

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4206H.01I
Bill No.: HJR 80
Subject: Taxation and Revenue - Property; Property, Real and Personal; Constitutional Amendments; Department of Revenue
Type: Original
Date: March 4, 2022

Bill Summary: This resolution proposes a constitutional amendment relating to real property tax assessments.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	\$0 or (More than \$7,000,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$7,000,000)	\$0	\$0

*The potential fiscal impact of “(More than \$7,000,000)” would be realized **only** if a special election were called by the Governor to submit this joint resolution to voters.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Blind Pension Fund*	\$0	\$0	\$0 or (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government*	\$0	\$0 or (Unknown)	\$0 or (Unknown)

*Transfers and costs net to zero if the Governor calls a special election.

FISCAL ANALYSIS

ASSUMPTION

Officials from **Office of the Secretary of State** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$7 million based on the cost of the 2020 Presidential Preference Primary.

The Secretary of State's office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY22 petitions cycle, the SOS estimates publication costs at \$70,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2023. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide primary election is in August 2022 and the next scheduled general election is in November 2022 (both in FY 2023). It is assumed the subject within this proposal could be on one of these ballots; however, it could also be on a special election called for by the Governor (a different date).

Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2023.

Officials from the **State Tax Commission** have determined that this bill proposes residential real property be valued at the most recent assessed value, or the fair market value for said property be determined at the most recent sale. This bill also proposes that the increase of real residential property is the Consumer Price Index percentage rate of increase or 2% whichever is less. This proposal has an unknown fiscal impact on the State Tax Commission, however the limitation on assessment growth may negatively impact revenues for school districts, counties, cities, fire districts and other local taxing jurisdictions supported by property tax revenues. Additionally, restrictions on assessment growth may create disparities and inequities over time among residential properties and categories of homeowners, potentially shifting a greater share of the tax burden from one class of homeowner to another. A newer home's true market value used for assessment may increase far more than an older home or vice versa depending on market conditions. An assessment limit may impact assessment growth and over time potentially create a large disparity.

Officials from the **Office of Administration - Budget and Planning, Department of Social Services** and the **Office of the State Auditor** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Kansas City** state this proposal would have a negative fiscal impact on Kansas City in an indeterminate amount.

Officials from the **City of Springfield** state they anticipate there could be a fiscal impact from this bill, but does not have sufficient data to determine whether an impact would be positive or negative.

Officials from the **Newton County Health Department** state, if property tax rates are lowered due to the provisions of this bill, there will be a negative fiscal impact on the Newton County Health Department directly proportionate to the decrease in tax revenue collected.

Officials from the **Gasconade County Assessor's Office** and the **Florissant Valley Fire Protection District** state there would be a fiscal impact from this proposal but did not provide any further information.

Officials from the **St. Louis County Health Department** and **St. Charles Community College** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes this proposal would set the true value of a property (that has been sold since its most recent assessment) at the total fair market value of the compensation received by the seller. Oversight assumes if the compensation received by the seller is substantially different from the

value as determined by the county assessor, this proposal could impact property tax revenues for the Blind Pension Fund and local political subdivisions. Oversight notes the STC conducts a biennial [ratio study](#) which compares a sample of the values set by the county assessors to the recent sale price or value estimated by an independent appraisal. Most county ratios studies indicate the assessed values are below (in some cases substantially below) the market value proxy. For purposes of this fiscal note, Oversight assumes this provision could cause an increase in assessed values. Oversight will show a range of impact for this provision from \$0 (the joint resolution is not passed or tax levies are able to be adjusted) to an unknown gain in revenue.

Additionally, for properties that have not sold since their most recent assessment, **Oversight** assumes this proposal would limit increases in the assessed values of individual residential property to the change in CPI per year (estimated at 1.4% as certified by the STC for year-end 2020) or 2% whichever is lower. Under the proposed legislation, Oversight assumed the assessed value would be 19% of the market value or the prior year assessed value plus 1.4% growth whichever is lower. For fiscal note purposes, Oversight used a two property example to demonstrate the potential changes to the assessed values as a result of this proposal.

Table I: Assessed Values

	Prior Year Market Value	Prior Year Assessed Value (19%)	Current Year Market Value (Assumed)	Assessed Value Current (19%)	Assessed Value Proposed*
Property 1	\$100,000	\$19,000	\$105,000	\$19,950	\$19,266
Property 2	\$100,000	\$19,000	\$100,000	\$19,000	\$19,000
Total	\$200,000	\$38,000	\$205,000	\$38,950	\$38,266

*For purposes of this example, Oversight assumed a 5% increase in the market value of property 1 and no change in the market value of property 2.

