

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1392**  
**95TH GENERAL ASSEMBLY**

3042S.03T

2010

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**AN ACT**

To repeal sections 67.110, 138.431, and 321.250, RSMo, and to enact in lieu thereof three new sections relating to property taxes.

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

Section A. Sections 67.110, 138.431, and 321.250, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 67.110, 138.431, and 321.250, to read  
3 as follows:

67.110. 1. Each political subdivision in the state, except counties and any political  
2 subdivision located at least partially within any county with a charter form of government or any  
3 political subdivision located at least partially within any city not within a county, shall fix its ad  
4 valorem property tax rates as provided in this section not later than September first for entry in  
5 the tax books. Each political subdivision located, at least partially, within a county with a charter  
6 form of government or within a city not within a county shall fix its ad valorem property tax rates  
7 as provided in this section not later than October first for entry in the tax books for each calendar  
8 year after December 31, 2008. Before the governing body of each political subdivision of the  
9 state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget  
10 officer shall present to its governing body the following information for each tax rate to be  
11 levied: the assessed valuation by category of real, personal and other tangible property in the  
12 political subdivision as entered in the tax book for the fiscal year for which the tax is to be  
13 levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by  
14 category of real, personal and other tangible property in the political subdivisions for the  
15 preceding taxable year, the amount of revenue required to be provided from the property tax as

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.

16 set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to  
17 be set. Should any political subdivision whose taxes are collected by the county collector of  
18 revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under**  
19 **this section for such political subdivision**, then no tax rate other than the rate, if any, necessary  
20 to pay the interest and principal on any outstanding bonds shall be certified for that year.

21         2. The governing body shall hold at least one public hearing on the proposed rates of  
22 taxes at which citizens shall be heard prior to their approval. The governing body shall  
23 determine the time and place for such hearing. A notice stating the hour, date and place of the  
24 hearing shall be published in at least one newspaper qualified under the laws of the state of  
25 Missouri of general circulation in the county within which all or the largest portion of the  
26 political subdivision is situated, or such notice shall be posted in at least three public places  
27 within the political subdivision; except that, in any county of the first class having a charter form  
28 of government, such notice may be published in a newspaper of general circulation within the  
29 political subdivision even though such newspaper is not qualified under the laws of Missouri for  
30 other legal notices. Such notice shall be published or posted at least seven days prior to the date  
31 of the hearing. The notice shall include the assessed valuation by category of real, personal and  
32 other tangible property in the political subdivision for the fiscal year for which the tax is to be  
33 levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category  
34 of real, personal and other tangible property in the political subdivision for the preceding taxable  
35 year, for each rate to be levied the amount of revenue required to be provided from the property  
36 tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates  
37 proposed to be set for the various purposes of taxation. The tax rates shall be calculated to  
38 produce substantially the same revenues as required in the annual budget adopted as provided  
39 in this chapter. Following the hearing the governing body of each political subdivision shall fix  
40 the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at  
41 such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise  
42 available to the taxpayer. Nothing in this section absolves political subdivisions of  
43 responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed  
44 valuation occur that would alter the tax rate calculations.

45         3. Each political subdivision of the state shall fix its property tax rates in the manner  
46 provided in this section for each fiscal year which begins after December 31, 1976. New or  
47 increased tax rates for political subdivisions whose taxes are collected by the county collector  
48 approved by voters after September first of any year shall not be included in that year's tax levy  
49 except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

50         4. In addition to the information required under subsections 1 and 2 of this section, each  
51 political subdivision shall also include the increase in tax revenue due to an increase in assessed

52 value as a result of new construction and improvement and the increase, both in dollar value and  
53 percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.

138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission  
2 shall appoint one or more hearing officers. The hearing officers shall be subject to supervision  
3 by the commission. No person shall participate on behalf of the commission in any case in  
4 which such person is an interested party.

5 2. The commission may assign such appeals as it deems fit to a hearing officer for  
6 disposition.

7 **(1) The assignment shall be deemed made when the scheduling order is first issued**  
8 **by the commission and signed by the hearing officer assigned, unless another hearing**  
9 **officer is assigned to the case for disposition by other language in said order.**

10 **(2) A change of hearing officer, or a reservation of the appeal for disposition as**  
11 **described in subsection 3 of this section, shall be ordered by the commission in any appeal**  
12 **upon the timely filing of a written application by a party to disqualify the hearing officer**  
13 **assigned. The application shall be filed within thirty days from the assignment of any**  
14 **appeal to a hearing officer and need not allege or prove any cause for such change and**  
15 **need not be verified. No more than one change of hearing officer shall be allowed for each**  
16 **party in any appeal.**

17 **3.** The commission may, in its discretion, reserve such appeals as it deems fit to be heard  
18 and decided by the full commission, a quorum thereof, or any commissioner, subject to the  
19 provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial  
20 review in the manner provided in subsection 4 of section 138.470.

21 **[3.] 4.** The manner in which appeals shall be presented and the conduct of hearings shall  
22 be made in accordance with rules prescribed by the commission for determining the rights of the  
23 parties; provided that, the commission, with the consent of all the parties, may refer an appeal  
24 to mediation. The commission shall promulgate regulations for mediation pursuant to this  
25 section. No regulation or portion of a regulation promulgated pursuant to the authority of this  
26 section shall become effective unless it has been promulgated pursuant to the provisions of  
27 chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A  
28 full and complete record shall be kept of all proceedings. All testimony at any hearing shall be  
29 recorded but need not be transcribed unless the matter is further appealed.

30 **[4.] 5.** Unless an appeal is voluntarily dismissed, a hearing officer, after affording the  
31 parties reasonable opportunity for fair hearing, shall issue a decision and order affirming,  
32 modifying, or reversing the determination of the board of equalization, and correcting any  
33 assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may,  
34 prior to the decision being rendered, transfer to another hearing officer the proceedings on an

35 appeal determination before a hearing officer. The complainant, respondent-assessor, or other  
36 party shall be duly notified of a hearing officer's decision and order, together with findings of fact  
37 and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to  
38 section 138.432.

39 [5.] 6. All decisions issued pursuant to this section or section 138.432 by the  
40 commission or any of its duly assigned hearing officers shall be issued no later than sixty days  
41 after the hearing on the matter to be decided is held or the date on which the last party involved  
42 in such matter files his or her brief, whichever event later occurs.

321.250. On or before the [first day of September] **applicable date required under**  
2 **section 67.110** of each year, the board shall certify to the county commission of each county  
3 within which the district is located a rate of levy so fixed by the board as provided by law, with  
4 directions that at the time and in the manner required by law for levy of taxes for county purposes  
5 such county commissions shall levy a tax at the rate so fixed and determined upon the assessed  
6 valuation of all the taxable tangible property within the district, in addition to such other taxes  
7 as may be levied by such county commissions.

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