

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 660

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

1331H.01P

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal sections 32.310, 67.1521, 137.016, 137.073, 137.115, 238.225, 238.230, and 238.232, RSMo, and section 67.1421 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 67.1421 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof fourteen new sections relating to local taxation.

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

Section A. Sections 32.310, 67.1521, 137.016, 137.073, 137.115, 238.225, 238.230, and 238.232, RSMo, and section 67.1421 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 67.1421 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 32.310, 67.007, 67.1421, 67.1521, 115.240, 137.016, 137.067, 137.073, 137.115, 138.425, 139.035, 238.225, 238.230, and 238.232, to read as follows:

32.310. 1. The department of revenue shall create and maintain ~~[a]~~ mapping ~~[feature]~~ **features** on its official public website that ~~[displays]~~ **display** sales and use tax **and property tax** information of political subdivisions of this state that have taxing authority, including the current tax rate for each sales and use tax imposed and collected **and the current levies of each property tax district imposed and collected on a separate map.** ~~[Such]~~ **Each** display shall have the option to showcase the borders and jurisdiction of the following political subdivisions on a map of the state to the extent that such political subdivisions collect sales and use tax **or property tax**:

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.

9 (1) Ambulance districts;  
10 (2) Community improvement districts;  
11 (3) Fire protection districts;  
12 (4) Levee districts;  
13 (5) Library districts;  
14 (6) Neighborhood improvement districts;  
15 (7) Port authority districts;  
16 (8) Tax increment financing districts;  
17 (9) Transportation development districts;  
18 (10) School districts; or  
19 (11) Any other political subdivision that imposes a sales or use tax **or a property tax**  
20 within its borders and jurisdiction.

21 2. ~~[The]~~ **Each** mapping feature shall also have the option to superimpose state house  
22 of representative districts and state senate districts over the political subdivisions. **The base**  
23 **layer of each mapping feature shall be color-coded based on taxation rates.**

24 3. A political subdivision collecting sales or use tax **or property tax** listed in  
25 subsection 1 of this section shall provide to the department of revenue mapping and  
26 geographic data pertaining to the political subdivision's borders and jurisdictions. The  
27 political subdivision shall certify the accuracy of the data by affidavit and shall provide the  
28 data in a format specified by the department of revenue. Such data relating to sales taxes shall  
29 be sent to the department of revenue by April 1, 2019, and shall be updated and sent to the  
30 department if a change in the political subdivision's borders or jurisdiction occurs thereafter.  
31 Such data relating to use taxes shall be sent to the department of revenue by January 1, 2022.  
32 **Such data relating to property taxes shall be sent to the department of revenue by**  
33 **January 1, 2026.** If a political subdivision fails to provide the information required under  
34 this subsection, the department of revenue shall use the last known sales or use tax **or**  
35 **property tax** rate for such political subdivision.

36 4. The department of revenue may contract with another entity to build and maintain  
37 the mapping ~~[feature]~~ **features.**

38 5. By July 1, 2019, the department shall implement the mapping feature using the  
39 sales tax data provided to it under subsection 3 of this section. By July 1, 2022, the  
40 department shall implement the mapping feature using use tax data provided to it under  
41 subsection 3 of this section. **By July 1, 2026, the department shall implement the**  
42 **additional property tax mapping feature using property tax levy data from the most**  
43 **recent publication of the Missouri state auditor's report on property tax rates and any**  
44 **additional supplemental information provided to the department under subsection 3 of**  
45 **this section. The home page of the department's public website shall prominently**

46 **display links directing the public to each of the sales, use, and property tax mapping**  
47 **features.**

48         6. By July 1, 2022, the department shall update the mapping feature to include the  
49 total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax  
50 rate for combined rates of overlapping use taxes levied.

51         7. If the boundaries of a political subdivision listed in subsection 1 of this section in  
52 which a sales or use tax **or a property tax** has been imposed shall thereafter be changed or  
53 altered, the political subdivision shall forward to the director of revenue by United States  
54 registered mail or certified mail a certified copy of the ordinance adding or detaching territory  
55 from the political subdivision within ten days of adoption of the ordinance. The ordinance  
56 shall reflect the effective date of the ordinance and shall be accompanied by a map in a form  
57 to be determined by the director of revenue. Upon receipt of the ordinance and map, the tax  
58 imposed under the local sales tax law shall be effective in the added territory or abolished in  
59 the detached territory on the first day of a calendar quarter after one hundred twenty days'  
60 notice to sellers. **The department shall also use the most recent publication of the**  
61 **Missouri state auditor's report on property tax rates in order to update and maintain**  
62 **the property tax levy data each year.**

**67.007. 1. Notwithstanding any other provision of law to the contrary, beginning**  
2 **August 28, 2025, if any proposal by any political subdivision to impose a new tax**  
3 **authorized by a specific statute or to increase the rate of an existing tax authorized by a**  
4 **specific statute is submitted to and rejected by the voters of the political subdivision,**  
5 **such proposal shall not be resubmitted to the voters at any time during the two years**  
6 **immediately following the rejection of the proposal by the voters.**

7         **2. Notwithstanding the provisions of subsection 1 of this section to the contrary,**  
8 **a political subdivision may resubmit to the voters a previously rejected tax proposal**  
9 **sooner than the election cycle immediately following its rejection if the new proposal**  
10 **states a change.**

11         **3. Notwithstanding the provisions of subsection 1 of this section to the contrary,**  
12 **a political subdivision may resubmit to the voters a previously rejected tax proposal**  
13 **sooner than the election cycle immediately following its rejection if the new proposal**  
14 **imposes a new tax authorized by a specific statute or increases the rate of an existing tax**  
15 **authorized by a specific statute in a federal- or state-declared natural disaster area.**

2         ~~[67.1421. 1. Upon receipt of a proper petition filed with its municipal~~  
3 ~~clerk, the governing body of the municipality in which the proposed district is~~  
4 ~~located shall hold a public hearing in accordance with section 67.1431 and~~  
5 ~~may adopt an ordinance to establish the proposed district.~~

6         ~~2. A petition is proper if, based on the tax records of the county clerk,~~  
~~or the collector of revenue if the district is located in a city not within a county,~~

7 as of the time of filing the petition with the municipal clerk, it meets the  
8 following requirements:

9 (1) ~~It has been signed by property owners collectively owning more~~  
10 ~~than fifty percent by assessed value of the real property within the boundaries~~  
11 ~~of the proposed district;~~

12 (2) ~~It has been signed by more than fifty percent per capita of all~~  
13 ~~owners of real property within the boundaries of the proposed district; and~~

14 (3) ~~It contains the following information:~~

15 (a) ~~The legal description of the proposed district, including a map~~  
16 ~~illustrating the district boundaries;~~

17 (b) ~~The name of the proposed district;~~

18 (c) ~~A notice that the signatures of the signers may not be withdrawn~~  
19 ~~later than seven days after the petition is filed with the municipal clerk;~~

20 (d) ~~A five-year plan stating a description of the purposes of the~~  
21 ~~proposed district, the services it will provide, each improvement it will make~~  
22 ~~from the list of allowable improvements under section 67.1461, an estimate of~~  
23 ~~the costs of these services and improvements to be incurred, the anticipated~~  
24 ~~sources of funds to pay the costs, and the anticipated term of the sources of~~  
25 ~~funds to pay the costs;~~

26 (e) ~~A statement as to whether the district will be a political subdivision~~  
27 ~~or a not-for-profit corporation and if it is to be a not-for-profit corporation, the~~  
28 ~~name of the not-for-profit corporation;~~

29 (f) ~~If the district is to be a political subdivision, a statement as to~~  
30 ~~whether the district will be governed by a board elected by the district or~~  
31 ~~whether the board will be appointed by the municipality, and, if the board is to~~  
32 ~~be elected by the district, the names and terms of the initial board may be~~  
33 ~~stated;~~

34 (g) ~~If the district is to be a political subdivision, the number of~~  
35 ~~directors to serve on the board;~~

36 (h) ~~The total assessed value of all real property within the proposed~~  
37 ~~district;~~

38 (i) ~~A statement as to whether the petitioners are seeking a~~  
39 ~~determination that the proposed district, or any legally described portion~~  
40 ~~thereof, is a blighted area;~~

41 (j) ~~The proposed length of time for the existence of the district, which~~  
42 ~~in the case of districts established after August 28, 2021, shall not exceed~~  
43 ~~twenty-seven years from the adoption of the ordinance establishing the district~~  
44 ~~unless the municipality extends the length of time under section 67.1481;~~

45 (k) ~~The maximum rates of real property taxes, and, business license~~  
46 ~~taxes in the county seat of a county of the first classification without a charter~~  
47 ~~form of government containing a population of at least two hundred thousand,~~  
48 ~~that may be submitted to the qualified voters for approval;~~

49 (l) ~~The maximum rates of special assessments and respective methods~~  
50 ~~of assessment that may be proposed by petition;~~

51 (m) ~~The limitations, if any, on the borrowing capacity of the district;~~

52 (n) ~~The limitations, if any, on the revenue generation of the district;~~

53 (o) ~~Other limitations, if any, on the powers of the district;~~

54 (p) ~~A request that the district be established; and~~

55 ~~(q) Any other items the petitioners deem appropriate;~~  
 56 ~~(4) The signature block for each real property owner signing the~~  
 57 ~~petition shall be in substantially the following form and contain the following~~  
 58 ~~information:~~

59 Name of owner: \_\_\_\_\_

60 Owner's telephone number and mailing address: \_\_\_\_\_

61 If signer is different from owner:

62 Name of signer: \_\_\_\_\_

63 State basis of legal authority to sign: \_\_\_\_\_

64 Signer's telephone number and mailing address: \_\_\_\_\_

65 If the owner is an individual, state if owner is single or married: \_\_\_\_\_

66 If owner is not an individual, state what type of entity: \_\_\_\_\_

67 Map and parcel number and assessed value of each tract of real  
 68 property within the proposed district owned: \_\_\_\_\_

69 By executing this petition, the undersigned represents and warrants that  
 70 he or she is authorized to execute this petition on behalf of the property  
 71 owner named immediately above

72 \_\_\_\_\_

\_\_\_\_\_

73 \_\_\_\_\_

\_\_\_\_\_

74 Signature of person  
 75 signing for owner

Date

76 STATE OF MISSOURI )

77 ) ss.