**Oversight assumed the assessed value would be either the market value times 19% or the prior year assessed value plus a 1.4% increase whichever is lower.

Using the basic tax rate setting formula and the [Property Tax Rate Calculator](#) (Single Rate Method) provided on the Missouri State Auditor's website, **Oversight** estimated the potential changes in the tax rate from this proposal in the table below using the two-property example.

Table II: Tax Rates

	Assessed Values	Growth Factor	Maximum Allowed Revenue (Prior Year Revenue plus Growth Factor)	Tax Rate Ceiling (Maximum Revenue/ Assessed Value)*100
Prior Year (Assumed)	\$38,000	N/A	\$1,900	5.0000
Current Year Current Law	\$38,950	1.4%	\$1,927	4.9474
Current Year Proposed Law	\$38,266	0.70%*	\$1,913	4.9992

*The growth factor used in the tax levy calculation is either actual growth in assessed valuation, inflation based on CPI (1.4%) or 5% whichever is lower. In this example under the proposed law, actual growth is below inflation, therefore the growth factor used in the tax levy calculation is the actual growth rate of assessed values or 0.73% $((\$38,266 - \$38,000) / \$38,000 * 100)$.

Currently, growth in assessed values allows the tax rate to fall over time. In this example under the proposed legislation, the tax rate would fall at a slower rate than under the current law.

Oversight notes some taxing entities have tax rate ceilings that are at their statutory or voter approved maximum. For these taxing entities, any decrease in the assessed values would not be offset by a higher tax rate (relative to current law) rather it would result in a loss of revenue.

In the example above, the growth in total assessed value as capped by this proposal was less than inflation (the most recent certification provided by STC). Oversight notes **if** the growth in total assessed values is less than inflation this proposal would result in a reduction of the maximum allowed revenue which would impact all taxing entities. Inflation as of December of 2021 was 6.8% (all items per BLS).

Based on information provided by the Office of the State Auditor, **Oversight** notes, in 2020, there were over 2,500 tax entities with 4,000 different tax rates. Of those entities, 2,980 tax rate ceilings were below the entities' statutory or voter approved maximum tax rate and 1,098 tax rate ceilings were at the entities' statutory or voter approved maximum rate. (These numbers do not include entities which use a multi-rate method and calculate a separate tax rate for each subclass of property.)

Because the tax levy would be higher relative to current law in this example (as noted in Table II), the distribution of tax on individual property owners would change as noted below in Table III.

Table III: Distribution of Individual Property Tax

	Prior Year Tax Burden	Assessed Value Current (Table I)	Tax Burden Current (4.9474)	Assessed Value Proposed (Table I)	Tax Burden Proposed (4.9992)
Property 1	\$950.00	\$19,950	\$987	\$19,279	\$963
Property 2	\$950.00	\$19,000	\$940	\$19,000	\$950
Total	\$1,900.00	\$38,950	\$1,927	\$38,266	\$1,913

Based on information from the [Federal Housing Finance Agency](#) website, **Oversight** notes there were 726 census tracts in Missouri with a change in the House Price Index (HPI) that exceeded the change in CPI (or 1.4%) for 2019. Because this proposal limits the assessed value of individual residential properties to the increase in CPI (1.4%) from the previous assessment, this will result in a decrease to total assessed values (relative to current law) as a result of any property that appreciates more than the change in the CPI (1.4%) from the previous assessment cycle.

Oversight notes the Blind Pension Fund (0621) is calculated as an annual tax of three cents on each one hundred dollars valuation of taxable property $((\text{Total Assessed Value}/100) \times .03)$. Because this proposal reduces the assessed value portion of this equation, the Blind Pension Fund will experience a decrease in revenue relative to what it would have received under current law. Below is an example of how this proposal would impact the Blind Pension Fund using the two property example.

Table IV: Blind Pension Trust Fund

	Assessed Value	Blind Pension Trust Fund (Assessed Value/100)*0.03
Prior Year	\$38,000	\$11.40
Current Year Current Law	\$38,950	\$11.69
Current Year Proposed Law	\$38,266	\$11.48

Per the Auditor's report, Jackson County had an 18.41% increase in adjusted total assessed value (less new construction and improvements) from 2018 to 2019. Using information from the State Tax Commission's Annual Report, **Oversight** estimated total residential assessed value was \$6,005,888,167 in 2018. Applying the growth rate of 18.41%, Oversight estimated residential assessed values would potentially increase to \$7,111,572,179 $(\$6,005,888,167 \times 1.1841)$ in 2019.

Under this proposal the maximum increase would be capped at 1.4% which is estimated at \$6,089,970,601 $(\$6,005,888,167 \times 1.014)$. Oversight assumes the 1.4% cap would decrease the

residential assessed value by \$1,021,601,578 (\$7,111,572,179 - \$6,089,970,601).

