

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 44

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor), JACKSON, FISHER, KUESSNER, DAY, SCHAAF, CORCORAN, HARRIS (110), THRELKELD, WILSON (119), MEADOWS, MOORE, WRIGHT-JONES AND LAMPE (Co-sponsors).

Read 1st time January 17, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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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 exemption of certain personal property for active duty military personnel.

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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Section A. Section 6, article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 6, to read as follows: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, **no more than one motor vehicle held for the entire tax year by any resident of this state engaged in the performance of active duty in the military service of the United States who is absent from the state for more than two hundred seventy days during such tax year and which motor vehicle is not driven during the period**

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 **of absence**, and all personal property held as goods, wares, merchandise, stock in trade or  
9 inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be  
10 exempt from taxation; and all property, real and personal, not held for private or corporate profit  
11 and used exclusively for religious worship, for schools and colleges, for purposes purely  
12 charitable, or for agricultural and horticultural societies may be exempted from taxation by  
13 general law. In addition to the above, household goods, furniture, wearing apparel and articles  
14 of personal use and adornment owned and used by a person in his home or dwelling place may  
15 be exempt from taxation by general law but any such law may provide for approximate  
16 restitution to the respective political subdivisions of revenues lost by reason of the exemption.  
17 All laws exempting from taxation property other than the property enumerated in this article,  
18 shall be void. The provisions of this section exempting certain personal property of  
19 manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments from  
20 taxation shall become effective, unless otherwise provided by law, in each county on January 1  
21 of the year in which that county completes its first general reassessment as defined by law.

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

41       3. Any increase in the tax rate imposed pursuant to subsection 2 of this section shall be  
42 decreased if such decrease is approved by a majority of the voters of the county voting on such  
43 decrease. A decrease in the increased tax rate imposed under subsection 2 of this section may

44 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.

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