

**Summary of SC89114, *Franklin County, Missouri, ex rel. Robert E. Parks and Jim Ming v. Franklin County Commission, et al.***

Appeal from the circuit court of Cole County, the Hon. Patricia S. Joyce.

**Attorneys:** The taxpayers were represented by Thomas W. Rynard, Marc H. Ellinger, Byron E. Francis, Jeffrey T. McPherson and Cynthia A. Petracek. The county commission was represented by Mark S. Vincent, Thomas E. Tueth, Michelle H. Basi and John K. McManus.

*This summary is not part of the opinion of the Court. It has been prepared by the Communications Counsel for the convenience of the reader. It has been neither reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** All parties agree that the Franklin County Commission set the tax rate levy for the county's 2006 property taxes in accordance with the requirements of section 137.073, RSMo 2000. But, taxpayers contend, the trial court erred in holding that section 137.073 does not violate article X, section 22(a) of Missouri's Constitution – the Hancock Amendment – insofar as it permits revenue to increase (at an amount that does not exceed the rate of inflation) as the assessed value of property in the county increases, so long as the tax rate levy remains the same. In a 7-0 decision written by Chief Justice Laura Denvir Stith, the Supreme Court of Missouri affirms the trial court's judgment. The Hancock Amendment limits levy increases, and revenue increases of more than the rate of inflation, not the minimal increase in revenue due to an increase in assessed valuation at issue here.

**Facts:** The assessed value of property in Franklin County rose slightly from 2005 to 2006, but the tax rate remained the same. Because revenue is the tax levy rate multiplied by the assessed value of property, revenue also went up slightly. Taxpayers contended that, while such an increase was authorized by section 137.073, it violates the Hancock Amendment, which taxpayers assert bars any increase in revenue without a vote of the people. The trial court granted summary judgment to the Franklin County Commission. The taxpayers appeal.

**AFFIRMED.**

**Court en banc holds:** (1) Contrary to taxpayers' arguments, the first clause of section 22(a) of the Hancock Amendment bars increases in tax levy rates without a vote of the people. It does not limit or bar increases in revenue from other causes. Here, as the tax rate levy remained unchanged, the first clause is not violated by the increase in revenue permitted by section 137.073.

(2) Section 137.073 also does not violate the third clause of section 22(a) of the Hancock Amendment, which requires a vote of the people only if revenue increases more than the increase in the consumer price index (the rate of inflation). Here, it is conceded that the increase in assessed value in Franklin County in 2006 was only a fraction of the increase in the consumer price index. The legislature is free to adopt legislation, including section 137.073, so long as it does not conflict with Missouri's Constitution. There is no conflict here.

(3) The other issues raised on appeal were not raised below and have no factual support in the record.