Correspondingly, the Blind Pension Fund would decrease by \$306,480 relative to what would have been received under current law $((\$1,021,601,578/100)*.03)$. Oversight assumes it is possible the revenue impact to the Blind Pension Fund could exceed \$250,000; however, Oversight notes the percentage change in adjusted assessed value for Jackson County was - 4.54% in 2020. Oversight assumes the magnitude of the impact to the Blind Pension Fund would depend on prevailing market conditions.

Oversight notes OA-B&P indicated they did not anticipate a reduction in funding relative to what is currently collected because the proposal still allows for some growth in assessed values. However, Oversight will show an unknown negative fiscal impact that could exceed \$250,000 to the Blind Pension Fund relative to what it would have received under current law.

Oversight assumes the impact from setting the assessed value at the compensation the seller would receive would be smaller than the impact from the cap on assessed values given that it would affect a smaller subset of properties. However, if this assumption is incorrect, this could alter the fiscal impact as presented in this fiscal note.

Oversight notes this proposal is contingent on a voter approved amendment to the Constitution. Oversight will show the impact as either \$0 (Constitutional amendment is not approved by voters) to an unknown loss in revenue to the Blind Pension Fund and local political subdivisions beginning in FY 2024.

Oversight assumes there could be costs for implementation and computer programming. Oversight will show an unknown cost to county assessors to implement this proposal beginning in FY 2023.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than <u>\$7,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (More than <u>\$7,000,000</u>)	<u>\$0</u>	<u>\$0</u>
BLIND PENSION FUND			
<u>Revenue Gain</u> - from an unknown impact on assessed values if assessments are based on compensation received	\$0	\$0 to Unknown	\$0 to Unknown
<u>Revenue Loss</u> - loss of property tax on property that appreciates more than the change in CPI or 2%	<u>\$0</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE BLIND PENSION FUND	<u>\$0</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$7,000,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than \$7,000,000)	\$0	\$0
<u>Costs</u> - County Assessors - computer programing and administrative costs	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Revenue Gain</u> - from an unknown impact on assessed values if assessments are based on compensation received	\$0	\$0 to Unknown	\$0 to Unknown
<u>Revenue Loss</u> - loss of property tax on property that appreciates more than the change in CPI or 2%	<u>\$0</u>	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT – Small Business

Oversight assumes there could be a fiscal impact to small businesses if the change in assessed value of residential property resulted in an adjustment in the tax rate for commercial property.

FISCAL DESCRIPTION

Upon voter approval, beginning January 1, 2023, this proposed Constitutional amendment provides that for all residential real property, the true value of such property will be deemed to be the same value determined at the most recent previous assessment of the property, or if the property has been sold since its most recent assessment, the true value of such property will be deemed to be the total fair market value of the compensation received by the seller for the sale of such property.

A new assessment or reassessment of residential real property, the assessed valuation of such property may be increased from the assessed valuation of such property determined at its most recent previous assessment but only to the extent that such an increase:

(1) Incorporates the change in the Consumer Price Index since the most recent previous assessment or up to a 2% annual increase in the assessed valuation of the property, whichever is less; or

(2) Reflects the value added to the property as a result of new construction or improvements made to the property.

In the event that residential real property is sold, the title company of the purchaser of any such property must send to the assessor, as soon as reasonably practicable after the purchase, a notarized certificate of value or other notarized document that clearly states the fair market value of the property. This certificate of value or other document will not be made available to any entity and will be used only by the assessor for the sole purpose of establishing the true value of the property.

In the event that new construction or improvements are made residential real property, such value will be the actual cost of the new construction or improvements made to the property. Documentation of actual costs must be sent to the assessor as soon as reasonably practicable after the completion of the new construction or improvements. Such documentation of costs or other documents will not be made available to any entity and will be used only by the assessor for the sole purpose of establishing the true value of the property.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration - Budget and Planning
Department of Social Services
State Tax Commission
Office of the Secretary of State
Office of the State Auditor
City of Kansas City
City of Springfield
Newton County Health Department
St. Louis County Health Department

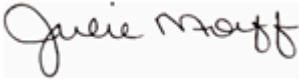
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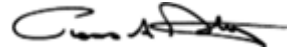
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St. Charles Community College
Gasconade County Assessor's Office
Florissant Valley Fire Protection District

A handwritten signature in black ink that reads "Julie Morff". The signature is written in a cursive style with a large initial "J".

Julie Morff
Director
March 4, 2022

A handwritten signature in black ink that reads "Ross Strobe". The signature is written in a cursive style with a large initial "R".

Ross Strobe
Assistant Director
March 4, 2022