78 COUNTY OF \_\_\_\_\_ )

79 Before me personally appeared \_\_\_\_\_, to me personally known to be  
 80 the individual described in and who executed the foregoing instrument.

81 WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_  
 82 (month), \_\_\_\_\_ (year).

83 \_\_\_\_\_  
 84 Notary Public

85 My Commission Expires: \_\_\_\_\_; and

86 (5) Alternatively, the governing body of any home rule city with more  
 87 than four hundred thousand inhabitants and located in more than one county  
 88 may file a petition to initiate the process to establish a district in the portion of  
 89 the city located in any county of the first classification with more than two  
 90 hundred thousand but fewer than two hundred sixty thousand inhabitants  
 91 containing the information required in subdivision (3) of this subsection;  
 92 provided that the only funding methods for the services and improvements will  
 93 be a real property tax.

94 3. Upon receipt of a petition the municipal clerk shall, within a  
 95 reasonable time not to exceed ninety days after receipt of the petition, review

96 and determine whether the petition substantially complies with the  
97 requirements of subsection 2 of this section. In the event the municipal  
98 clerk receives a petition which does not meet the requirements of subsection 2  
99 of this section, the municipal clerk shall, within a reasonable time, return the  
100 petition to the submitting party by hand delivery, first class mail, postage  
101 prepaid or other efficient means of return and shall specify which requirements  
102 have not been met.

103 ~~4. After the close of the public hearing required pursuant to subsection~~  
104 ~~1 of this section, the governing body of the municipality may adopt an~~  
105 ~~ordinance approving the petition and establishing a district as set forth in the~~  
106 ~~petition and may determine, if requested in the petition, whether the district, or~~  
107 ~~any legally described portion thereof, constitutes a blighted area. If the~~  
108 ~~petition was filed by the governing body of a municipality pursuant to~~  
109 ~~subdivision (5) of subsection 2 of this section, after the close of the public~~  
110 ~~hearing required pursuant to subsection 1 of this section, the petition may be~~  
111 ~~approved by the governing body and an election shall be called pursuant to~~  
112 ~~section 67.1422.~~

113 ~~5. Amendments to a petition may be made which do not change the~~  
114 ~~proposed boundaries of the proposed district if an amended petition meeting~~  
115 ~~the requirements of subsection 2 of this section is filed with the municipal~~  
116 ~~clerk at the following times and the following requirements have been met:~~

117 ~~(1) At any time prior to the close of the public hearing required~~  
118 ~~pursuant to subsection 1 of this section; provided that, notice of the contents of~~  
119 ~~the amended petition is given at the public hearing;~~

120 ~~(2) At any time after the public hearing and prior to the adoption of an~~  
121 ~~ordinance establishing the proposed district; provided that, notice of the~~  
122 ~~amendments to the petition is given by publishing the notice in a newspaper of~~  
123 ~~general circulation within the municipality and by sending the notice via~~  
124 ~~registered certified United States mail with a return receipt attached to the~~  
125 ~~address of record of each owner of record of real property within the~~  
126 ~~boundaries of the proposed district per the tax records of the county clerk, or~~  
127 ~~the collector of revenue if the district is located in a city not within a county.~~  
128 ~~Such notice shall be published and mailed not less than ten days prior to the~~  
129 ~~adoption of the ordinance establishing the district. Such notice shall also be~~  
130 ~~sent to the Missouri department of revenue, which shall publish such notice on~~  
131 ~~its website;~~

132 ~~(3) At any time after the adoption of any ordinance establishing the~~  
133 ~~district a public hearing on the amended petition is held and notice of the~~  
134 ~~public hearing is given in the manner provided in section 67.1431 and the~~  
135 ~~governing body of the municipality in which the district is located adopts an~~  
136 ~~ordinance approving the amended petition after the public hearing is held.~~

137 ~~6. Upon the creation of a district, the municipal clerk shall report in~~  
138 ~~writing the creation of such district to the Missouri department of economic~~  
139 ~~development and the state auditor.~~

140 ~~7. (1) The governing body of the municipality or county establishing a~~  
141 ~~district or the governing body of such district shall, as soon as is practicable,~~  
142 ~~submit the following information to the state auditor and the department of~~  
143 ~~revenue:~~

144 ~~(a) A description of the boundaries of such district as well as the rate~~  
145 ~~of property tax or sales tax levied in such district;~~  
146 ~~(b) Any amendments made to the boundaries of a district or the tax~~  
147 ~~rates levied in such district; and~~  
148 ~~(c) The date on which the district is to expire unless sooner terminated.~~  
149 ~~(2) The governing body of a community improvement district~~  
150 ~~established on or after August 28, 2022, shall not order any assessment to be~~  
151 ~~made on any real property located within a district and shall not levy any~~  
152 ~~property or sales tax until the information required by paragraph (a) of~~  
153 ~~subdivision (1) of this subsection has been submitted.]~~

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the  
2 governing body of the municipality in which the proposed district is located shall hold a  
3 public hearing in accordance with section 67.1431 and may adopt an ordinance to establish  
4 the proposed district, **provided that if the proposed funding mechanism for the proposed**  
5 **district includes a sales tax, such ordinance shall be adopted by at least a two-thirds**  
6 **majority vote.**

7 2. A petition is proper if, based on the tax records of the county clerk, or the collector  
8 of revenue if the district is located in a city not within a county, as of the time of filing the  
9 petition with the municipal clerk, it meets the following requirements:

10 (1) It has been signed by property owners collectively owning more than fifty percent  
11 by assessed value of the real property within the boundaries of the proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners of real  
13 property within the boundaries of the proposed district; and

14 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map illustrating the  
16 district boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later than seven  
19 days after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed district, the  
21 services it will provide, each improvement it will make from the list of allowable  
22 improvements under section 67.1461, an estimate of the costs of these services and  
23 improvements to be incurred, the anticipated sources of funds to pay the costs, and the  
24 anticipated term of the sources of funds to pay the costs;

25 (e) A statement as to whether the district will be a political subdivision or a not-for-  
26 profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit  
27 corporation;

28 (f) If the district is to be a political subdivision, a statement as to whether the district  
29 will be governed by a board elected by the district or whether the board will be appointed by  
30 the municipality, and, if the board is to be elected by the district, the names and terms of the  
31 initial board may be stated;

32 (g) If the district is to be a political subdivision, the number of directors to serve on  
33 the board;

34 (h) The total assessed value of all real property within the proposed district;

35 (i) A statement as to whether the petitioners are seeking a determination that the  
36 proposed district, or any legally described portion thereof, is a blighted area;

37 (j) The proposed length of time for the existence of the district, which in the case of  
38 districts established after August 28, 2021, shall not exceed twenty-seven years from the  
39 adoption of the ordinance establishing the district unless the municipality extends the length  
40 of time under section 67.1481;

41 (k) The maximum rates of real property taxes, and, business license taxes in the  
42 county seat of a county of the first classification without a charter form of government  
43 containing a population of at least two hundred thousand, that may be submitted to the  
44 qualified voters for approval;

45 (l) The maximum rates of special assessments and respective methods of assessment  
46 that may be proposed by petition;

47 (m) The limitations, if any, on the borrowing capacity of the district;

48 (n) The limitations, if any, on the revenue generation of the district;

49 (o) Other limitations, if any, on the powers of the district;

50 (p) A request that the district be established; and

51 (q) Any other items the petitioners deem appropriate;

52 (4) The signature block for each real property owner signing the petition shall be in  
53 substantially the following form and contain the following information:

54 Name of owner: \_\_\_\_\_

55 Owner's telephone number and mailing address: \_\_\_\_\_

56 If signer is different from owner:

57 Name of signer: \_\_\_\_\_

58 State basis of legal authority to sign: \_\_\_\_\_

59 Signer's telephone number and mailing address: \_\_\_\_\_

60 If the owner is an individual, state if owner is single or married: \_\_\_\_\_

61 If owner is not an individual, state what type of entity: \_\_\_\_\_

62 Map and parcel number and assessed value of each tract of real  
63 property within the proposed district owned: \_\_\_\_\_



By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above

\_\_\_\_\_  
Signature of person

\_\_\_\_\_  
Date

signing for owner

STATE OF MISSOURI )

) ss.

COUNTY OF \_\_\_\_\_ )

Before me personally appeared \_\_\_\_\_, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ ; and

(5) Alternatively, the governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may file a petition to initiate the process to establish a district in the portion of the city located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants containing the information required in subdivision (3) of this subsection; provided that the only funding methods for the services and improvements will be a real property tax.

