

SECOND REGULAR SESSION

HOUSE BILL NO. 1358

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHEVE.

Pre-filed January 3, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2994L.011

AN ACT

To repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property taxation, with an effective date.

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

Section A. Section 137.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.115, to read as follows:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town, or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge, or management, and all taxable

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

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] **percentages** 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,
88 or on real estate not owned by the manufactured home owner shall be considered personal

89 property. A manufactured home located on real estate owned by the manufactured home owner
90 may be 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 percent since the last assessment, excluding increases due to
110 new construction or improvements, then the assessor shall conduct a physical inspection of such
111 property.

112 **11. A homestead exemption pursuant to article X, section 6(a) of the Missouri**
113 **Constitution shall be allowed for certain real property pursuant to this subsection.**

114 **(1) The assessed value of real property satisfying the following criteria shall not be**
115 **increased by the annual assessments made of real property by the assessor:**

116 **(a) The real property is owned by a person sixty-five years of age or older, or**
117 **jointly owned by persons all of whom are sixty-five years of age or older;**

118 **(b) The real property is used by the owner as the owner's principal residence, or,**
119 **when jointly owned, the property is used by all joint owners as their principal residence;**

120 **(c) Any owner of the real property has a Missouri adjusted gross income not in**
121 **excess of twenty-five thousand dollars on the most recently filed single income tax return**
122 **or not in excess of fifty thousand dollars on the most recently filed combined income tax**
123 **return; and**

124 **(d) The owner of the real property attests that the property shall, in the year for**

125 which the homestead exemption is requested, have no improvements or new construction
126 made to such property which have a value equal to fifteen percent or greater of the
127 property's market value prior to the improvements or new construction;

128 (2) The exemption shall be for that portion of the assessed valuation of the
129 homestead which exceeds the assessed valuation of the homestead in the year the owner
130 reaches sixty-five years of age or on the effective date of this section, whichever is later;

131 (3) An eligible property owner may file for such an exemption with the county
132 clerk, on a form provided by the state tax commission, by June first of the year preceding
133 the first year for which the exemption is to be made. The property owner filing the form
134 shall sign such form attesting to the truth of the information provided by such owner. If
135 the property for which the homestead exemption is sought has joint owners, then any such
136 joint owner may file for the exemption. When any joint owner has elected to file for an
137 exemption all other joint owners shall be bound by such election, and the other joint
138 owners shall not subsequently be eligible to file for an exemption for the jointly owned
139 property. No provision of this section shall be construed to deny the granting of an
140 exemption to property owned by married joint owners when only one of such owners is
141 eligible for the exemption. The applicant shall state on the request that all requirements
142 of subdivision (1) of this subsection are satisfied. The applicant shall file a copy of the
143 person's birth certificate or notarized affidavit with the county clerk to establish eligibility
144 for the exemption. The applicant shall also file as part of the request a copy of the
145 applicant's most recent Missouri income tax return. The applicant shall sign such request
146 attesting to the truth of the information provided. Once an exemption has been granted,
147 the property owners who filed for the exemption shall not be required to refile for any
148 succeeding year and the property shall remain exempted unless or until the property has
149 a new owner or pursuant to subdivision (6) of this subsection;

150 (4) The county clerk shall verify from the birth certificate or notarized affidavit
151 that the applicant is eligible for such exemption, and if the applicant is so eligible, the
152 county clerk shall notify the county assessor, county collector, and the state tax
153 commission. In addition, the county clerk shall annually deliver to each political
154 subdivision or other taxing jurisdiction which has levied ad valorem property taxes on the
155 properties for which exemptions are granted under this section a listing of each parcel of
156 real property for which the exemptions are granted;

157 (5) Any exemption granted pursuant to this subsection shall have no effect on the
158 tax levied for the blind pension fund, pursuant to section 38(b) of article III of the Missouri
159 Constitution, on the property for which the exemption is granted. The tax, however, shall
160 not be collected from the person granted the exemption but a payment in lieu of such tax

161 shall be made by the county within which such property lies. The county shall be
162 reimbursed pursuant to subdivision (6) of this subsection for any revenues lost due to this
163 subdivision; and

164 (6) Pursuant to the requirements of article X, sections 6(a) and 16 of the Missouri
165 Constitution, any taxing jurisdiction or political subdivision shall recover the loss of
166 revenue caused by this subsection from the state. The state tax commission shall certify
167 the commissioner of administration to issue vouchers to any such taxing jurisdiction or
168 political subdivision upon the availability of appropriations. Each calendar year beginning
169 in 2001 the state tax commission shall estimate the total loss of revenue to all taxing
170 jurisdictions and political subdivisions in the next succeeding year resulting from the
171 homestead exemptions granted in the current year. The state tax commission shall report
172 such estimate to the general assembly before February first of every year. If the general
173 assembly determines there will be insufficient total state revenues, as defined by section 17
174 of article X of the Missouri Constitution, for the taxing jurisdictions and political
175 subdivisions of the state to recover the estimated loss of revenue caused by the homestead
176 exemption, the general assembly may declare that there will be no homestead exemption
177 for the succeeding year.

Section B. Section A of this act shall become effective on January 1, 2003.