

SECOND REGULAR SESSION

HOUSE BILL NO. 1249

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

4992H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 137.010, 140.010, 140.150, 140.170, 140.470, and 140.530, RSMo, and to enact in lieu thereof six new sections relating to property taxation.

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

Section A. Sections 137.010, 140.010, 140.150, 140.170, 140.470, and 140.530, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 137.010, 140.010, 140.150, 140.170, 140.470, and 140.530, to read as follows:

137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

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.

17 (4) "Real property" includes land itself, whether laid out in town lots or otherwise, and
18 all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon,
19 hydroelectric power generating equipment, **billboards**, the installed poles **or towers** used in the
20 transmission or reception of electrical energy, audio [signals], video, **cellular phone, paging**
21 **service and other wireless transmission** signals or similar purposes, [provided the owner of
22 such installed poles is also an owner of a fee simple interest, possessor of an easement, holder
23 of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility
24 purposes for the underlying land;] **either by wire or over the air, except broadcast towers as**
25 **defined in section 137.078**; attached wires, transformers, amplifiers, substations, and other such
26 devices and appurtenances used in the transmission or reception of electrical energy, audio
27 [signals], video, **cellular phone, paging service and other wireless transmission** signals or
28 similar purposes, **either by wire or over the air, except broadcast towers as defined in**
29 **section 137.078**, when owned by the owner of the installed poles, otherwise such items are
30 considered personal property; and stationary property used for transportation of liquid and
31 gaseous products, including, but not limited to, petroleum products, natural gas, water, and
32 sewage;

33 (5) "Tangible personal property" includes every tangible thing being the subject of
34 ownership or part ownership whether animate or inanimate, other than money, and not forming
35 part or parcel of real property as herein defined, but does not include household goods, furniture,
36 wearing apparel and articles of personal use and adornment, as defined by the state tax
37 commission, owned and used by a person in his home or dwelling place.

140.010. All real estate upon which the taxes remain unpaid on the first day of January,
2 annually, are delinquent, and the county collector shall enforce the lien of the state thereon, as
3 required by this chapter. Any failure to properly return the delinquent list, as required by this
4 chapter, in no way affects the validity of the assessment and levy of taxes, nor of the foreclosure
5 and sale by which the collection of the taxes is enforced, nor in any manner affects the lien of
6 the state on the delinquent real estate for the taxes unpaid thereon. **As used in this chapter,**
7 **“real estate” shall mean “real property” as defined in subsection (4) of section 137.010 and**
8 **shall include real property improvements and fixtures which are not owned by the owner**
9 **of the land upon which they are located. References in this chapter to real estate, property,**
10 **tract, lot, land, or similar terms for real property subject to delinquent taxes shall be read,**
11 **where reasonable and appropriate, to include real property improvements and fixtures**
12 **which are not owned by the owner of the land upon which it is located.**

140.150. 1. All [lands] **real property as defined by subsection (4) of section 137.010,**
2 lots, mineral rights, and royalty interests on which taxes or neighborhood improvement district
3 special assessments are delinquent and unpaid are subject to sale to discharge the lien for the

4 delinquent and unpaid taxes or unpaid special assessments as provided for in this chapter on the
5 fourth Monday in August of each year.

6 2. No real property **as defined by subsection (4) of section 137.010**, lots, mineral rights,
7 or royalty interests shall be sold for state, county or city taxes or special assessments without
8 judicial proceedings, unless the notice of sale contains the names of all record owners thereof,
9 or the names of all owners appearing on the land tax book and all other information required by
10 law. Delinquent taxes or unpaid special assessments, penalty, interest and costs due thereon may
11 be paid to the county collector at any time before the property is sold therefor. The collector
12 shall send notices to the publicly recorded owner of record before any delinquent and unpaid
13 taxes or unpaid special assessments as specified in this section subject to sale are published. The
14 first notice shall be by first class mail. A second notice shall be sent by certified mail only if the
15 assessed valuation of the property is greater than one thousand dollars. If the assessed valuation
16 of the property is not greater than one thousand dollars, only the first notice shall be required.
17 If any second notice sent by certified mail under this section is returned to the collector unsigned,
18 then notice shall be sent before the sale by first class mail to both the owner of record and the
19 occupant of the real property. The postage for the mailing of the notices shall be paid out of the
20 county treasury, and such costs shall be added to the costs of conducting the sale, and the county
21 treasury shall be reimbursed to the extent that such postage costs are recovered at the sale. The
22 failure of the taxpayer or the publicly recorded owner to receive the notice provided for in this
23 section shall not relieve the taxpayer or publicly recorded owner of any tax liability imposed by
24 law.

