

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2381

AN ACT

To repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to mine property.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 137.115, RSMo, is repealed and one new  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

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

1 real property is on or lies within the ultimate airport boundary  
2 as shown by a federal airport layout plan, as defined by 14 CFR  
3 151.5, of a commercial airport having a FAR Part 139  
4 certification and owned by a political subdivision, shall be the  
5 otherwise applicable true value in money of any such possessory  
6 interest in real property, less the total dollar amount of costs  
7 paid by a party, other than the political subdivision, towards  
8 any new construction or improvements on such real property  
9 completed after January 1, 2008, and which are included in the  
10 above-mentioned possessory interest, regardless of the year in  
11 which such costs were incurred or whether such costs were  
12 considered in any prior year. The assessor shall annually assess  
13 all real property in the following manner: new assessed values  
14 shall be determined as of January first of each odd-numbered year  
15 and shall be entered in the assessor's books; those same assessed  
16 values shall apply in the following even-numbered year, except  
17 for new construction and property improvements which shall be  
18 valued as though they had been completed as of January first of  
19 the preceding odd-numbered year. The assessor may call at the  
20 office, place of doing business, or residence of each person  
21 required by this chapter to list property, and require the person  
22 to make a correct statement of all taxable tangible personal  
23 property owned by the person or under his or her care, charge or  
24 management, taxable in the county. On or before January first of  
25 each even-numbered year, the assessor shall prepare and submit a  
26 two-year assessment maintenance plan to the county governing body  
27 and the state tax commission for their respective approval or  
28 modification. The county governing body shall approve and

1 forward such plan or its alternative to the plan to the state tax  
2 commission by February first. If the county governing body fails  
3 to forward the plan or its alternative to the plan to the state  
4 tax commission by February first, the assessor's plan shall be  
5 considered approved by the county governing body. If the state  
6 tax commission fails to approve a plan and if the state tax  
7 commission and the assessor and the governing body of the county  
8 involved are unable to resolve the differences, in order to  
9 receive state cost-share funds outlined in section 137.750, the  
10 county or the assessor shall petition the administrative hearing  
11 commission, by May first, to decide all matters in dispute  
12 regarding the assessment maintenance plan. Upon agreement of the  
13 parties, the matter may be stayed while the parties proceed with  
14 mediation or arbitration upon terms agreed to by the parties.  
15 The final decision of the administrative hearing commission shall  
16 be subject to judicial review in the circuit court of the county  
17 involved. In the event a valuation of subclass (1) real property  
18 within any county with a charter form of government, or within a  
19 city not within a county, is made by a computer,  
20 computer-assisted method or a computer program, the burden of  
21 proof, supported by clear, convincing and cogent evidence to  
22 sustain such valuation, shall be on the assessor at any hearing  
23 or appeal. In any such county, unless the assessor proves  
24 otherwise, there shall be a presumption that the assessment was  
25 made by a computer, computer-assisted method or a computer  
26 program. Such evidence shall include, but shall not be limited  
27 to, the following:

- 28 (1) The findings of the assessor based on an appraisal of

1 the property by generally accepted appraisal techniques; and

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

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

7 (b) Such properties are not more than one mile from the  
8 site of the disputed property, except where no similar properties  
9 exist within one mile of the disputed property, the nearest  
10 comparable property shall be used. Such property shall be within  
11 five hundred square feet in size of the disputed property, and  
12 resemble the disputed property in age, floor plan, number of  
13 rooms, and other relevant characteristics.

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

17 3. The following items of personal property shall each  
18 constitute separate subclasses of tangible personal property and  
19 shall be assessed and valued for the purposes of taxation at the  
20 following percentages of their true value in money:

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

23 (2) Livestock, twelve percent;

24 (3) Farm machinery, twelve percent;

25 (4) Motor vehicles which are eligible for registration as  
26 and are registered as historic motor vehicles pursuant to section  
27 301.131 and aircraft which are at least twenty-five years old and  
28 which are used solely for noncommercial purposes and are operated

1 less than fifty hours per year or aircraft that are home built  
2 from a kit, five percent;

3 (5) Poultry, twelve percent; and

4 (6) Tools and equipment used for pollution control and  
5 tools and equipment used in retooling for the purpose of  
6 introducing new product lines or used for making improvements to  
7 existing products by any company which is located in a state  
8 enterprise zone and which is identified by any standard  
9 industrial classification number cited in subdivision [(6)] (5)  
10 of section 135.200, twenty-five percent.

