

Missouri Constitution

Article X
TAXATION
August 28, 2015

Taxing power--exercise by state and local governments.

Section 1. The taxing power may be exercised by the general assembly for state purposes, and by counties and other political subdivisions under power granted to them by the general assembly for county, municipal and other corporate purposes.

Source: Const. of 1875, Art. X, 1.

(1968) Proposed amendment to Kansas City charter which purported to impose a total earnings tax higher than the tax permitted by statute was invalid. *Grant v. Kansas City (Mo.)*, 431 S.W.2d 89.

Inalienability of power to tax.

Section 2. The power to tax shall not be surrendered, suspended or contracted away, except as authorized by this constitution.

Source: Const. of 1875, Art. X, 2.

Limitation of taxation to public purposes--uniformity--general laws--time for payment of taxes--valuation.

Section 3. Taxes may be levied and collected for public purposes only, and shall be uniform upon the same class or subclass of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws and shall be payable during the fiscal or calendar year in which the property is assessed. Except as otherwise provided in this constitution, the methods of determining the value of property for taxation shall be fixed by law.

Source: Const. of 1875, Art. X, § 3.

(Amended August 3, 1982)

(1953) Earnings tax imposed by city of St. Louis under statutory authority held not violative of the due process and uniform tax provisions of the constitution. *Walters v. City of St. Louis* 364 Mo. 56, 259 S.W.2d 377.

(1954) City ordinance levying license tax of five dollars a day on photographers who are nonresidents, while resident photographers were taxed at the rate of \$20 per year, held discriminatory and violative of commerce provision of federal constitution when applied to business partly conducted in another state. *Olan Mills, Inc. v. City of Cape Girardeau*, 364 Mo. 1089, 272 S.W.2d 244.

(1955) Tax imposed by sewer district formed under § 30, Art. VI of Const., of 3 cents on \$100 valuation on property in St. Louis County and 2 cents on such property in St. Louis City for general

purposes held violative of this provision and tax in excess of 2 cents is void, but this uniformity provision does not apply to special assessments. *State on Inf. Dalton v. Metropolitan St. Louis Sewer Dist.* (Mo.), 275 S.W.2d 225.

(1958) Where evidence showed that commercially zoned property in specified city had increased in value far more than that in other localities, an assessment of such commercially zoned property on the basis of revaluation in an effort to fix all assessments in county at 30% of actual value held not violative of the uniformity of taxation or equal protection provisions of the constitution even though other property in county was not reassessed. *May Dept. Stores Co. v. State Tax Comm.* (Mo.), 308 S.W.2d 748.

(1961) Sections 144.600 to 144.745, RSMo, as adopted in 1959, imposing a compensating use tax on merchandise stored, used or consumed within this state held arbitrary and invalid insofar as they exempted from the tax the use of merchandise which was subject to the state sales tax which it was intended to complement. *Missouri Pacific R.R. Co. v. Morris* (Mo.), 345 S.W.2d 52.

(1964) Where taxable property lying within the boundaries of a county library district was incorporated by annexation into the boundaries of a city which had a tax supported free public library, held that the property was subject to the taxing power of both districts and such interpretation did not violate Art. X, § 3, and Art. I, §§ 2, 10, 26 and 28 of Mo. Const. *St. Louis County Library District v. Hopkins* (Mo.), 375 S.W.2d 71.

(1968) Where voters of each of four school districts, prior to consolidation into one district, had adopted tax levies, each different for the respective districts, the respective levies were valid and could continue to be collected after the consolidation and paid to the new district. *Lewis County C-I School District v. Normile* (Mo.), 431 S.W.2d 118.

(1972) Tax levies of different amount voted prior to consolidation of school districts do not violate this section since the probation applies only to the taxing authority at the time the levy is made. *State ex rel. Fort Osage School District v. Conley* (Mo.), 485 S.W.2d 469.

(1979) Failure of county to reassess homes since 1960 while assessing new homes at one-third their value violated constitutional requirement that taxes be uniform. *State ex rel. Casilly v. Riney* (Mo.), 576 S.W.2d 325.

(1990) Where retirement benefits from private nongovernmental employment were subject to income tax and retirement benefits from governmental employment were exempt, tax scheme did not violate constitutional provision that tax be applied uniformly to a class of persons, the legislature's classification of governmental and nongovernmental employees' retirement benefits is reasonable. *Schnorbus v. Director of Revenue*, 790 S.W.2d 241 (Mo. en banc).

Classification of taxable property--taxes on franchises, incomes, excises and licenses.

Section 4(a). All taxable property shall be classified for tax purposes as follows: class 1, real property; class 2, tangible personal property; class 3, intangible personal property. The general assembly, by general law, may provide for further classification within classes 2 and 3, based solely on the nature and characteristics of the property, and not on the nature, residence or business of the owner, or the amount owned. Nothing in this section shall prevent the taxing of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, or any other taxes of the same or different types.