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area. If the petition was filed by the governing body of a municipality pursuant to

100 subdivision (5) of subsection 2 of this section, after the close of the public hearing required  
101 pursuant to subsection 1 of this section, the petition may be approved by the governing body  
102 and an election shall be called pursuant to section 67.1422. **Any ordinance or petition**  
103 **approved under this subsection that establishes a district for which the proposed**  
104 **funding mechanism for the proposed district includes a sales tax shall be by at least a**  
105 **two-thirds majority vote.**

106 5. Amendments to a petition may be made which do not change the proposed  
107 boundaries of the proposed district if an amended petition meeting the requirements of  
108 subsection 2 of this section is filed with the municipal clerk at the following times and the  
109 following requirements have been met:

110 (1) At any time prior to the close of the public hearing required pursuant to subsection  
111 1 of this section; provided that, notice of the contents of the amended petition is given at the  
112 public hearing;

113 (2) At any time after the public hearing and prior to the adoption of an ordinance  
114 establishing the proposed district; provided that, notice of the amendments to the petition is  
115 given by publishing the notice in a newspaper of general circulation within the municipality  
116 and by sending the notice via registered certified United States mail with a return receipt  
117 attached to the address of record of each owner of record of real property within the  
118 boundaries of the proposed district per the tax records of the county clerk, or the collector of  
119 revenue if the district is located in a city not within a county. Such notice shall be published  
120 and mailed not less than ten days prior to the adoption of the ordinance establishing the  
121 district;

122 (3) At any time after the adoption of any ordinance establishing the district a public  
123 hearing on the amended petition is held and notice of the public hearing is given in the  
124 manner provided in section 67.1431 and the governing body of the municipality in which the  
125 district is located adopts an ordinance approving the amended petition after the public hearing  
126 is held.

127 6. Upon the creation of a district, the municipal clerk shall report in writing the  
128 creation of such district to the Missouri department of economic development and the state  
129 auditor.

67.1521. 1. A district may levy by resolution one or more special assessments against  
2 real property within its boundaries, upon receipt of and in accordance with a petition signed  
3 by:

4 (1) Owners of real property collectively owning more than fifty percent by assessed  
5 value of real property within the boundaries of the district; and

6 (2) More than fifty percent per capita of the owners of all real property within the  
7 boundaries of the district.

8           2. The special assessment petition shall be in substantially the following form:

9           The \_\_\_\_\_ (insert name of district) Community Improvement District ("District" )  
10 shall be authorized to levy special assessments against real property benefitted within the  
11 district for the purpose of providing revenue for \_\_\_\_\_ (insert general description of specific  
12 service and/or projects) in the district, such special assessments to be levied against each tract,  
13 lot or parcel of real property listed below within the district which receives special benefit as a  
14 result of such service and/or projects, the cost of which shall be allocated among this property  
15 by \_\_\_\_\_ (insert method of allocation, e.g., per square foot of property, per square foot on  
16 each square foot of improvement, or by abutting foot of property abutting streets, roads,  
17 highways, parks or other improvements, or any other reasonable method) in an amount not to  
18 exceed \_\_\_\_\_ dollars per (insert unit of measure). Such authorization to levy the special  
19 assessment shall expire on \_\_\_\_\_ (insert date). The tracts of land located in the district  
20 which will receive special benefit from this service and/or projects are: \_\_\_\_\_ (list of  
21 properties by common addresses and legal descriptions).

22           3. The method for allocating such special assessments set forth in the petition may be  
23 any reasonable method which results in imposing assessments upon real property benefitted  
24 in relation to the benefit conferred upon each respective tract, lot or parcel of real property  
25 and the cost to provide such benefit.

26           4. By resolution of the board, the district may levy a special assessment rate lower  
27 than the rate ceiling set forth in the petition authorizing the special assessment and may  
28 increase such lowered special assessment rate to a level not exceeding the special assessment  
29 rate ceiling set forth in the petition without further approval of the real property owners;  
30 provided that a district imposing a special assessment pursuant to this section may not repeal  
31 or amend such special assessment or lower the rate of such special assessment if such repeal,  
32 amendment or lower rate will impair the district's ability to pay any liabilities that it has  
33 incurred, money that it has borrowed or obligations that it has issued.

34           5. Each special assessment which is due and owing shall constitute a perpetual lien  
35 against each tract, lot or parcel of property from which it is derived. Such lien may be  
36 foreclosed in the same manner as any other special assessment lien as provided in section  
37 88.861. Notwithstanding the provisions of this subsection and section 67.1541 to the  
38 contrary, the county collector may, upon certification by the district for collection, add each  
39 special assessment to the annual real estate tax bill for the property and collect the assessment  
40 in the same manner the collector uses for real estate taxes. Any special assessment remaining  
41 unpaid on the first day of January annually is delinquent and enforcement of collection of the  
42 delinquent bill by the county collector shall be governed by the laws concerning delinquent  
43 and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by  
44 land tax sale under chapter 140 or, if applicable to that county, chapter 141.

45           6. A separate fund or account shall be created by the district for each special  
46 assessment levied and each fund or account shall be identifiable by a suitable title. The  
47 proceeds of such assessments shall be credited to such fund or account. Such fund or account  
48 shall be used solely to pay the costs incurred in undertaking the specified service or project.

49           7. Upon completion of the specified service or project or both, the balance remaining  
50 in the fund or account established for such specified service or project or both shall be  
51 returned or credited against the amount of the original assessment of each parcel of property  
52 pro rata based on the method of assessment of such special assessment.

53           8. Any funds in a fund or account created pursuant to this section which are not  
54 needed for current expenditures may be invested by the board in accordance with applicable  
55 laws relating to the investment of funds of the city in which the district is located.

56           9. The authority of the district to levy special assessments shall be independent of the  
57 limitations and authorities of the municipality in which it is located; specifically, the  
58 provisions of section 88.812 shall not apply to any district.

59           **10. Notwithstanding any other provision of this section to the contrary, all**  
60 **property owned by an entity that is exempt from taxation under 26 U.S.C. Section 501**  
61 **(c), as amended, shall be exempt from any property tax or special assessment levied by a**  
62 **district.**

**115.240. Political subdivisions or special districts shall label ballot measures**  
2 **relating to taxation that are submitted by such political subdivision or special district to**  
3 **a vote of the people numerically or alphabetically only. No such ballot measure shall be**  
4 **labeled in a descriptive manner aside from its numerical or alphabetical designation.**

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the  
2 following terms mean:

3           (1) "Residential property", all real property improved by a structure which is used or  
4 intended to be used for residential living by human occupants, vacant land in connection with  
5 an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in  
6 which the owner resides and uses as a primary residence with six or fewer rooms for rent, and  
7 time-share units as defined in section 407.600, except to the extent such units are actually  
8 rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but  
9 residential property shall not include other similar facilities used primarily for transient  
10 housing. **A single family home leased for a term of less than thirty consecutive days, in**  
11 **whole or in part, subject to sales tax under subdivision (6) of subsection 1 of section**  
12 **144.020 shall be classified only as residential property.** For the purposes of this section,  
13 "transient housing" means all rooms available for rent or lease for which the receipts from the  
14 rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of  
15 subsection 1 of section 144.020; **the leasing of a single family home, in whole or in part,**

16 **for a term of less than thirty consecutive days does not, in itself, constitute "transient**  
17 **housing";**

18 (2) "Agricultural and horticultural property", all real property used for agricultural  
19 purposes and devoted primarily to the raising and harvesting of crops; to the feeding,  
20 breeding and management of livestock which shall include breeding, showing, and boarding  
21 of horses; to dairying, or to any other combination thereof; and buildings and structures  
22 customarily associated with farming, agricultural, and horticultural uses. Agricultural and  
23 horticultural property shall also include land devoted to and qualifying for payments or other  
24 compensation under a soil conservation or agricultural assistance program under an  
25 agreement with an agency of the federal government. Agricultural and horticultural property  
26 shall further include any reliever airport. Real property classified as forest croplands shall not  
27 be agricultural or horticultural property so long as it is classified as forest croplands and shall  
28 be taxed in accordance with the laws enacted to implement Section 7 of Article X of the  
29 Missouri Constitution. Agricultural and horticultural property shall also include any sawmill  
30 or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification  
31 (SIC) Manual under Industry Group 242 with the SIC number 2421. Agricultural and  
32 horticultural property shall also include urban and community gardens. For the purposes of  
33 this section, "urban and community gardens" shall include real property cultivated by  
34 residents of a neighborhood or community for the purposes of providing agricultural  
35 products, as defined in section 262.900, for the use of residents of the neighborhood or  
36 community, and shall not include a garden intended for individual or personal use;

37 (3) "Utility, industrial, commercial, railroad and other real property", all real property  
38 used directly or indirectly for any commercial, mining, industrial, manufacturing, trade,  
39 professional, business, or similar purpose, including all property centrally assessed by the  
40 state tax commission but shall not include floating docks, portions of which are separately  
41 owned and the remainder of which is designated for common ownership and in which no one  
42 person or business entity owns more than five individual units. All other real property not  
43 included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the  
44 Missouri Constitution, as such property is defined in this section, shall be deemed to be  
45 included in the term "utility, industrial, commercial, railroad and other real property".

46 2. Pursuant to Article X of the state Constitution, any taxing district may adjust its  
47 operating levy to recoup any loss of property tax revenue, except revenues from the surtax  
48 imposed pursuant to Article X, Subsection 2 of Section 6 of the Constitution, as the result of  
49 changing the classification of structures intended to be used for residential living by human  
50 occupants which contain five or more dwelling units if such adjustment of the levy does not  
51 exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this  
52 section, loss in revenue shall include the difference between the revenue that would have been

53 collected on such property under its classification prior to enactment of this section and the  
54 amount to be collected under its classification under this section. The county assessor of each  
55 county or city not within a county shall provide information to each taxing district within its  
56 boundaries regarding the difference in assessed valuation of such property as the result of  
57 such change in classification.

58         3. All reclassification of property as the result of changing the classification of  
59 structures intended to be used for residential living by human occupants which contain five or  
60 more dwelling units shall apply to assessments made after December 31, 1994.

