

TAXATION: Corporation organized under general business corporation statutes liable for ad valorem taxes.



September 3, 1953

Honorable Jay White
Prosecuting Attorney
Phelps County
Rolla, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department, reading in part, as follows:

"I have been requested by the County Court to examine papers of the Central Missouri Regional Fair, Inc. herein Phelps County, Missouri, to see if it is subject to county and state taxes.

"If you can be of help to me in this matter, I would certainly appreciate it."

Your attention is first directed to the provisions of Section 137.075, RSMo 1949, reading as follows:

"Every person owning or holding real property or tangible personal property on the first day of January including all such property purchased on that day, shall be liable for taxes thereon during the same calendar year."

also, to the further provisions of Section 137.095, RSMo 1949, reading as follows:

"All tangible personal property of business and manufacturing corporations shall be taxable in the county in which such property may be situated on the first day of January of the year for which such taxes may be assessed and every business

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or manufacturing corporation having or owing tangible personal property on the first day of January in each year, which shall, on said date, be situated in any other county than the one in which said corporation is located, shall make return thereof to the assessor of such county or township where situated, in the same manner as other tangible personal property is required by law to be returned."

and to the further provisions of Section 137.140, RSMo 1949, reading as follows:

"The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the city of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed where situated."

The above quoted statutes imposes liability for ad valorem taxes upon business corporations generally and provides the scheme by which the situs for tax purposes of the tangible personal property and real property of such corporations may be ascertained.

Your attention is further directed to the provisions of Section 6, Article X, Constitution of Missouri, 1945, which reads as follows:

"All property, real and personal, of the state, counties and other political subdivisions, and non-profit cemeteries, 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, or for agricultural and horticultural societies may be exempted from taxation by general law. All laws exempting from taxation property other than the property enumerated in this article, shall be void."

Accordingly, under the constitutional authorization contained in the above quoted provisions, the General Assembly has provided for the exemptions from taxation of the real and personal property of certain corporations. Your letter of

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inquiry did not inform us as to the exact nature of the corporation mentioned therein. We, therefore, directed an inquiry to the Office of the Secretary of State of the State of Missouri and received, therefrom, the following information:

"Our files on the above named organization show the following information:

"1. On September 3, 1948, the Phelps County Fair Association, Incorporated was qualified under the General and Business Corporation Act of Missouri showing a registered office at Rolla, Mo.

"2. On May 20, 1950 this corporation filed an amendment changing name only from Phelps County Fair Association to Central Missouri Regional Fair, Inc.

"3. On January 1, 1953 this corporation's charter was forfeited for failure to file Anti-Trust Affidavit and Annual Registration Report for the year 1952. The status of this corporation today is inactive and not in goodstanding with this department.

"Pursuant to your verbal inquiry, we further advise that there is nothing whatsoever in our file to indicate that this corporation had at any time converted to a Non Profit status."

From the foregoing, it becomes clear that the corporation referred to in your letter of inquiry, in so far as the records in the Office of the Secretary of State indicate, is not within the group which have been exempted from taxation by the General Assembly.

CONCLUSION.

In the premises, we are of the opinion that a corporation organized under the General Business Corporation Act of the State of Missouri is liable for ad valorem taxes upon all of its property.

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The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Will F. Berry, Jr.

Very truly yours,

JOHN M. DALTON
Attorney General

WFB/mv