(1973) A difference in methods of assessment does not produce subclassification of property in violation of this section. *State ex rel. Howard Electric Cooperative v. Riney* (Mo.), 490 S.W.2d 1.

Basis of assessment of tangible property--real property--taxation of intangibles--limitations.

Section 4(b). Property in classes 1 and 2 and subclasses of those classes, shall be assessed for tax purposes at its value or such percentage of its value as may be fixed by law for each class and for each subclass. Property in class 3 and its subclasses shall be taxed only to the extent authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on the annual yield and shall not exceed eight percent thereof. Property in class 1 shall be subclassed in the following classifications:

(1) Residential property;

(2) Agricultural and horticultural property;

(3) Utility, industrial, commercial, railroad, and all other property not included in subclasses (1) and (2) of class 1. Property in the subclasses of class 1 may be defined by law, however subclasses (1), (2), and (3) shall not be further divided, provided, land in subclass (2) may by general law be assessed for tax purposes on its productive capability. The same percentage of value shall be applied to all properties within any subclass. No classes or subclass shall have a percentage of its true value in money in excess of thirty-three and one-third percent.

Source: Const. of 1945. Superseded § 4, Art. X.

(Amended November 2, 1922)

(Amended August 3, 1982)

(1975) Held a "property" tax must be based on a money value attributed to the property. McKay Buick Inc. v. Spradling (Mo.), 529 S.W.2d 394.

Assessment, levy, collection and distribution of tax on intangibles.

Section 4(c). All taxes on property in class 3 and its subclasses, and the tax under any other form of taxation substituted by the general assembly for the tax on bank shares, shall be assessed, levied and collected by the state and returned as provided by law, less two percent for collection, to the counties and other political subdivisions of their origin, in proportion to the respective local rates of levy.

(1990) Constitutional provision permitting substitution of another form of taxation for the tax on bank shares constitutes an exemption from personal property taxation in addition to exemptions enumerated in Art. X, § 6. Mercantile Bank National Assn. v. Berra, 796 S.W.2d 22 (Mo. 1990) (en banc).

Income tax laws, may incorporate federal laws by reference--rates, how set.

Section 4(d). In enacting any law imposing a tax on or measured by income, the general assembly may define income by reference to provisions of the laws of the United States as they may be or become effective at any time or from time to time, whether retrospective or prospective in their operation. The general assembly shall in any such law set the rate or rates of such tax. The general assembly may in so defining income make exceptions, additions, or modifications to any provisions

of the laws of the United States so referred to and for retrospective exceptions or modifications to those provisions which are retrospective.

(Adopted November 5, 1968)

Taxation of railroads.

Section 5. All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

Source: Const. of 1875, Art. X, § 5.

Property exempt from taxation.

Section 6. 1. All property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, and all real property used as a homestead as defined by law of any citizen of this state who is a former prisoner of war, as defined by law, and who has a total service-connected disability, shall be exempt from taxation; all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, for agricultural and horticultural societies, or for veterans' organizations may be exempted from taxation by general law. In addition to the above, household goods, furniture, wearing apparel and articles of personal use and adornment owned and used by a person in his home or dwelling place may be exempt from taxation by general law but any such law may provide for approximate restitution to the respective political subdivisions of revenues lost by reason of the exemption. All laws exempting from taxation property other than the property enumerated in this article, shall be void. The provisions of this section exempting certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments from taxation shall become effective, unless otherwise provided by law, in each county on January 1 of the year in which that county completes its first general reassessment as defined by law.

2. All revenues lost because of the exemption of certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments shall be replaced to each taxing authority within a county from a countywide tax hereby imposed on all property in subclass 3 of class 1 in each county. For the year in which the exemption becomes effective, the county clerk shall calculate the total revenue lost by all taxing authorities in the county and extend upon all property in subclass 3 of class 1 within the county, a tax at the rate necessary to produce that amount. The rate of tax levied in each county according to this subsection shall not be increased above the rate first imposed and will stand levied at that rate unless later reduced according to the provisions of subsection 3. The county collector shall disburse the proceeds according to the revenue lost by each taxing authority because of the exemption of such property in that county. Restitution of the revenues lost by any taxing district contained in more than one county shall be from the several counties according to the revenue lost because of the exemption of property in each county. Each year after the first year the replacement tax is imposed, the amount distributed to each taxing authority in a county shall be increased or decreased by an amount equal to the amount resulting from the change in that district's total assessed value of property in subclass 3 of class 1 at the countywide replacement tax rate. In order to implement the provisions of this subsection, the

limits set in section 11(b) of this article may be exceeded, without voter approval, if necessary to allow each county listed in section 11(b) to comply with this subsection.

