

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 13

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PORTWOOD (Sponsor) AND LEMBKE (Co-sponsor).

Read 1<sup>st</sup> time January 27, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0789L.011

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property exempt from taxation.

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*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 following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article X of the Constitution of the state of Missouri:

Section A. Section 6, article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 6, to read as follows:

Section 6. 1. All property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, shall be exempt from taxation; all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges,

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.

8 for purposes purely charitable, or for agricultural and horticultural societies may be exempted  
9 from taxation by general law. In addition to the above, household goods, furniture, wearing  
10 apparel and articles of personal use and adornment owned and used by a person in his home or  
11 dwelling place may be exempt from taxation by general law but any such law may provide for  
12 approximate restitution to the respective political subdivisions of revenues lost by reason of the  
13 exemption. All laws exempting from taxation property other than the property enumerated in  
14 this article, shall be void. The provisions of this section exempting certain personal property of  
15 manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments from  
16 taxation shall become effective, unless otherwise provided by law, in each county on January 1  
17 of the year in which that county completes its first general reassessment as defined by law.

18 2. All revenues lost because of the exemption of certain personal property of  
19 manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments shall  
20 be replaced to each taxing authority within a county from a countywide tax hereby imposed on  
21 all property in subclass 3 of class 1 in each county. For the year in which the exemption becomes  
22 effective, the county clerk shall calculate the total revenue lost by all taxing authorities in the  
23 county and extend upon all property in subclass 3 of class 1 within the county, a tax at the rate  
24 necessary to produce that amount. The rate of tax levied in each county according to this  
25 subsection [shall not be increased above the rate first imposed and will stand levied at that rate  
26 unless later reduced according to the provisions of subsection 3], **beginning in 2007, shall be**  
27 **adjusted in accordance with section 22 of this article and supporting statutes.** The county  
28 collector shall disburse the proceeds according to the revenue lost by each taxing authority  
29 because of the exemption of such property in that county. Restitution of the revenues lost by any  
30 taxing district contained in more than one county shall be from the several counties according  
31 to the revenue lost because of the exemption of property in each county. [Each year after the first  
32 year the replacement tax is imposed, the amount distributed to each taxing authority in a county  
33 shall be increased or decreased by an amount equal to the amount resulting from the change in  
34 that district's total assessed value of property in subclass 3 of class 1 at the countywide  
35 replacement tax rate.] In order to implement the provisions of this subsection, the limits set in  
36 section 11(b) of this article may be exceeded, without voter approval, if necessary to allow each  
37 county listed in section 11(b) to comply with this subsection.

38 3. [Any increase in the tax rate imposed pursuant to] **The levy established in** subsection  
39 2 of this section shall be decreased if such decrease is approved by a majority of the voters of the  
40 county voting on such decrease, **and any adjustments to the levy required by section 22 of**  
41 **this article made subsequent to the voters decreasing the levy shall be based upon the**  
42 **revenue generated by the voter-approved decreased levy in its initial year of**  
43 **implementation.** A decrease in the increased tax rate imposed under subsection 2 of this section

44 may be submitted to the voters of a county by the governing body thereof upon its own order,  
45 ordinance, or resolution and shall be submitted upon the petition of at least eight percent of the  
46 qualified voters who voted in the immediately preceding gubernatorial election.

47         4. As used in this section, the terms "revenues lost" and "lost revenues" shall mean that  
48 revenue which each taxing authority received from the imposition of a tangible personal property  
49 tax on all personal property held as industrial inventories, including raw materials, work in  
50 progress and finished work on hand, by manufacturers and refiners, and all personal property  
51 held as goods, wares, merchandise, stock in trade or inventory for resale by distributors,  
52 wholesalers, or retail merchants or establishments in the last full tax year immediately preceding  
53 the effective date of the exemption from taxation granted for such property under subsection 1  
54 of this section, and which was no longer received after such exemption became effective.