61         4. Where real property is used or held for use for more than one purpose and such  
62 uses result in different classifications, the county assessor shall allocate to each classification  
63 the percentage of the true value in money of the property devoted to each use; except that,  
64 where agricultural and horticultural property, as defined in this section, also contains a  
65 dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to  
66 five acres immediately surrounding such farm dwelling shall be residential property, as  
67 defined in this section, provided that the portion of property used or held for use as an urban  
68 and community garden shall not be residential property. This subsection shall not apply to  
69 any reliever airport.

70         5. All real property which is vacant, unused, or held for future use; which is used for a  
71 private club, a not-for-profit or other nonexempt lodge, club, business, trade, service  
72 organization, or similar entity; or for which a determination as to its classification cannot be  
73 made under the definitions set out in subsection 1 of this section, shall be classified according  
74 to its immediate most suitable economic use, which use shall be determined after  
75 consideration of:

76             (1) Immediate prior use, if any, of such property;

77             (2) Location of such property;

78             (3) Zoning classification of such property; except that, such zoning classification  
79 shall not be considered conclusive if, upon consideration of all factors, it is determined that  
80 such zoning classification does not reflect the immediate most suitable economic use of the  
81 property;

82             (4) Other legal restrictions on the use of such property;

83             (5) Availability of water, electricity, gas, sewers, street lighting, and other public  
84 services for such property;

85             (6) Size of such property;

86             (7) Access of such property to public thoroughfares; and

87             (8) Any other factors relevant to a determination of the immediate most suitable  
88 economic use of such property.

89           6. All lands classified as forest croplands shall not, for taxation purposes, be  
90 classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are  
91 prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this  
92 section, but shall be taxed in accordance with the laws enacted to implement Section 7 of  
93 Article X of the Missouri Constitution.

**137.067. Notwithstanding any provision of law to the contrary, any ballot  
2 measure seeking approval to add, change, or modify a tax on real property shall express  
3 the effect of the proposed change within the ballot language in terms of the change in  
4 real dollars owed per one hundred thousand dollars of a property's market valuation.**

137.073. 1. As used in this section, the following terms mean:

2           (1) "General reassessment", changes in value, entered in the assessor's books, of a  
3 substantial portion of the parcels of real property within a county resulting wholly or partly  
4 from reappraisal of value or other actions of the assessor or county equalization body or  
5 ordered by the state tax commission or any court;

6           (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for  
7 each purpose of taxation of property a taxing authority is authorized to levy without a vote  
8 and any tax rate authorized by election, including bond interest and sinking fund;

9           (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the  
10 provisions of this section or when a court has determined the tax rate; except that, other  
11 provisions of law to the contrary notwithstanding, a school district may levy the operating  
12 levy for school purposes required for the current year pursuant to subsection 2 of section  
13 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri  
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the  
15 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate  
16 ceiling is approved by voters of the political subdivision as provided in this section;

17           (4) "Tax revenue", when referring to the previous year, means the actual receipts from  
18 ad valorem levies on all classes of property, including state-assessed property, in the  
19 immediately preceding fiscal year of the political subdivision, plus an allowance for taxes  
20 billed but not collected in the fiscal year and plus an additional allowance for the revenue  
21 which would have been collected from property which was annexed by such political  
22 subdivision but which was not previously used in determining tax revenue pursuant to this  
23 section. The term "tax revenue" shall not include any receipts from ad valorem levies on any  
24 property of a railroad corporation or a public utility, as these terms are defined in section  
25 386.020, which were assessed by the assessor of a county or city in the previous year but are  
26 assessed by the state tax commission in the current year. All school districts and those  
27 counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax  
28 revenue an amount equivalent to that by which they reduced property tax levies as a result of

29 sales tax pursuant to section 67.505 and section 164.013 ~~[or as excess home dock city or~~  
30 ~~county fees as provided in subsection 4 of section 313.820]~~ in the immediately preceding  
31 fiscal year but not including any amount calculated to adjust for prior years. For purposes of  
32 political subdivisions which were authorized to levy a tax in the prior year but which did not  
33 levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the  
34 revision of tax levies mandated by law, shall mean the revenues equal to the amount that  
35 would have been available if the voluntary rate reduction had not been made.

36         2. Whenever changes in assessed valuation are entered in the assessor's books for any  
37 personal property, in the aggregate, or for any subclass of real property as such subclasses are  
38 established in Section 4(b) of Article X of the Missouri Constitution and defined in section  
39 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each  
40 political subdivision wholly or partially within the county or St. Louis City of the change in  
41 valuation of each subclass of real property, individually, and personal property, in the  
42 aggregate, exclusive of new construction and improvements. All political subdivisions shall  
43 immediately revise the applicable rates of levy for each purpose for each subclass of real  
44 property, individually, and personal property, in the aggregate, for which taxes are levied to  
45 the extent necessary to produce from all taxable property, exclusive of new construction and  
46 improvements, substantially the same amount of tax revenue as was produced in the previous  
47 year for each subclass of real property, individually, and personal property, in the aggregate,  
48 except that the rate shall not exceed the greater of the most recent voter-approved rate or the  
49 most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this  
50 section. Any political subdivision that has received approval from voters for a tax increase  
51 after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue  
52 as the amount of revenue that would have been derived by applying the voter-approved  
53 increased tax rate ceiling to the total assessed valuation of the political subdivision as most  
54 recently certified by the city or county clerk on or before the date of the election in which  
55 such increase is approved, increased by the percentage increase in the consumer price index,  
56 as provided by law, except that the rate shall not exceed the greater of the most recent voter-  
57 approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of  
58 subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem  
59 levies on any real property which was assessed by the assessor of a county or city in such  
60 previous year but is assessed by the assessor of a county or city in the current year in a  
61 different subclass of real property. Where the taxing authority is a school district for the  
62 purposes of revising the applicable rates of levy for each subclass of real property, the tax  
63 revenues from state-assessed railroad and utility property shall be apportioned and attributed  
64 to each subclass of real property based on the percentage of the total assessed valuation of the  
65 county that each subclass of real property represents in the current taxable year. As provided



66 in Section 22 of Article X of the constitution, a political subdivision may also revise each levy  
67 to allow for inflationary assessment growth occurring within the political subdivision. The  
68 inflationary growth factor for any such subclass of real property or personal property shall be  
69 limited to the actual assessment growth in such subclass or class, exclusive of new  
70 construction and improvements, and exclusive of the assessed value on any real property  
71 which was assessed by the assessor of a county or city in the current year in a different  
72 subclass of real property, but not to exceed the consumer price index or five percent,  
73 whichever is lower. Should the tax revenue of a political subdivision from the various tax  
74 rates determined in this subsection be different than the tax revenue that would have been  
75 determined from a single tax rate as calculated pursuant to the method of calculation in this  
76 subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of  
77 those subclasses of real property, individually, and/or personal property, in the aggregate, in  
78 which there is a tax rate reduction, pursuant to the provisions of this subsection. Such  
79 revision shall yield an amount equal to such difference and shall be apportioned among such  
80 subclasses of real property, individually, and/or personal property, in the aggregate, based on  
81 the relative assessed valuation of the class or subclasses of property experiencing a tax rate  
82 reduction. Such revision in the tax rates of each class or subclass shall be made by computing  
83 the percentage of current year adjusted assessed valuation of each class or subclass with a tax  
84 rate reduction to the total current year adjusted assessed valuation of the class or subclasses  
85 with a tax rate reduction, multiplying the resulting percentages by the revenue difference  
86 between the single rate calculation and the calculations pursuant to this subsection and  
87 dividing by the respective adjusted current year assessed valuation of each class or subclass to  
88 determine the adjustment to the rate to be levied upon each class or subclass of property. The  
89 adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in  
90 the manner provided in this subsection, and added to the initial rate computed for each class  
91 or subclass of property. For school districts that levy separate tax rates on each subclass of  
92 real property and personal property in the aggregate, if voters approved a ballot before  
93 January 1, 2011, that presented separate stated tax rates to be applied to the different  
94 subclasses of real property and personal property in the aggregate, or increases the separate  
95 rates that may be levied on the different subclasses of real property and personal property in  
96 the aggregate by different amounts, the tax rate that shall be used for the single tax rate  
97 calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of  
98 subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary,  
99 no revision to the rate of levy for personal property shall cause such levy to increase over the  
100 levy for personal property from the prior year.

101       3. (1) Where the taxing authority is a school district, it shall be required to revise the  
102 rates of levy to the extent necessary to produce from all taxable property, including state-

assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which

140 were begun after and were not part of the prior year's assessment, except that the additional  
141 assessed value of all improvements or additions to real property which had been totally or  
142 partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections  
143 135.200 to 135.255, and section 353.110 shall be included in the value of new construction  
144 and improvements when the property becomes totally or partially subject to assessment and  
145 payment of all ad valorem taxes. The aggregate increase in valuation of personal property for  
146 the current year over that of the previous year is the equivalent of the new construction and  
147 improvements factor for personal property. Notwithstanding any opt-out implemented  
148 pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new  
149 construction and improvements and the amount of assessed value on any real property which  
150 was assessed by the assessor of a county or city in such previous year but is assessed by the  
151 assessor of a county or city in the current year in a different subclass of real property  
152 separately for each of the three subclasses of real property for each political subdivision to the  
153 county clerk in order that political subdivisions shall have this information for the purpose of  
154 calculating tax rates pursuant to this section and Section 22, Article X, Constitution of  
155 Missouri. In addition, the state tax commission shall certify each year to each county clerk  
156 the increase in the general price level as measured by the Consumer Price Index for All Urban  
157 Consumers for the United States, or its successor publications, as defined and officially  
158 reported by the United States Department of Labor, or its successor agency. The state tax  
159 commission shall certify the increase in such index on the latest twelve-month basis available  
160 on February first of each year over the immediately preceding prior twelve-month period in  
161 order that political subdivisions shall have this information available in setting their tax rates  
162 according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of  
163 implementing the provisions of this section and Section 22 of Article X of the Missouri  
164 Constitution, the term "property" means all taxable property, including state-assessed  
165 property.