3. Any increase in the tax rate imposed pursuant to subsection 2 of this section shall be decreased if such decrease is approved by a majority of the voters of the county voting on such decrease. A decrease in the increased tax rate imposed under subsection 2 of this section may be submitted to the voters of a county by the governing body thereof upon its own order, ordinance, or resolution and shall be submitted upon the petition of at least eight percent of the qualified voters who voted in the immediately preceding gubernatorial election.

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

Source: Const. of 1875, Art. X, §§ 6, 7.

(Amended November 7, 1972)

(Amended August 3, 1982)

(Amended November 7, 2006)

(Amended November 2, 2010)

(1951) Large tract of land (2300 acres) owned by Boy Scout Council and used in connection with scouting program by boys for training purposes held exempt from taxation. *St. Louis Council, Boy Scouts v. Burgess*, 362 Mo. 146, 240 S.W.2d 684.

(1952) Enactment appearing at Laws 1945, p. 1023 as § 6098a which imposed premium tax on insurance companies "in lieu of" intangible tax imposed by Chap. 146, RSMo, and exempting intangibles owned by such companies from intangible tax held invalid because conflicting with § 6, Art. X of the Const. *Gen. Am. Life Ins. Co. v. Bates*, 363 Mo. 143, 249 S.W.2d 458.

(1952) Airplane manufacturing and assembly plant originally erected on land owned by city and later conveyed to the city which rented it to operator and later sold it, held exempt from taxation while owned by city. *School Dist. of Berkeley v. Evans*, 363 Mo. 208, 250 S.W.2d 499.

(1953) Where statute imposing tax on insurance companies was held invalid because violative of this section, repeal of prior section was also invalid, so that prior section continued in effect. *Missouri Ins. Co. v. Morris (Mo.)*, 255 S.W.2d 781.

(1953) Buildings owned by bible school operated for purpose of training ministers and missionaries and used for housing students and also containing apartments furnished without cost to faculty members and their families held exempt as being exclusively used for school and charitable purposes. *Midwest Bible & Missionary Inst. v. Sestric*, 364 Mo. 167, 260 S.W.2d 25.

(1953) Property owned by William Jewell College and leased for use as a foundry and industrial plant held exempt from taxation under special charter provision enacted in 1857 granting tax exemption for lands granted to said college for the benefit of education where rents from such property are used for "the benefit of education". *State ex rel. Bannister v. Trustees of William Jewell College*, 364 Mo. 199, 260 S.W.2d 479.

(1954) Section 353.110 is authorized by § 7, Art. X of the Const. and does not conflict with § 6, Art. X. Land Clearance for Redevelopment Auth. v. City of St. Louis (Mo.), 270 S.W.2d 58.

(1957) Buildings on land owned by the United States, erected by private corporations under lease with government held subject to taxation in this state. Such buildings were properly assessed as real estate. State ex rel. Benson v. Personnel Housing, Inc. (Mo.), 300 S.W.2d 506.

(1964) Hospital owned and operated by association, facilities of which generally were available only to members who paid monthly dues to the association, was not exempt from taxation though operated at a loss, since not operated exclusively for purposes purely charitable. Frisco Employees' Hospital Ass'n. v. State Tax Com'n. (Mo.), 381 S.W.2d 772.

(1966) Residential properties owned by charitable hospital and occupied by key personnel necessary to efficient operation who were on call 24 hours a day were used exclusively for charitable purposes and hence exempt from taxation. Bethesda General Hospital v. State Tax Commission (Mo.), 396 S.W.2d 631.

(1967) The charitable use doctrine depends upon the use made of the property sought to be exempted, and not solely upon the nature or stated purpose of the organization owning the property. Community Memorial Hospital v. City of Moberly (Mo.), 422 S.W.2d 290.

(1968) Leasehold interest held by private corporation in real estate owned by municipality is within definition of "real property" of § 137.010, RSMo, and is taxable as real property and the exemption accorded the municipality from taxation on its real estate does not extend to a privately owned leasehold in that real estate. Iron County v. State Tax Commission (Mo.), 437 S.W.2d 665.

(1968) Not-for-profit corporation's property used for housing for the aged was not used for purposes purely charitable and was not exempt from taxation. Defenders' Townhouse, Inc. v. Kansas City (Mo.), 441 S.W.2d 365.

(1969) Nonprofit corporation which operated housing facilities for low income elderly was not entitled to tax exemption where facility was intended to be completely self-supporting and self-liquidating without any intention that gifts or charity were to be involved. Paraclete Manor of Kansas City v. State Tax Com'n. (Mo.), 447 S.W.2d 311.

(1975) Youth summer camp owned by religious and charitable organization which did not charge adequate fees to cover costs held to be exempt from taxation. Jewish Community Centers Association v. State Tax Commission (Mo.), 520 S.W.2d 23.

