **The assessor shall have the burden to prove that the assessor's valuation does not exceed**
5 **the true market value of the subject property. In the event a physical inspection of the**
6 **subject property is required by subsection 10 of section 137.115, RSMo, the assessor shall**
7 **have the burden to establish the manner in which the physical inspection was performed**
8 **and shall have the burden to prove that the physical inspection was performed in**
9 **accordance with section 137.115, RSMo. In the event the assessor fails to provide sufficient**

10 **evidence to establish that the physical inspection was performed in accordance with section**
11 **137.115, RSMo, the property owner shall prevail on the appeal as a matter of law.** At any
12 hearing before the state tax commission or a court of competent jurisdiction of an appeal of
13 assessment from a first class charter county or a city not within a county, the assessor shall not
14 advocate nor present evidence advocating a valuation higher than that value finally determined
15 by the assessor or the value determined by the board of equalization, whichever is higher, for that
16 assessment period.

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

138.100. 1. The following rules shall be observed by such county boards of equalization:

2 (1) They shall raise the valuation of all tracts or parcels of land and all tangible personal
3 property as in their opinion have been returned below their real value; but, after the board has
4 raised the valuation of such property, notice shall be given that said valuation of such property
5 has been increased and a hearing shall be granted; such notice shall be in writing and shall be
6 directed to the owner of the property or the person controlling the same, at his last address as
7 shown by the records in the assessor's office, and shall describe the property and the value
8 thereof as increased; such notice may be by personal service or by mail and if the address of such
9 person or persons is unknown, notice may be given by publication in two newspapers published
10 within the county; such notice shall be served, mailed or published at least five days prior to the
11 date on which said hearing shall be held at which objections, if any, may be made against said
12 increased assessment;

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

16 2. Such hearings shall end on the last Saturday of July of each year; provided, that the
17 estimated true value of personal property as shown on any itemized personal property return shall
18 not be conclusive on the assessor or prevent the assessor from increasing such valuation.
19 Provided further that said board of equalization shall meet thereafter at least once a month for
20 the purpose of hearing allegations of erroneous assessments, double assessments and clerical
21 errors, and upon satisfactory proof thereof shall correct such errors and certify the same to the
22 county clerk and county collector.

23 **3. The board of equalization in all first class charter counties shall provide the**

- 24 **taxpayer with written findings of fact and conclusions of law regarding any parcel of real**
25 **property which is the subject of a hearing before any board of equalization.**