166 (2) Each political subdivision required to revise rates of levy pursuant to this section  
167 or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is  
168 authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate  
169 revision provided in this section and Section 22 of Article X of the Constitution of Missouri,  
170 separately and without regard to annual tax rate reductions provided in section 67.505 and  
171 section 164.013. Each political subdivision shall set each tax rate it is authorized to levy  
172 using the calculation that produces the lowest tax rate ceiling. It is further the intent of the  
173 general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution  
174 of Missouri, that the provisions of such section be applicable to tax rate revisions mandated  
175 pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax  
176 rates as revised in subsequent years, enforcement provisions, and other provisions not in

177 conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate  
178 reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as  
179 established pursuant to this section and Section 22 of Article X of the Constitution of  
180 Missouri, unless otherwise provided by law.

181         5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this  
182 section shall not be increased unless approved by a vote of the people. Approval of the higher  
183 tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires  
184 approval by more than a simple majority pursuant to any provision of law or the constitution,  
185 the tax rate increase must receive approval by at least the majority required.

186         (2) When voters approve an increase in the tax rate, the amount of the increase shall  
187 be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate  
188 does not exceed any maximum rate prescribed by law. If a ballot question presents a stated  
189 tax rate for approval rather than describing the amount of increase in the question, the stated  
190 tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the  
191 current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that  
192 when applied to the current total assessed valuation of the political subdivision, excluding  
193 new construction and improvements since the date of the election approving such increase,  
194 the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of  
195 revenue which would have been derived by applying the voter-approved increased tax rate  
196 ceiling to total assessed valuation of the political subdivision, as most recently certified by the  
197 city or county clerk on or before the date of the election in which such increase is approved,  
198 increased by the percentage increase in the consumer price index, as provided by law. Such  
199 adjusted tax rate ceiling may be applied to the total assessed valuation of the political  
200 subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate  
201 increase, upon voter approval, each tax rate increase shall be adjusted in the manner  
202 prescribed in this section to yield the sum of: the amount of revenue that would be derived by  
203 applying such voter-approved increased rate to the total assessed valuation, as most recently  
204 certified by the city or county clerk on or before the date of the election in which such  
205 increase was approved, increased by the percentage increase in the consumer price index, as  
206 provided by law, from the date of the election to the time of such increase and, so adjusted,  
207 shall be the current tax rate ceiling.

208         **(3) The provisions of subdivision (2) of this subsection notwithstanding, if prior**  
209 **to the expiration of a temporary levy increase, voters approve a subsequent levy**  
210 **increase, the new tax rate ceiling shall remain in effect only until such time as the**  
211 **temporary levy expires under the terms originally approved by a vote of the people, at**  
212 **which time the tax rate ceiling shall be decreased by the amount of the temporary levy**  
213 **increase. If, prior to the expiration of a temporary levy increase, voters of a political**

214 subdivision are asked to approve an additional, permanent increase to the political  
215 subdivision's tax rate ceiling, voters shall be submitted ballot language that clearly  
216 indicates that if the permanent levy increase is approved, the temporary levy shall be  
217 made permanent.

218 (4) The governing body of any political subdivision may levy a tax rate lower than its  
219 tax rate ceiling ~~and~~. **Such reduction to the tax rate ceiling in a nonreassessment year**  
220 **shall be applied in the immediately following year of general reassessment. The**  
221 **governing body of any political subdivision** may, in a nonreassessment year, increase that  
222 previously lowered tax rate to a level not exceeding the tax rate ceiling without voter  
223 approval in the manner provided under subdivision ~~[(4)]~~ (5) of this subsection. **Such**  
224 **increase to the tax rate ceiling in a nonreassessment year shall be applied in the**  
225 **immediately following year of general reassessment.** Nothing in this section shall be  
226 construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than  
227 that which is required under the provisions of this section or from seeking voter approval of a  
228 reduction to such political subdivision's tax rate ceiling.

229 ~~[(4)]~~ (5) In a year of general reassessment, a governing body whose tax rate is lower  
230 than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of  
231 this section as if its tax rate was at the tax rate ceiling. In a year following general  
232 reassessment, if such governing body intends to increase its tax rate, the governing body shall  
233 conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or  
234 policy statement justifying its action prior to setting and certifying its tax rate. The provisions  
235 of this subdivision shall not apply to any political subdivision which levies a tax rate lower  
236 than its tax rate ceiling solely due to a reduction required by law resulting from sales tax  
237 collections. The provisions of this subdivision shall not apply to any political subdivision  
238 which has received voter approval for an increase to its tax rate ceiling subsequent to setting  
239 its most recent tax rate.

240 (6) (a) As used in this subdivision, the following terms mean:

241 a. "Current tax rate ceiling", the tax rate ceiling in effect before the voters  
242 approve a higher tax rate;

243 b. "Increased tax rate ceiling", the new tax rate ceiling in effect after the voters  
244 approve a higher tax rate.

245 (b) Notwithstanding any other provision of law to the contrary, when the  
246 required majority of voters in a political subdivision passes an increase in the political  
247 subdivision's tax rate, the political subdivision shall use the current tax rate ceiling and  
248 the increase approved by the voters in establishing the rates of levy for the tax year  
249 immediately following the election.

250           (c) If the assessed valuation of real property in such political subdivision is  
251 reduced in such tax year immediately following the election, such political subdivision  
252 may raise its rates of levy so that the revenue received from its local real property tax  
253 rates equals the amount the political subdivision would have received from the increased  
254 rates of levy had there been no reduction in the assessed valuation of real property in the  
255 political subdivision.

256           (d) Using the increased tax rate ceiling shall be revenue neutral as required in  
257 Article X, Section 22 of the Constitution of Missouri.

258           6. (1) For the purposes of calculating state aid for public schools pursuant to section  
259 163.031, each taxing authority which is a school district shall determine its proposed tax rate  
260 as a blended rate of the classes or subclasses of property. Such blended rate shall be  
261 calculated by first determining the total tax revenue of the property within the jurisdiction of  
262 the taxing authority, which amount shall be equal to the sum of the products of multiplying  
263 the assessed valuation of each class and subclass of property by the corresponding tax rate for  
264 such class or subclass, then dividing the total tax revenue by the total assessed valuation of  
265 the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred.  
266 Where the taxing authority is a school district, such blended rate shall also be used by such  
267 school district for calculating revenue from state-assessed railroad and utility property as  
268 defined in chapter 151 and for apportioning the tax rate by purpose.

269           (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk  
270 of the county commission in the county or counties where the tax rate applies of its tax rate  
271 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a  
272 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one  
273 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-  
274 hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of  
275 one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to  
276 one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of  
277 a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate  
278 shall provide data, in such form as shall be prescribed by the state auditor by rule,  
279 substantiating such tax rate complies with Missouri law. All forms for the calculation of rates  
280 pursuant to this section shall be promulgated as a rule and shall not be incorporated by  
281 reference. The state auditor shall promulgate rules for any and all forms for the calculation of  
282 rates pursuant to this section which do not currently exist in rule form or that have been  
283 incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for  
284 debt service shall provide data, in such form as shall be prescribed by the state auditor by rule,  
285 substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed  
286 for annual debt service requirements will be prima facie valid if, after making the payment for

287 which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed  
288 the following year's payments. The county clerk shall keep on file and available for public  
289 inspection all such information for a period of three years. The clerk shall, within three days  
290 of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed  
291 tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen  
292 days of the date of receipt, examine such information and return to the county clerk his or her  
293 findings as to compliance of the tax rate ceiling with this section and as to compliance of any  
294 proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing  
295 authority's proposed tax rate does not comply with Missouri law, then the state auditor's  
296 findings shall include a recalculated tax rate, and the state auditor may request a taxing  
297 authority to submit documentation supporting such taxing authority's proposed tax rate. The  
298 county clerk shall immediately forward a copy of the auditor's findings to the taxing authority  
299 and shall file a copy of the findings with the information received from the taxing authority.  
300 The taxing authority shall have fifteen days from the date of receipt from the county clerk of  
301 the state auditor's findings and any request for supporting documentation to accept or reject in  
302 writing the rate change certified by the state auditor and to submit all requested information to  
303 the state auditor. A copy of the taxing authority's acceptance or rejection and any information  
304 submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority  
305 rejects a rate change certified by the state auditor and the state auditor does not receive  
306 supporting information which justifies the taxing authority's original or any subsequent  
307 proposed tax rate, then the state auditor shall refer the perceived violations of such taxing  
308 authority to the attorney general's office and the attorney general is authorized to obtain  
309 injunctive relief to prevent the taxing authority from levying a violative tax rate.

310 (3) In the event that the taxing authority incorrectly completes the forms created and  
311 promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing  
312 authority may submit amended forms with an explanation for the needed changes. If such  
313 amended forms are filed under regulations prescribed by the state auditor, the state auditor  
314 shall take into consideration such amended forms for the purposes of this subsection.

315 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political  
316 subdivision has complied with the foregoing provisions of this section.