(1975) Certain hospitals held to qualify as tax-exempt charitable institutions. Residence quarters used by nurses held tax exempt as incident to hospital's basic objectives. Jackson County v. State Tax Commission (Mo.), 521 S.W.2d 378.

(1975) If any part of property is used for noncharitable purpose, the whole is taxable. City of St. Louis v. State Tax Commission (Mo.), 524 S.W.2d 839.

(1977) Held, the term "religious worship" has as a minimum requirement a belief in a Supreme Being. Mo. Church of Scientology v. State Tax Comm. (Mo.), 560 S.W.2d 837.

Homestead exemption authorized.

Section 6(a). The general assembly may provide that a portion of the assessed valuation of real property actually occupied by the owner or owners thereof as a homestead, be exempted from the payment of taxes thereon, in such amounts and upon such conditions as may be determined by law, and the general assembly may provide for certain tax credits or rebates in lieu of or in addition to such an exemption, but any such law shall further provide for restitution to the respective political subdivisions of revenues lost, if any, by reason of the exemption, and any such law may also provide

for comparable financial relief to persons who are not the owners of homesteads but who occupy rental property as their homes.

(Adopted November 7, 1972)

(Amended August 3, 1982)

Intangible property exempt from taxation, when--local governments may be reimbursed, when.

Section 6(b). The general assembly may by general law exempt from taxation all intangible property, including taxation on the yield thereof, when owned by:

(1) Individuals; or

(2) Labor, agricultural or horticultural organizations; or

(3) Corporations or associations organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual; or

(4) Hospitals which are exempt from payment of Missouri state income tax. Any such law may provide for approximate reimbursement to the various political subdivisions, by the state, of revenues lost because of the exemption.

(Adopted November 7, 1972)

Relief from taxation--forest lands--obsolete, decadent, or blighted areas--limitations--exception.

Section 7. For the purpose of encouraging forestry when lands are devoted exclusively to such purpose, and the reconstruction, redevelopment, and rehabilitation of obsolete, decadent, or blighted areas, the general assembly by general law may provide for such partial relief from taxation of the lands devoted to any such purpose, and of the improvements thereon, by such method or methods, for such period or periods of time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe; provided, however, that in the case of forest lands, the limitation of twenty-five years herein described shall not apply.

(Amended August 3, 1976)

(1954) Section 353.110 is authorized by § 7, Art. X of the Const. and does not conflict with § 6, Art. X. Land Clearance for Redevelopment Auth. v. City of St. Louis (Mo.), 270 S.W.2d 58.

(1976) The exemption of not-for-profit cemeteries from taxation is from general taxes and not from special tax bills. Lakewood Park Cemetery Assn. v. Met. St. Louis Sewer Dist. (Mo.), 530 S.W.2d 240.

Limitation on state tax rate on tangible property.

Section 8. The state tax on real and tangible personal property, exclusive of the tax necessary to pay any bonded debt of the state, shall not exceed ten cents on the hundred dollars assessed valuation.

Source: Const. of 1875, Art. X, § 8.

Immunity of private property from sale for municipal debts.

Section 9. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Source: Const. of 1875, Art. X, § 13.

Exclusion of state from local taxation for local purposes.

Section 10(a). Except as provided in this constitution, the general assembly shall not impose taxes upon counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes.

Source: Const. of 1875, Art. X, § 10.

State aid for local purposes.

Section 10(b). Nothing in this constitution shall prevent the enactment of general laws directing the payment of funds collected for state purposes to counties or other political subdivisions as state aid for local purposes.

Reduction in rates of levy may be required by law.

Section 10(c). The general assembly may require by law that political subdivisions reduce the rate of levy of all property taxes the subdivisions impose whether the rate of levy is authorized by this constitution or by law. The general assembly may by law establish the method of increasing reduced rates of levy in subsequent years.

(Adopted November 7, 1978)

Taxing jurisdiction of local governments--limitation on assessed valuation.

Section 11(a). Taxes may be levied by counties and other political subdivisions on all property subject to their taxing power, but the assessed valuation therefor in such other political subdivisions shall not exceed the assessed valuation of the same property for state and county purposes.

Source: Const. of 1875, Art. X, § 11 (as amended November 3, 1942).

(1955) Sewer district formed under § 30 of Art. VI of Const. may take the assessment of property by county and city assessors as basis for tax for its general purposes. *State on Inf. Dalton v. Metropolitan St. L. Sewer Dist. (Mo.)*, 275 S.W.2d 225.

(1974) Held, duty of city not to exceed assessed valuation of property for state and county purpose is self-enforcing. *Naegele Outdoor Co., Inc. v. Kansas City (Mo.)*, 509 S.W.2d 128.

Limitations on local tax rates.