25 3. The entry in the back tax book by the county clerk of the delinquent [lands] **real**
26 **property as defined by subsection (4) of section 137.010**, lots, mineral rights, and royalty
27 interests constitutes a levy upon the delinquent lands, lots, mineral rights, and royalty interests
28 for the purpose of enforcing the lien of delinquent and unpaid taxes or unpaid special
29 assessments as provided in section 67.469, together with penalty, interest and costs.

140.170. 1. Except for lands described in subsection 7 of this section, the county
2 collector shall cause a copy of the list of delinquent lands and lots to be printed in some
3 newspaper of general circulation published in the county for three consecutive weeks, one
4 insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth
5 Monday in August.

6 2. In addition to the names of all record owners or the names of all owners appearing on
7 the land tax book it is only necessary in the printed and published list to state in the aggregate
8 the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

9 3. To the list shall be attached and in like manner printed and published a notice of said
10 lands and lots stating that said land and lots will be sold at public auction to discharge the taxes,

11 penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such
12 county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day
13 and continuing from day to day thereafter until all are offered.

14 4. The county collector, on or before the day of sale, shall insert at the foot of the list on
15 his record a copy of the notice and certify on his record immediately following the notice the
16 name of the newspaper of the county in which the notice was printed and published and the dates
17 of insertions thereof in the newspaper.

18 5. The expense of such printing shall be paid out of the county treasury and shall not
19 exceed the rate provided for in chapter 493, relating to legal publications, notices and
20 advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the
21 costs of the sale of any land or lot contained in the list.

22 6. The county collector shall cause the affidavit of the printer, editor or publisher of the
23 newspaper in which the list of delinquent lands and notice of sale was published, as provided by
24 section 493.060, with the list and notice attached, to be recorded in the office of the recorder of
25 deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

26 7. The county collector may have a separate list of such lands, without legal descriptions
27 or the names of the record owners, printed in a newspaper of general circulation published in
28 such county for three consecutive weeks before the sale of such lands for a parcel or lot of land
29 that:

30 (1) Has an assessed value of one thousand dollars or less and has been advertised
31 previously; or

32 (2) Is a lot in a development of twenty or more lots and such lot has an assessed value
33 of one thousand dollars or less. The notice shall state that legal descriptions and the names of
34 the record owners of such lands shall be posted at any county courthouse within the county and
35 the office of the county collector.

36 8. If, in the opinion of the county collector, an adequate legal description of the
37 delinquent land and lots cannot be obtained through researching the documents available through
38 the recorder of deeds, the collector may commission a professional land surveyor to prepare an
39 adequate legal description of the delinquent land and lots in question. The costs of any
40 commissioned land survey deemed necessary by the county collector shall be taxed as part of the
41 costs of the sale of any land or lots contained in the list prepared under this section.

42 **9. If the county collector lists an improvement to real property or fixture which is**
43 **not owned by the owner of the land upon which it is located, the county collector shall set**
44 **out the parcel or locator number of the real property improvement or fixture, a legal**
45 **description of the land upon which the improvement or fixture is located, and a clear**

46 **statement that only the real property improvement or fixture is subject to sale or**
47 **conveyance for taxes and not the underlying land.**

140.470. 1. In case circumstances should exist requiring any variation from the
2 foregoing form, in the recital part thereof, the necessary change shall be made by the county
3 collector executing such deed, and the same shall not be vitiated by any such change, provided
4 the substance be retained. **Such circumstances shall include, but not be limited to, a**
5 **description of a real property improvement or fixture which is not owned by the owner of**
6 **the land upon which it is located, in which case the county collector shall provide the parcel**
7 **or locator number of the improvement or fixture, the legal description of the underlying**
8 **land, and a clear statement that only the real property improvement or fixture is being sold**
9 **or conveyed.**

10 2. The county collector shall be entitled to demand and receive from the person applying
11 therefor, for each tax deed, one dollar and fifty cents, which shall include the acknowledgment.

140.530. No sale or conveyance of land for taxes shall be valid if at the time of being
2 listed such land shall not have been liable to taxation, or, if liable, the taxes thereon shall have
3 been paid before sale, or if the description is so imperfect as to fail to describe the land or lot
4 with reasonable certainty and for the first two enumerated causes, the money paid by the
5 purchaser at such void sale shall be refunded, with interest, out of the county treasury, on order
6 of the county commission. **When the county collector sells or conveys real property**
7 **improvements or fixtures which are not owned by the owner of the land upon which they**
8 **are located, such property shall be described with reasonable certainty if the county**
9 **collector states the parcel or locator number of the improvement or fixture, the legal**
10 **description of the underlying land, and a clear statement that only the real property**
11 **improvement or fixture is being sold or conveyed.**

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