

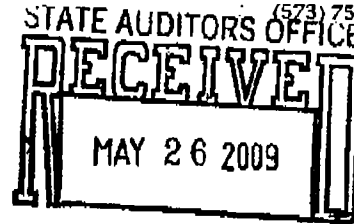
09-16



ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301



May 26, 2009

The Honorable Susan Montee  
State Auditor  
State Capitol Building  
Jefferson City, MO 65101

RE: Petition approval request from Angela Basham regarding a proposed constitutional amendment related to Article X, version 8

Dear Auditor Montee:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Angela Basham on May 26, 2009.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by § 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Robin Carnahan

cc: Chris Koster  
Becky Brennecke  
Barbara Wood

PO BOX 1767 • JEFFERSON CITY, MISSOURI • 65102  
www.sos.mo.gov

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any INITIATIVE petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

**Initiative Petition**

To the Honorable ....ROBIN CARNAHAN....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ...2ND... day of ...NOVEMBER....., 2010...., and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.  
[OFFICIAL BALLOT TITLE PROVIDED BY THE SECRETARY OF STATE TO BE PLACED HERE]

**CIRCULATOR'S AFFIDAVIT**

STATE OF MISSOURI,  
COUNTY OF .....

I, ....., being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street)(City, Town or Village)	ZIP CODE	CONG. DISTRICT	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

.....  
Signature of Affiant  
(Person obtaining signatures)

.....  
Address of Affiant

Subscribed and sworn to before me this ..... day of ....., A.D. ....

.....  
Signature of Notary  
My commission expires .....

.....  
ADDRESS OF NOTARY

Notary Public (Seal)

**Be it resolved by the people of the State of Missouri that the Constitution be amended:**

**Article X of the Missouri Constitution**

**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].

**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.

**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.

**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.]

**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] two percent thereof. Property in class 1 shall be subclassed in the following classifications:

(1) Residential property; No tax will be assessed against residential real estate property;

(2) Agricultural and horticultural property; No tax will be assessed against 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.

#### **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.

#### **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.] The general assembly may not increase the tax rate on income without a majority vote of the people.

#### **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.

#### **Property exempt from taxation.**

Section 6. 1. All property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, shall be exempt from taxation; all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, 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, automobiles, motor vehicles, tractors and farming equipment, office equipment used for the production of income and or record keeping, farm animals, 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, with[out] 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.

#### **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.

#### **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.

**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.

**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] two cents on the hundred dollars assessed valuation.

**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.

**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.

**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.

**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.] Taxes may not be levied by state, county, township and other political subdivisions on any property owned by citizens or taxpayers of the state of Missouri.

### **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.

### **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.

**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.

**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.

**[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.]

**[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.]

**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] ten 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.

### **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.] No real or personal property owned by any citizen of the State of Missouri shall be sold for state, county or city taxes.

### **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