Section 11(b). Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities--one dollar on the hundred dollars assessed valuation;

For counties--thirty-five cents on the hundred dollars assessed valuation in counties having three hundred million dollars, or more, assessed valuation and having by operation of law attained the classification of a county of the first class; and fifty cents on the hundred dollars assessed valuation in all other counties;

For school districts formed of cities and towns, including the school district of the city of St. Louis--two dollars and seventy-five cents on the hundred dollars assessed valuation;

For all other school districts--sixty-five cents on the hundred dollars assessed valuation.

Source: Const. of 1875, Art. X, § 11 (as amended in 1942). (Amended January 14, 1966)

(Amended October 5, 1971)

(Amended November 3, 1998)

(1951) Word "town" as used in limitation on school district tax, is not restricted to incorporated towns, so that school district in unincorporated town could levy tax of \$1.00 on \$100 valuation without approval of electors. *Vanlandingham v. Reorganized School Dist. R-IV (Mo.)*, 243 S.W.2d 107.

(1967) This section does not prohibit an overlying district from levying a separate tax so that total tax levied by all districts exceeds limit imposed on "school districts". *Three Rivers Junior College District v. Statler (Mo.)*, 421 S.W.2d 235.

(2003) Section authorizes a school district to set its property tax levy at \$2.75 or less regardless of calculation required by section 22(a) of this article. *Thompson v. Hunter*, 119 S.W.3d 95 (Mo.banc).

Increase of tax rate by popular vote--further limitation by law -- exceptions to limitation.

Section 11(c). In all municipalities, counties and school districts the rates of taxation as herein limited may be increased for their respective purposes when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed six dollars on the hundred dollars assessed valuation, except as herein provided, when the rate and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided, that in any school district where the board of education is not proposing a higher tax rate for school purposes, the last tax rate approved shall continue and the tax rate need not be submitted to the voters; provided, that in school districts where the qualified voters have voted against a proposed higher tax rate for school purposes, then the rate shall remain at the rate approved in the last previous school election except that the board of education shall be free to resubmit any higher tax rate at any time; provided that any board of education may levy a lower tax rate than approved by the voters as authorized by any provision of this section; and provided, that the rates herein fixed, and the amounts by which they may be increased may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum purposes.

(As amended November 7, 1950)

(Amended November 3, 1970)

(Amended November 3, 1998)

(1952) In the absence of showing that voters in school district had approved tax levy in excess of 65 cents, mandamus will not lie to compel levy in such amount for purposes of paying judgment against district. *State ex rel. Fredericktown Sch. Dist. v. Underwood Sch. Dist. (A.)*, 250 S.W.2d 843.

(1955) Under the 1950 amendment to § 11(c), Art. X, of the Const., the tax rate may be increased by a simple majority vote for one year so that total levy will not exceed three times the limit specified, for the purpose of creating a building fund for school buildings. Meaning of "school purposes" discussed extensively. *Rathjen v. Reorganized Sch. Dist. R. II*, 365 Mo. 518, 284 S.W.2d 516.

(1974) Held that use of language "school purposes" failed to meet the requirement that the ballot state the purpose of the increase. *Street v. Maries County R-1 School Dist. of Maries County (Mo.)*, 511 S.W.2d 814.

(1975) Held that federal court had power to set a "maximum tax rate" which district could levy and that overriding of state constitutional provisions is necessary in order to guarantee federal rights. *United States v. State of Missouri (C.A. Mo.)*, 515 F.2d 1365.

(1981) The 1970 amendment of Art. X, § 11(c) authorizing increase in rate of school district taxation could not be reasonably read to permit indefinite continuation of tax rate approved by voters for limited period of time only and was to be read to permit increase to continue indefinitely only when no time limit was placed on duration. *Ederer v. Dalton (Mo.)*, 618 S.W.2d 644.

Tax rate in St. Louis for county purposes.

Section 11(d). The city of St. Louis may levy for county purposes, in addition to the municipal rates herein provided, a rate not exceeding the rate allowed for county purposes.

Source: Const. of 1875, Art. X, § 11 (as amended in 1942).

Exclusion of bonded debt from limitations on tax rates.

Section 11(e). The foregoing limitations on rates shall not apply to taxes levied for the purpose of paying any bonded debt.

Source: Const. of 1875, Art. X, § 11.

Authorization of local taxes other than ad valorem taxes.

Section 11(f). Nothing in this constitution shall prevent the enactment of any general law permitting any county or other political subdivision to levy taxes other than ad valorem taxes for its essential purposes.

(1953) Act authorizing tax levy by city of 700,000, enacted in 1952 and having an expiration date in 1954 held not local or special law forbidden by the Constitution. *Walters v. City of St. Louis*, 304 Mo. 56, 259 S.W.2d 377.

(1968) The enabling legislation for the St. Louis earnings tax does not violate constitutional provisions against arbitrary and unreasonable classification of taxes. *Barhorst v. City of St. Louis (Mo.)*, 423 S.W.2d 843.

Operating levy for Kansas City school district may be set by school board.