317 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied  
318 with the provisions of this section, the taxpayer may make a formal complaint with the  
319 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action  
320 within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to  
321 this section and institute an action as representative of a class of all taxpayers within a taxing  
322 authority if the class is so numerous that joinder of all members is impracticable, if there are  
323 questions of law or fact common to the class, if the claims or defenses of the representative

324 parties are typical of the claims or defenses of the class, and if the representative parties will  
325 fairly and adequately protect the interests of the class. In any class action maintained  
326 pursuant to this section, the court may direct to the members of the class a notice to be  
327 published at least once each week for four consecutive weeks in a newspaper of general  
328 circulation published in the county where the civil action is commenced and in other counties  
329 within the jurisdiction of a taxing authority. The notice shall advise each member that the  
330 court will exclude him or her from the class if he or she so requests by a specified date, that  
331 the judgment, whether favorable or not, will include all members who do not request  
332 exclusion, and that any member who does not request exclusion may, if he or she desires,  
333 enter an appearance. In any class action brought pursuant to this section, the court, in  
334 addition to the relief requested, shall assess against the taxing authority found to be in  
335 violation of this section the reasonable costs of bringing the action, including reasonable  
336 attorney's fees, provided no attorney's fees shall be awarded any attorney or association of  
337 attorneys who receive public funds from any source for their services. Any action brought  
338 pursuant to this section shall be set for hearing as soon as practicable after the cause is at  
339 issue.

340 9. If in any action, including a class action, the court issues an order requiring a taxing  
341 authority to revise the tax rates as provided in this section or enjoins a taxing authority from  
342 the collection of a tax because of its failure to revise the rate of levy as provided in this  
343 section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously  
344 paid his or her taxes in part, whether or not the taxes are paid under protest as provided in  
345 section 139.031 or otherwise contested. The part of the taxes paid erroneously is the  
346 difference in the amount produced by the original levy and the amount produced by the  
347 revised levy. The township or county collector of taxes or the collector of taxes in any city  
348 shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise  
349 the rate of levy as provided in this section shall make available to the collector all funds  
350 necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest  
351 on any money erroneously paid by him or her pursuant to this subsection. Effective in the  
352 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund  
353 any tax erroneously paid prior to or during the third tax year preceding the current tax year.

354 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
355 created under the authority delegated in this section shall become effective only if it complies  
356 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
357 This section and chapter 536 are nonseverable and if any of the powers vested with the  
358 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
359 disapprove and annul a rule are subsequently held unconstitutional, then the grant of



360 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid  
361 and void.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the  
2 assessor's deputies in all counties of this state including the City of St. Louis shall annually  
3 make a list of all real and tangible personal property taxable in the assessor's city, county,  
4 town or district. Except as otherwise provided in subsection 3 of this section and section  
5 137.078, the assessor shall annually assess all personal property at thirty-three and one-third  
6 percent of its true value in money as of January first of each calendar year. The assessor shall  
7 annually assess all real property, including any new construction and improvements to real  
8 property, and possessory interests in real property at the percent of its true value in money set  
9 in subsection 5 of this section. The true value in money of any possessory interest in real  
10 property in subclass (3), where such real property is on or lies within the ultimate airport  
11 boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a  
12 commercial airport having a FAR Part 139 certification and owned by a political subdivision,  
13 shall be the otherwise applicable true value in money of any such possessory interest in real  
14 property, less the total dollar amount of costs paid by a party, other than the political  
15 subdivision, towards any new construction or improvements on such real property completed  
16 after January 1, 2008, and which are included in the above-mentioned possessory interest,  
17 regardless of the year in which such costs were incurred or whether such costs were  
18 considered in any prior year. The assessor shall annually assess all real property in the  
19 following manner: new assessed values shall be determined as of January first of each odd-  
20 numbered year and shall be entered in the assessor's books; those same assessed values shall  
21 apply in the following even-numbered year, except for new construction and property  
22 improvements which shall be valued as though they had been completed as of January first of  
23 the preceding odd-numbered year. The assessor may call at the office, place of doing  
24 business, or residence of each person required by this chapter to list property, and require the  
25 person to make a correct statement of all taxable tangible personal property owned by the  
26 person or under his or her care, charge or management, taxable in the county. On or before  
27 January first of each even-numbered year, the assessor shall prepare and submit a two-year  
28 assessment maintenance plan to the county governing body and the state tax commission for  
29 their respective approval or modification. The county governing body shall approve and  
30 forward such plan or its alternative to the plan to the state tax commission by February first.  
31 If the county governing body fails to forward the plan or its alternative to the plan to the state  
32 tax commission by February first, the assessor's plan shall be considered approved by the  
33 county governing body. If the state tax commission fails to approve a plan and if the state tax  
34 commission and the assessor and the governing body of the county involved are unable to  
35 resolve the differences, in order to receive state cost-share funds outlined in section 137.750,

36 the county or the assessor shall petition the administrative hearing commission, by May first,  
37 to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement  
38 of the parties, the matter may be stayed while the parties proceed with mediation or  
39 arbitration upon terms agreed to by the parties. The final decision of the administrative  
40 hearing commission shall be subject to judicial review in the circuit court of the county  
41 involved. In the event a valuation of subclass (1) real property within any county with a  
42 charter form of government, or within a city not within a county, is made by a computer,  
43 computer-assisted method or a computer program, the burden of proof, supported by clear,  
44 convincing and cogent evidence to sustain such valuation, shall be on the assessor at any  
45 hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a  
46 presumption that the assessment was made by a computer, computer-assisted method or a  
47 computer program. Such evidence shall include, but shall not be limited to, the following:

48 (1) The findings of the assessor based on an appraisal of the property by generally  
49 accepted appraisal techniques; and

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

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

53 (b) Such properties are not more than one mile from the site of the disputed property,  
54 except where no similar properties exist within one mile of the disputed property, the nearest  
55 comparable property shall be used. Such property shall be within five hundred square feet in  
56 size of the disputed property, and resemble the disputed property in age, floor plan, number of  
57 rooms, and other relevant characteristics.

58 2. Assessors in each county of this state and the City of St. Louis may send personal  
59 property assessment forms through the mail.

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

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

65 (2) Livestock, twelve percent;

66 (3) Farm machinery, twelve percent;

67 (4) Motor vehicles which are eligible for registration as and are registered as historic  
68 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years  
69 old and which are used solely for noncommercial purposes and are operated less than two  
70 hundred hours per year or aircraft that are home built from a kit, five percent;

71 (5) Poultry, twelve percent; and

72 (6) Tools and equipment used for pollution control and tools and equipment used in  
73 retooling for the purpose of introducing new product lines or used for making improvements  
74 to existing products by any company which is located in a state enterprise zone and which is  
75 identified by any standard industrial classification number cited in subdivision (7) of section  
76 135.200, twenty-five percent.

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

81 5. (1) All subclasses of real property, as such subclasses are established in Section 4  
82 (b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed  
83 at the following percentages of true value:

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

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

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

87 (2) A taxpayer may apply to the county assessor, or, if not located within a county,  
88 then the assessor of such city, for the reclassification of such taxpayer's real property if the use  
89 or purpose of such real property is changed after such property is assessed under the  
90 provisions of this chapter. If the assessor determines that such property shall be reclassified,  
91 he or she shall determine the assessment under this subsection based on the percentage of the  
92 tax year that such property was classified in each subclassification.

93 6. Manufactured homes, as defined in section 700.010, which are actually used as  
94 dwelling units shall be assessed at the same percentage of true value as residential real  
95 property for the purpose of taxation. The percentage of assessment of true value for such  
96 manufactured homes shall be the same as for residential real property. If the county collector  
97 cannot identify or find the manufactured home when attempting to attach the manufactured  
98 home for payment of taxes owed by the manufactured home owner, the county collector may  
99 request the county commission to have the manufactured home removed from the tax books,  
100 and such request shall be granted within thirty days after the request is made; however, the  
101 removal from the tax books does not remove the tax lien on the manufactured home if it is  
102 later identified or found. For purposes of this section, a manufactured home located in a  
103 manufactured home rental park, rental community or on real estate not owned by the  
104 manufactured home owner shall be considered personal property. For purposes of this  
105 section, a manufactured home located on real estate owned by the manufactured home owner  
106 may be considered real property.

107 7. Each manufactured home assessed shall be considered a parcel for the purpose of  
108 reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be

109 real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement  
110 to the existing real estate parcel.

111 8. Any amount of tax due and owing based on the assessment of a manufactured  
112 home shall be included on the personal property tax statement of the manufactured home  
113 owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of  
114 section 442.015, in which case the amount of tax due and owing on the assessment of the  
115 manufactured home as a realty improvement to the existing real estate parcel shall be  
116 included on the real property tax statement of the real estate owner.

117 9. The assessor of each county and each city not within a county shall use ~~[the trade-~~  
118 ~~in value published in the October issue of]~~ **a nationally recognized automotive trade**  
119 **publication such as** the National Automobile Dealers' Association Official Used Car Guide,  
120 ~~[or its successor publication,]~~ **Kelley Blue Book, Edmunds, or other similar publication** as  
121 the recommended guide of information for determining the true value of motor vehicles  
122 described in such publication. **The state tax commission shall select, secure, and make**  
123 **available to all assessors which publication shall be used. The assessor of each county**  
124 **and each city not within a county shall use the trade-in value published in the current**  
125 **October issue of the publication selected by the state tax commission.** The assessor shall  
126 not use a value that is greater than the average trade-in value in determining the true value of  
127 the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles  
128 two years old or newer from a vehicle's model year, the assessor may use a value other than  
129 average without performing a physical inspection of the motor vehicle. In the absence of a  
130 listing for a particular motor vehicle in such publication, the assessor shall use such  
131 information or publications ~~[which]~~ **that**, in the assessor's judgment, will fairly estimate the  
132 true value in money of the motor vehicle. **The assessor shall not assess a motor vehicle for**  
133 **an amount greater than such motor vehicle was assessed in the previous year, provided**  
134 **that such motor vehicle was properly assessed in the previous year.**

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

139 11. If a physical inspection is required, pursuant to subsection 10 of this section, the  
140 assessor shall notify the property owner of that fact in writing and shall provide the owner  
141 clear written notice of the owner's rights relating to the physical inspection. If a physical  
142 inspection is required, the property owner may request that an interior inspection be  
143 performed during the physical inspection. The owner shall have no less than thirty days to  
144 notify the assessor of a request for an interior physical inspection.