11 4. The person listing the property shall enter a true and  
12 correct statement of the property, in a printed blank prepared  
13 for that purpose. The statement, after being filled out, shall  
14 be signed and either affirmed or sworn to as provided in section  
15 137.155. The list shall then be delivered to the assessor.

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

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

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

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

23 6. Manufactured homes, as defined in section 700.010, which  
24 are actually used as dwelling units shall be assessed at the same  
25 percentage of true value as residential real property for the  
26 purpose of taxation. The percentage of assessment of true value  
27 for such manufactured homes shall be the same as for residential  
28 real property. If the county collector cannot identify or find

1 the manufactured home when attempting to attach the manufactured  
2 home for payment of taxes owed by the manufactured home owner,  
3 the county collector may request the county commission to have  
4 the manufactured home removed from the tax books, and such  
5 request shall be granted within thirty days after the request is  
6 made; however, the removal from the tax books does not remove the  
7 tax lien on the manufactured home if it is later identified or  
8 found. For purposes of this section, a manufactured home located  
9 in a manufactured home rental park, rental community or on real  
10 estate not owned by the manufactured home owner shall be  
11 considered personal property. For purposes of this section, a  
12 manufactured home located on real estate owned by the  
13 manufactured home owner may be considered real property.

14 7. Each manufactured home assessed shall be considered a  
15 parcel for the purpose of reimbursement pursuant to section  
16 137.750, unless the manufactured home is real estate as defined  
17 in subsection 7 of section 442.015 and assessed as a realty  
18 improvement to the existing real estate parcel.

19 8. Any amount of tax due and owing based on the assessment  
20 of a manufactured home shall be included on the personal property  
21 tax statement of the manufactured home owner unless the  
22 manufactured home is real estate as defined in subsection 7 of  
23 section 442.015, in which case the amount of tax due and owing on  
24 the assessment of the manufactured home as a realty improvement  
25 to the existing real estate parcel shall be included on the real  
26 property tax statement of the real estate owner.

27 9. The assessor of each county and each city not within a  
28 county shall use the trade-in value published in the October

1 issue of the National Automobile Dealers' Association Official  
2 Used Car Guide, or its successor publication, as the recommended  
3 guide of information for determining the true value of motor  
4 vehicles described in such publication. The assessor shall not  
5 use a value that is greater than the average trade-in value in  
6 determining the true value of the motor vehicle without  
7 performing a physical inspection of the motor vehicle. For  
8 vehicles two years old or newer from a vehicle's model year, the  
9 assessor may use a value other than average without performing a  
10 physical inspection of the motor vehicle. In the absence of a  
11 listing for a particular motor vehicle in such publication, the  
12 assessor shall use such information or publications which in the  
13 assessor's judgment will fairly estimate the true value in money  
14 of the motor vehicle.

15 10. Before the assessor may increase the assessed valuation  
16 of any parcel of subclass (1) real property by more than fifteen  
17 percent since the last assessment, excluding increases due to new  
18 construction or improvements, the assessor shall conduct a  
19 physical inspection of such property.

20 11. If a physical inspection is required, pursuant to  
21 subsection 10 of this section, the assessor shall notify the  
22 property owner of that fact in writing and shall provide the  
23 owner clear written notice of the owner's rights relating to the  
24 physical inspection. If a physical inspection is required, the  
25 property owner may request that an interior inspection be  
26 performed during the physical inspection. The owner shall have  
27 no less than thirty days to notify the assessor of a request for  
28 an interior physical inspection.

1           12. A physical inspection, as required by subsection 10 of  
2 this section, shall include, but not be limited to, an on-site  
3 personal observation and review of all exterior portions of the  
4 land and any buildings and improvements to which the inspector  
5 has or may reasonably and lawfully gain external access, and  
6 shall include an observation and review of the interior of any  
7 buildings or improvements on the property upon the timely request  
8 of the owner pursuant to subsection 11 of this section. Mere  
9 observation of the property via a drive-by inspection or the like  
10 shall not be considered sufficient to constitute a physical  
11 inspection as required by this section.