Section 11(g). The school board of any school district whose operating levy for school purposes for the 1995 tax year was established pursuant to a federal court order may establish the operating levy for school purposes for the district at a rate that is lower than the court-ordered rate for the 1995 tax year. The rate so established may be changed from year to year by the school board of the district. Approval by a majority of the voters of the district voting thereon shall be required for any operating levy for school purposes equal to or greater than the rate established by court order for the 1995 tax year. The authority granted in this section shall apply to any successor school district or successor school districts of such school district.

(Adopted April 7, 1998)

Additional tax rates for county roads and bridges--road districts --reduction in rate may be required, how.

Section 12(a). In addition to the rates authorized in section 11 for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties under township organization, and the proper administrative body in counties adopting an alternative form of government, may levy an additional tax, not exceeding fifty cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes; provided that, before any such county may increase its tax levy for road and bridge purposes above thirty-five cents it must submit such increase to the qualified voters of that county at a general or special election and receive the approval of a majority of the voters voting on such increase. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when so authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law provided that the general assembly may require by law that the rates authorized herein may be reduced.

Source: Const. of 1875, Art. X, §§ 22, 23 (as adopted Nov. 3, 1908, and Nov. 2, 1920).

(Amended November 7, 1978)

Refund of road and bridge taxes.

Section 12(b). Nothing in this section shall prevent the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

Tax sales--limitations--contents of notices.

Section 13. No real property shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale shall contain the names of all record owners thereof, or the names of all owners appearing on the land tax book, and all other information required by law.

Equalization commission--appointment--duties.

Section 14. The general assembly shall establish a commission, to be appointed by the governor by and with the advice and consent of the senate, to equalize assessments as between counties and, under such rules as may be prescribed by law, to hear appeals from local boards in

individual cases and, upon such appeal, to correct any assessment which is shown to be unlawful, unfair, arbitrary or capricious. Such commission shall perform all other duties prescribed by law.

Definition of "other political subdivision".

Section 15. The term "other political subdivision," as used in this article, shall be construed to include townships, cities, towns, villages, school, road, drainage, sewer and levee districts and any other public subdivision, public corporation or public quasi-corporation having the power to tax.

Taxes and state spending to be limited--state to support certain local activities--emergency spending and bond payments to be authorized.

Section 16. Property taxes and other local taxes and state taxation and spending may not be increased above the limitations specified herein without direct voter approval as provided by this constitution. The state is prohibited from requiring any new or expanded activities by counties and other political subdivisions without full state financing, or from shifting the tax burden to counties and other political subdivisions. A provision for emergency conditions is established and the repayment of voter approved bonded indebtedness is guaranteed. Implementation of this section is specified in sections 17 through 24, inclusive, of this article.

(Adopted November 4, 1980)

Definitions.

Section 17. As used in sections 16 through 24 of Article X:

(1) "Total state revenues" includes all general and special revenues, license and fees, excluding federal funds, as defined in the budget message of the governor for fiscal year 1980-1981. Total state revenues shall exclude the amount of any credits based on actual tax liabilities or the imputed tax components of rental payments, but shall include the amount of any credits not related to actual tax liabilities.

(2) "Personal income of Missouri" is the total income received by persons in Missouri from all sources, as defined and officially reported by the United States Department of Commerce or its successor agency.

(3) "General price level" means the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency.

(Adopted November 4, 1980)

CROSS REFERENCE:

Certain funds deposited in dry-cleaning environmental response trust fund not to be considered total state revenue, RSMo 260.920

(1997) Term "total state revenues" as used in Hancock Amendment has been judicially interpreted to mean sum of all taxes, excises, customs, duties and other sources of income received by the state in a fiscal year. Section is not unconstitutionally vague. *Missourians for Tax Justice Education Project v. Holden*, 959 S.W.2d 100 (Mo.).

(1997) Local use taxes, local portion of admission fees assessed against riverboat casino passengers and certain state licensing taxes did not qualify as "revenue" to be included in total state revenue for purposes of Hancock Amendment. Funds must be received into state treasury and subject to appropriation to qualify as "revenue". Kelly v. Hanson, 959 S.W.2d 107 (Mo.banc).

(1997) Term "personal income of Missouri" is defined in Hancock Amendment as figure officially reported by the United States Department of Commerce. Section is not unconstitutionally vague. Missourians for Tax Justice Education Project v. Holden, 959 S.W.2d 100 (Mo.).

Limitation on taxes which may be imposed by general assembly --exclusions--refund of excess revenue--adjustments authorized.