145           12. A physical inspection, as required by subsection 10 of this section, shall include,  
146 but not be limited to, an on-site personal observation and review of all exterior portions of the  
147 land and any buildings and improvements to which the inspector has or may reasonably and  
148 lawfully gain external access, and shall include an observation and review of the interior of  
149 any buildings or improvements on the property upon the timely request of the owner pursuant  
150 to subsection 11 of this section. Mere observation of the property via a drive-by inspection or  
151 the like shall not be considered sufficient to constitute a physical inspection as required by  
152 this section.

153           13. A county or city collector may accept credit cards as proper form of payment of  
154 outstanding property tax or license due. No county or city collector may charge surcharge for  
155 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,  
156 processor, or issuer for its service. A county or city collector may accept payment by  
157 electronic transfers of funds in payment of any tax or license and charge the person making  
158 such payment a fee equal to the fee charged the county by the bank, processor, or issuer of  
159 such electronic payment.

160           14. Any county or city not within a county in this state may, by an affirmative vote of  
161 the governing body of such county, opt out of the provisions of this section and sections  
162 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general  
163 assembly, second regular session and section 137.073 as modified by house committee  
164 substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-  
165 second general assembly, second regular session, for the next year of the general  
166 reassessment, prior to January first of any year. No county or city not within a county  
167 shall exercise this opt-out provision after implementing the provisions of this section and  
168 sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first  
169 general assembly, second regular session and section 137.073 as modified by house  
170 committee substitute for senate substitute for senate committee substitute for senate bill no.  
171 960, ninety-second general assembly, second regular session, in a year of general  
172 reassessment. For the purposes of applying the provisions of this subsection, a political  
173 subdivision contained within two or more counties where at least one of such counties has  
174 opted out and at least one of such counties has not opted out shall calculate a single tax rate as  
175 in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly,  
176 second regular session. A governing body of a city not within a county or a county that has  
177 opted out under the provisions of this subsection may choose to implement the provisions of  
178 this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of  
179 the ninety-first general assembly, second regular session, and section 137.073 as modified by  
180 house committee substitute for senate substitute for senate committee substitute for senate bill  
181 no. 960, ninety-second general assembly, second regular session, for the next year of general

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

184       15. The governing body of any city of the third classification with more than twenty-  
185 six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants  
186 located in any county that has exercised its authority to opt out under subsection 14 of this  
187 section may levy separate and differing tax rates for real and personal property only if such  
188 city bills and collects its own property taxes or satisfies the entire cost of the billing and  
189 collection of such separate and differing tax rates. Such separate and differing rates shall not  
190 exceed such city's tax rate ceiling.

191       16. Any portion of real property that is available as reserve for strip, surface, or coal  
192 mining for minerals for purposes of excavation for future use or sale to others that has not  
193 been bonded and permitted under chapter 444 shall be assessed based upon how the real  
194 property is currently being used. Any information provided to a county assessor, state tax  
195 commission, state agency, or political subdivision responsible for the administration of tax  
196 policies shall, in the performance of its duties, make available all books, records, and  
197 information requested, except such books, records, and information as are by law declared  
198 confidential in nature, including individually identifiable information regarding a specific  
199 taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall  
200 mean all real property that is in use or readily available as a reserve for strip, surface, or coal  
201 mining for minerals for purposes of excavation for current or future use or sale to others that  
202 has been bonded and permitted under chapter 444.

**138.425. 1. Any order issued by the commission requiring a county to modify or  
2 equalize assessed valuations that would result in a reduction of the county's final  
3 valuations to comply with state law shall allow a county a maximum of sixty days for  
4 compliance with such order. The order shall state the deadline for compliance in the  
5 order, but the commission may extend the deadline one time for an additional period of  
6 thirty days in a separate order upon its approval of a county's request for an extension.  
7 The total time allowed for compliance with such order shall not exceed ninety days.**

**8       2. If the county fails to comply after the lapse of the time period allotted under  
9 subsection 1 of this section, the commission may direct the director of the department of  
10 revenue to withhold up to one hundred percent of the moneys the county would  
11 otherwise be entitled to from local sales tax as defined under section 32.085 and local use  
12 tax until a determination is made by the commission that the noncompliant county has  
13 come into compliance with the commission's order.**

**14       3. The commission shall issue a notice to the county of the withholding due to  
15 failure to comply with the order within the prescribed time period and shall include**

16 information for the county to cure the noncompliance in order to release the withheld  
17 moneys.

18       4. If the noncompliant county thereafter becomes compliant in accordance with  
19 the original order issued, as determined by the commission after the county remits  
20 notice of its compliance and any additional documentation or information required for  
21 review and verification by the commission, the commission shall notify the department  
22 of revenue to release and remit the previously withheld local sales and use tax proceeds  
23 to the county. A county is not entitled to interest on the withheld funds released under  
24 the provisions of this subsection.

25       5. A county failing to comply within the prescribed time period resulting in the  
26 withholding of local sales and use tax proceeds under this section may seek judicial  
27 review of the determination of failure to comply made by the commission under Article  
28 V, Section 18 of the Constitution of Missouri within thirty days of receipt of the notice.

29       6. In addition to other available remedies, if the court determines that the  
30 commission's determination as to the amount of local sales and use tax proceeds  
31 withheld or failure to comply is in error, the court shall return the amount in error to  
32 the county and the judgment, when entered, shall include interest on the amounts  
33 wrongfully withheld. A county is not entitled to interest on the amounts withheld if a  
34 court upholds the commission's determination. Any such interest awarded shall be paid  
35 from the state legal expense fund as provided under section 105.711.

36       7. Local sales and use taxes withheld by the director of the department of  
37 revenue as provided under this section shall be deposited in a special trust fund, which is  
38 hereby created, to be known as the "County Assessment Noncompliance Trust Fund".  
39 The moneys in the county assessment noncompliance trust fund shall not be deemed to  
40 be state funds and shall not be commingled with any funds of the state. The director of  
41 revenue shall keep accurate records of the amount of money in the trust fund withheld  
42 from any county under this section, and the records shall be open to the inspection of  
43 officers of the county and the public.

44       8. The commission may promulgate all necessary rules and regulations for the  
45 administration of this section. Any rule or portion of a rule, as that term is defined in  
46 section 536.010, that is created under the authority delegated in this section shall  
47 become effective only if it complies with and is subject to all of the provisions of chapter  
48 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
49 and if any of the powers vested with the general assembly pursuant to chapter 536 to  
50 review, to delay the effective date, or to disapprove and annul a rule are subsequently  
51 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
52 adopted after August 28, 2025, shall be invalid and void.

**139.035. 1. As used in this section, the following terms mean:**

2       **(1) "Motor vehicle", the same meaning as such term is defined under section**  
3 **301.010;**

4       **(2) "Taxing entity", any county, city not within a county, or other political**  
5 **subdivision within this state that levies and collects personal property taxes on motor**  
6 **vehicles;**

7       **(3) "Taxpayer", an individual or a business entity subject to personal property**  
8 **tax on the totaled motor vehicle;**

9       **(4) "Totaled motor vehicle", a motor vehicle considered to be a total loss due to**  
10 **damage that is so severe that it cannot be repaired safely, the total cost of repair or**  
11 **salvage equals or exceeds the vehicle's actual cash value, or a finding by an insurance**  
12 **company declaring the motor vehicle to be total loss. The term "totaled motor vehicle"**  
13 **includes motorcycles owned by individual taxpayers and motor vehicles primarily for**  
14 **business use, as such term is defined under section 301.010, owned by a business**  
15 **taxpayer;**

16       **(5) "Totaled motor vehicle personal property tax proration program", a**  
17 **program established under the provisions of this section.**

18       **2. Any taxing entity may establish a totaled motor vehicle personal property tax**  
19 **proration program in accordance with this section that allows a taxpayer qualifying**  
20 **under the provisions of this section and any additional requirements established by the**  
21 **taxing entity to receive a prorated property tax credit during the tax year to reduce the**  
22 **total personal property tax owed on a totaled motor vehicle and to be claimed against**  
23 **the amount of personal property tax due and owing at the end of the same tax year by**  
24 **such taxpayer.**

25       **3. The prorated property tax credit amount shall apply to the total of all**  
26 **personal property taxes due and owing on the totaled motor vehicle, and shall reduce all**  
27 **taxes by an equally distributed pro rata amount.**

28       **4. The prorated property tax credit, which shall be prorated on a monthly basis,**  
29 **is to be determined by a ratio, the numerator of which shall be the number of full**  
30 **months from the date of disposition of the totaled motor vehicle continuing through the**  
31 **close of the tax year, and the denominator of which shall be twelve. The prorated**  
32 **property tax credit is nonrefundable but may reduce a taxpayer's liability down to zero.**

33       **5. A taxpayer may apply for such program if:**

34       **(1) Such taxpayer's totaled motor vehicle was owned, registered, and titled**  
35 **under the taxpayer's name, or in the case of a business taxpayer, the name of the**  
36 **business, authorized agent, or other verifiable entity associated with the business**



37 taxpayer, as of January first of the tax year in which the motor vehicle was totaled and  
38 at the time of the incident that totaled the taxpayer's motor vehicle in the same tax year;

39 (2) The totaled motor vehicle was included on the local taxing entity's tax roll for  
40 the tax year in which the motor vehicle was totaled and such taxpayer is liable for the  
41 payment of personal property taxes on the totaled motor vehicle for such tax year;

42 (3) Such taxpayer was, as of the date of application, up-to-date on all state and  
43 local taxes and fees owed on such totaled motor vehicle; and

44 (4) As of the date of application for participation in the program, the title on the  
45 totaled motor vehicle has been transferred to the insurance company or other entity due  
46 to the totaled nature of the vehicle and is no longer titled or registered to the taxpayer  
47 nor in the taxpayer's possession.