12           13. The provisions of subsections 11 and 12 of this section  
13 shall only apply in any county with a charter form of government  
14 with more than one million inhabitants.

15           14. A county or city collector may accept credit cards as  
16 proper form of payment of outstanding property tax or license  
17 due. No county or city collector may charge surcharge for  
18 payment by credit card which exceeds the fee or surcharge charged  
19 by the credit card bank, processor, or issuer for its service. A  
20 county or city collector may accept payment by electronic  
21 transfers of funds in payment of any tax or license and charge  
22 the person making such payment a fee equal to the fee charged the  
23 county by the bank, processor, or issuer of such electronic  
24 payment.

25           15. Any county or city not within a county in this state  
26 may, by an affirmative vote of the governing body of such county,  
27 opt out of the provisions of this section and sections 137.073,  
28 138.060, and 138.100 as enacted by house bill no. 1150 of the



1 ninety-first general assembly, second regular session and section  
2 137.073 as modified by house committee substitute for senate  
3 substitute for senate committee substitute for senate bill no.  
4 960, ninety-second general assembly, second regular session, for  
5 the next year of the general reassessment, prior to January first  
6 of any year. No county or city not within a county shall  
7 exercise this opt-out provision after implementing the provisions  
8 of this section and sections 137.073, 138.060, and 138.100 as  
9 enacted by house bill no. 1150 of the ninety-first general  
10 assembly, second regular session and section 137.073 as modified  
11 by house committee substitute for senate substitute for senate  
12 committee substitute for senate bill no. 960, ninety-second  
13 general assembly, second regular session, in a year of general  
14 reassessment. For the purposes of applying the provisions of  
15 this subsection, a political subdivision contained within two or  
16 more counties where at least one of such counties has opted out  
17 and at least one of such counties has not opted out shall  
18 calculate a single tax rate as in effect prior to the enactment  
19 of house bill no. 1150 of the ninety-first general assembly,  
20 second regular session. A governing body of a city not within a  
21 county or a county that has opted out under the provisions of  
22 this subsection may choose to implement the provisions of this  
23 section and sections 137.073, 138.060, and 138.100 as enacted by  
24 house bill no. 1150 of the ninety-first general assembly, second  
25 regular session, and section 137.073 as modified by house  
26 committee substitute for senate substitute for senate committee  
27 substitute for senate bill no. 960, ninety-second general  
28 assembly, second regular session, for the next year of general

1 reassessment, by an affirmative vote of the governing body prior  
2 to December thirty-first of any year.

3 16. The governing body of any city of the third  
4 classification with more than twenty-six thousand three hundred  
5 but fewer than twenty-six thousand seven hundred inhabitants  
6 located in any county that has exercised its authority to opt out  
7 under subsection 15 of this section may levy separate and  
8 differing tax rates for real and personal property only if such  
9 city bills and collects its own property taxes or satisfies the  
10 entire cost of the billing and collection of such separate and  
11 differing tax rates. Such separate and differing rates shall not  
12 exceed such city's tax rate ceiling.

13 17. Any portion of real property that is not available as  
14 reserve for strip, surface, or coal mining for minerals for  
15 purposes of excavation for future use or sale to others that has  
16 not been bonded and permitted under chapter 444 shall be assessed  
17 based upon how the real property is currently being used. Any  
18 information provided to a county assessor, state tax commission,  
19 state agency, or political subdivision responsible for the  
20 administration of tax policies shall, in the performance of its  
21 duties, make available all books, records, and information  
22 requested, except such books, records, and information as are by  
23 law declared confidential in nature, including individually  
24 identifiable information regarding a specific taxpayer or  
25 taxpayer's mine property. For purposes of this subsection, "mine  
26 property" shall mean all real property that is in use or readily  
27 available as a reserve for strip, surface, or coal mining for  
28 minerals for purposes of excavation for current or future use or

1 sale to others that has been bonded and permitted under chapter  
2 444.