Section 18. (a) There is hereby established a limit on the total amount of taxes which may be imposed by the general assembly in any fiscal year on the taxpayers of this state. Effective with fiscal year 1981-1982, and for each fiscal year thereafter, the general assembly shall not impose taxes of any kind which, together with all other revenues of the state, federal funds excluded, exceed the revenue limit established in this section. The revenue limit shall be calculated for each fiscal year and shall be equal to the product of the ratio of total state revenues in fiscal year 1980-1981 divided by the personal income of Missouri in calendar year 1979 multiplied by the personal income of Missouri in either the calendar year prior to the calendar year in which appropriations for the fiscal year for which the calculation is being made, or the average of personal income of Missouri in the previous three calendar years, whichever is greater.

(b) For any fiscal year in the event that total state revenues exceed the revenue limit established in this section by one percent or more, the excess revenues shall be refunded pro rata based on the liability reported on the Missouri state income tax (or its successor tax or taxes) annual returns filed following the close of such fiscal year. If the excess is less than one percent, this excess shall be transferred to the general revenue fund.

(c) The revenue limitation established in this section shall not apply to taxes imposed for the payment of principal and interest on bonds, approved by the voters and authorized under the provisions of this constitution.

(d) If responsibility for funding a program or programs is transferred from one level of government to another, as a consequence of constitutional amendment, the state revenue and spending limits may be adjusted to accommodate such change, provided that the total revenue authorized for collection by both state and local governments does not exceed that amount which would have been authorized without such change.

(Adopted November 4, 1980)

CROSS REFERENCE:

Certain funds deposited in dry-cleaning environmental response trust fund not to be considered total state revenue, RSMo 260.920

(1983) Revenue generated in prior years cannot be included in "total state revenues" in fiscal year 1980-1981 for purposes of determining the revenue limit. Buechner v. Bond (Mo. banc), 650 S.W.2d 611.

(1997) Classification of "income taxpayers" did not warrant strict scrutiny. Section does not violate equal protection clause of constitution. Missourians for Tax Justice Education Project v. Holden, 959 S.W.2d 100 (Mo.).

Voter approval required for taxes or fees, when, exceptions -- compliance procedure.

Section 18(e). 1. In addition to the revenue limit imposed by section 18 of this article, the general assembly in any fiscal year shall not increase taxes or fees without voter approval that in total produce new annual revenues greater than either fifty million dollars adjusted annually by the percentage change in the personal income of Missouri for the second previous fiscal year, or one percent of total state revenues for the second fiscal year prior to the general assembly's action, whichever is less. In the event that an individual or series of tax or fee increases exceed the ceiling established in this subsection, the taxes or fees shall be submitted by the general assembly to a public vote starting with the largest increase in the given year, and including all increases in descending order, until the aggregate of the remaining increases and decreases is less than the ceiling provided in this subsection.

2. The term "new annual revenues" means the net increase in annual revenues produced by the total of all tax or fee increases enacted by the general assembly in a fiscal year, less applicable refunds and less all contemporaneously occurring tax or fee reductions in that same fiscal year, and shall not include interest earnings on the proceeds of the tax or fee increase. For purposes of this calculation, "enacted by the general assembly" shall include any and all bills that are truly agreed to and finally passed within that fiscal year, except bills vetoed by the governor and not overridden by the general assembly. Each individual tax or fee increase shall be measured by the estimated new annual revenues collected during the first fiscal year that it is fully effective. The term "increase taxes or fees" means any law or laws passed by the general assembly after May 2, 1996, that increase the rate of an existing tax or fee, impose a new tax or fee, or broaden the scope of a tax or fee to include additional class of property, activity, or income, but shall not include the extension of an existing tax or fee which was set to expire.

3. In the event of an emergency, the general assembly may increase taxes, licenses or fees for one year beyond the limit in this subsection under the same procedure specified in section 19 of this article.

4. Compliance with the limit in this section shall be measured by calculating the aggregate actual new annual revenues produced in the first fiscal year that each individual tax or fee change is fully effective.

5. Any taxpayer or statewide elected official may bring an action under the provisions of section 23 of this article to enforce compliance with the provisions of this section. The Missouri supreme court shall have original jurisdiction to hear any challenge brought by any statewide elected official to enforce this section. In such enforcement actions, the court shall invalidate the taxes and fees which should have received a public vote as defined in subsection 1 of this section. The court shall order remedies of the amount of revenue collected in excess of the limit in this subsection as the court finds appropriate in order to allow such excess amounts to be refunded or to reduce taxes and/or fees in the future to offset the excess monies collected.

(Adopted April 2, 1996)

Limits may be exceeded, when, how.

Section 19. The revenue limit of section 18 of this article may be exceeded only if all of the following conditions are met: (1) The governor requests the general assembly to declare an emergency; (2) the request is specific as to the nature of the emergency, the dollar amount of the emergency, and the method by which the emergency will be funded; and (3) the general assembly thereafter declares an emergency in accordance with the specifics of the governor's request by a

majority vote for fiscal year 1981-1982, thereafter a two-thirds vote of the members elected to and serving in each house. The emergency must be declared in accordance with this section prior to incurring any of the expenses which constitute the emergency request. The revenue limit may be exceeded only during the fiscal year for which the emergency is declared. In no event shall any part of the amount representing a refund under section 18 of this article be the subject of an emergency request.