48 6. If a taxpayer participating in a program established under this section  
49 purchases a replacement vehicle during the same tax year that the taxpayer's motor  
50 vehicle was totaled and he or she received a prorated property tax credit for such  
51 totaled motor vehicle, such replacement vehicle shall not be included in the tax rolls for  
52 that tax year to offset the property tax liability. Taxation of such replacement vehicle  
53 shall follow the statutory assessment standards as provided by general law and the  
54 applicable taxing entity if such replacement vehicle is owned by such taxpayer as of  
55 January first of the following tax year.

56 7. A totaled motor vehicle personal property tax proration program shall be  
57 created upon the adoption of an ordinance by the governing body of such taxing entity.  
58 Such ordinance shall be in accordance with the provisions of this section and shall  
59 include, but not be limited to, the following:

60 (1) Procedures and deadlines for application and participation in such program  
61 and any required documentation to sufficiently prove eligibility necessary for such  
62 program, such as documents ascertaining proof of the totaled motor vehicle's total loss  
63 value, copies of valuation reports, insurance total loss documentation or total loss letter,  
64 verification of the transfer of title of the totaled motor vehicle, signed copy of title,  
65 certified letter of transfer, or other such documentation necessary to substantiate the  
66 taxpayer's eligibility;

67 (2) Procedures for verification and record keeping of the prorated property tax  
68 credit amount and the total amount by which the personal property tax owed has been  
69 modified for each taxpayer participating in the program;

70 (3) Creation of a form for taxpayers participating in the program that may be  
71 submitted in person, by mail, or electronically on a taxing entity's website;

72 (4) Procedures for the crediting of the amount of a taxpayer's prorated property  
73 tax credit toward such taxpayer's personal property taxes; and

74           **(5) Any other provisions that such taxing entity deems reasonable and necessary**  
75 **for the implementation and operation of such program.**

76           **8. A taxing entity may by ordinance promulgate rules, establish procedures, and**  
77 **provide additional standards of eligibility for a program adopted under this section.**

78           **9. Any taxing entity that establishes a totaled motor vehicle personal property**  
79 **tax proration program under the provisions of this section shall make information**  
80 **regarding such program available to the taxpayers of the taxing entity.**

81           **10. Participation in this program and proration of personal property taxes**  
82 **received under such program by any qualified taxpayer as a prorated property tax**  
83 **credit toward any portion of such taxpayer's personal property taxes shall not affect the**  
84 **taxpayer's right to protest the amount of such tax payments under applicable provisions**  
85 **of law.**

238.225. 1. Before construction or funding of any project the district shall submit the  
2 proposed project to the commission for its prior approval, **and approval of such project**  
3 **shall be by at least a two-thirds majority vote if the funding mechanism of the project**  
4 **includes a sales tax.** If the commission by minute finds that the project will improve or is a  
5 necessary or desirable extension of the state highways and transportation system, the  
6 commission may preliminarily approve the project subject to the district providing plans and  
7 specifications for the proposed project and making any revisions in the plans and  
8 specifications required by the commission and the district and commission entering into a  
9 mutually satisfactory agreement regarding development and future maintenance of the  
10 project. After such preliminary approval, the district may impose and collect such taxes and  
11 assessments as may be included in the commission's preliminary approval. After the  
12 commission approves the final construction plans and specifications, the district shall obtain  
13 prior commission approval of any modification of such plans or specifications.

14           2. If the proposed project is not intended to be merged into the state highways and  
15 transportation system under the commission's jurisdiction, the district shall also submit the  
16 proposed project and proposed plans and specifications to the local transportation authority  
17 that will become the owner of the project for its prior approval, **which shall be by at least a**  
18 **two-thirds majority vote if the funding mechanism of the project includes a sales tax.**

19           3. In those instances where a local transportation authority is required to approve a  
20 project and the commission determines that it has no direct interest in that project, the  
21 commission may decline to consider the project. Approval of the project shall then vest  
22 exclusively with the local transportation authority subject to the district making any revisions  
23 in the plans and specifications required by the local transportation authority and the district  
24 and the local transportation authority entering into a mutually satisfactory agreement  
25 regarding development and future maintenance of the project. After the local transportation

26 authority approves the final construction plans and specifications, **by a two-thirds vote if the**  
27 **proposed project is to be funded by a sales tax**, the district shall obtain prior approval of the  
28 local transportation authority before modifying such plans or specifications.

29 4. Notwithstanding any provision of this section to the contrary, this section shall not  
30 apply to any district whose project is a public mass transportation system.

31 **5. Notwithstanding any provision of this section to the contrary, nothing in this**  
32 **section shall affect a vote of the people under the provisions of section 238.230.**

238.230. 1. If approved by:

2 (1) A majority of the qualified voters voting on the question in the district; or

3 (2) The owners of record of all of the real property located within the district who  
4 shall indicate their approval by signing a special assessment petition;

5

6 the district may make one or more special assessments for those project improvements which  
7 specially benefit the properties within the district. Improvements which may confer special  
8 benefits within a district include but are not limited to improvements which are intended  
9 primarily to serve traffic originating or ending within the district, to reduce local traffic  
10 congestion or circuitry of travel, or to improve the safety of motorists or pedestrians within the  
11 district.

12 2. The ballot question shall be substantially in the following form:

13

14 Shall the \_\_\_\_\_ Transportation Development District be authorized to levy special  
15 assessments against property benefitted within the district for the purpose of providing  
16 revenue for the development of a project (or projects) in the district (insert general description  
17 of the project or projects, if necessary), said special assessments to be levied ratably against  
18 each tract, lot or parcel of property within the district which is benefitted by such project in  
19 proportion to the (insert method of allocating special assessments), in an amount not to  
20 exceed \$\_\_\_\_\_ per annum per (insert unit of measurement)?

21 3. The special assessment petition shall be substantially in the following form:

22

23 The \_\_\_\_\_ Transportation Development District shall be authorized to levy special  
24 assessments against property benefitted within the district for the purpose of providing  
25 revenue for the development of a project (or projects) in the district (insert general description  
26 of the project or projects, if necessary), said special assessments to be levied pro rata against  
27 each tract, lot or parcel or property within the district which is benefitted by such project in  
28 proportion to the (insert method of allocating special assessments), in an amount not to  
29 exceed \$\_\_\_\_\_ per annum per (insert unit of measurement).

30 4. If a proposal for making a special assessment fails, the district board of directors  
31 may, with the prior approval of the commission or the local transportation authority which  
32 will assume ownership of the completed project, delete from the project any portion which  
33 was to be funded by special assessment and which is not otherwise required for project  
34 integrity.

35 5. A district may establish different classes or subclasses of real property within the  
36 district for purposes of levying differing rates of special assessments. The levy rate for  
37 special assessments may vary for each class or subclass of real property based on the level of  
38 benefit derived by each class or subclass from projects funded by the district.

39 **6. Notwithstanding any other provision of this section to the contrary, all**  
40 **property owned by an entity that is exempt from taxation under 26 U.S.C. Section 501**  
41 **(c), as amended, shall be exempt from any special assessment levied by a district under**  
42 **this section so long as the property is used in furtherance of the entity's tax-exempt**  
43 **purposes.**

238.232. 1. If approved by at least four-sevenths of the qualified voters voting on the  
2 question in the district, the district may impose a property tax in an amount not to exceed the  
3 annual rate of ten cents on the hundred dollars assessed valuation. The district board may  
4 levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered  
5 tax rate to a level not exceeding the tax rate ceiling without voter approval. The property tax  
6 shall be uniform throughout the district.

7 2. The ballot of submission shall be substantially in the following form:

8 Shall the \_\_\_\_\_ Transportation Development District impose a  
9 property tax upon all real and tangible personal property within the  
10 district at a rate of not more than \_\_\_\_\_ (insert amount) cents per  
11 hundred dollars assessed valuation for the purpose of providing  
12 revenue for the development of a project (or projects) in the district  
13 (insert general description of the project or projects, if necessary)?

14 ☐ YES

☐ NO

15 If you are in favor of the question, place an "X" in the box opposite  
16 "YES". If you are opposed to the question, place an "X" in the box  
17 opposite "NO".

18 3. The county collector of each county in which the district is partially or entirely  
19 located shall collect the property taxes and special benefit assessments made upon all real  
20 property and tangible personal property within that county and the district, in the same  
21 manner as other property taxes are collected.

22 4. Every county collector having collected or received district property taxes shall, on  
23 or before the fifteenth day of each month and after deducting his commissions, remit to the

24 treasurer of that district the amount collected or received by him prior to the first day of the  
25 month. Upon receipt of such money, the district treasurer shall execute a receipt therefor,  
26 which he shall forward or deliver to the collector. The district treasurer shall deposit such  
27 sums into the district treasury, credited to the appropriate project or purpose. The collector  
28 and district treasurer shall make final settlement of the district account and commissions  
29 owing, not less than once each year, if necessary.

30 **5. Notwithstanding any other provision of this section to the contrary, all**  
31 **property owned by an entity that is exempt from taxation under 26 U.S.C. Section 501**  
32 **(c), as amended, shall be exempt from any property tax levied by a district under this**  
33 **section so long as the property is used in furtherance of the entity's tax-exempt**  
34 **purposes.**

✓