(Adopted November 4, 1980)

Limitation on state expenses.

Section 20. No expenses of state government shall be incurred in any fiscal year which exceed the sum of the revenue limit established in sections 18 and 19 of this article plus federal funds and any surplus from a previous fiscal year.

(Adopted November 4, 1980)

State support to local governments not to be reduced, additional activities and services not to be imposed without full state funding.

Section 21. The state is hereby prohibited from reducing the state financed proportion of the costs of any existing activity or service required of counties and other political subdivisions. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.

(Adopted November 4, 1980)

(1982) St. Louis Board of Police Commissioners is a state agency for purposes of this section and cannot require the City of St. Louis to increase its level of activities beyond that required by law when the Hancock Amendment became effective; therefore, it is unconstitutional for the Board to require the city to appropriate more than budget certified as of effective date of the Hancock Amendment, and the Board has to look to the General Assembly for fund increase. State ex rel. Sayad v. Zych (Mo. banc), 642 S.W.2d 907.

(1985) The Hancock Amendment does not prohibit the Judicial Finance Commission from requiring that a county pay attorney fees incurred by the circuit court and judge in defending a federal civil rights action brought by juvenile court employees. In re 1984 Budget for Circuit Court (Mo. banc), 687 S.W.2d 896.

(2007) Requirement in sections 86.344 and 86.355, RSMo, that City of St. Louis pay entire contribution amounts certified by trustees for police retirement system and firemen's retirement system does not violate section. Neske v. City of St. Louis, 218 S.W.3d 417 (Mo.banc).

Political subdivisions to receive voter approval for increases in taxes and fees--rollbacks may be required--limitation not applicable to taxes for bonds.

Section 22. (a) Counties and other political subdivisions are hereby prohibited from levying any tax, license or fees, not authorized by law, charter or self-enforcing provisions of the constitution when this section is adopted or from increasing the current levy of an existing tax, license or fees, above that current levy authorized by law or charter when this section is adopted without the approval of the required majority of the qualified voters of that county or other political subdivision voting thereon. If the definition of the base of an existing tax, license or fees, is broadened, the maximum authorized current levy of taxation on the new base in each county or other political subdivision shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation of property as finally equalized, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the general price level from the previous year, the maximum authorized current levy applied thereto in each county or other political subdivision shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the general price level, as could have been collected at the existing authorized levy on the prior assessed value.

(b) The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments on contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this section.

(Adopted November 4, 1980)

CROSS REFERENCES: License or fees adjustment by political subdivision not deemed "increase" as used in Mo. Const., Art. X, § 22, when, RSMo 67.042

Public record copying fees not deemed to be as used by Art. X, § 22, RSMo 610.026

(2013) Metropolitan sewer district's stormwater user charge implemented without voter approval was a tax rather than a fee and thus unconstitutional under section. Also, section does not authorize courts to order a political subdivision to refund taxes collected in violation of provision. *Zweig v. Metropolitan St. Louis Sewer Dist.*, 412 S.W.3d 223 (Mo.banc).

Taxpayers may bring actions for interpretations of limitations.

Section 23. Notwithstanding other provisions of this constitution or other law, any taxpayer of the state, county, or other political subdivision shall have standing to bring suit in a circuit court of proper venue and additionally, when the state is involved, in the Missouri supreme court, to enforce the provisions of sections 16 through 22, inclusive, of this article and, if the suit is sustained, shall receive from the applicable unit of government his costs, including reasonable attorneys' fees incurred in maintaining such suit.

(Adopted November 4, 1980)

(1987) In a suit against a business district to enforce provisions of the Hancock Amendment, it was held that the city in which the district was formed, rather than the district itself, was liable for prevailing plaintiff's attorneys' fees. *Gilroy Sims & Assoc. v. Downtown St. Louis*, 729 S.W.2d 504 (Mo.App. 1987).

Voter approval requirements not exclusive--self-enforceability.

Section 24. (a) The provisions for voter approval contained in sections 16 through 23, inclusive, of this article do not abrogate and are in addition to other provisions of the constitution requiring voter approval to incur bonded indebtedness and to authorize certain taxes.

(b) The provisions contained in sections 16 through 23, inclusive, of this article are self-enforcing; provided, however, that the general assembly may enact laws implementing such provisions which are not inconsistent with the purposes of said sections.

(Adopted November 4, 1980)

Sale or transfer of homes or other real estate, prohibition on imposition of any new taxes, when.

Section 25. After the effective date of this section, the state, counties, and other political subdivisions are hereby prevented from imposing any new tax, including a sales tax, on the sale or transfer of homes or any other real estate.

(Adopted November 2, 2010)