

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 823,
2 Page 1, In the Title, Line 3, by deleting the words "sales tax" and inserting in lieu thereof the word
3 "taxation"; and

4
5 Further amend said bill, page, Section A, Line 3, by inserting after all of said section and line the
6 following:

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8 "137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following
9 terms mean:

10 (1) "Residential property", all real property improved by a structure which is used or
11 intended to be used for residential living by human occupants, vacant land in connection with an
12 airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the
13 owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units
14 as defined in section 407.600, except to the extent such units are actually rented and subject to sales
15 tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not
16 include other similar facilities used primarily for transient housing. For the purposes of this section,
17 "transient housing" means all rooms available for rent or lease for which the receipts from the rent
18 or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of
19 section 144.020;

20 (2) "Agricultural and horticultural property", all real property used for agricultural purposes
21 and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and
22 management of livestock which shall include breeding, showing, and boarding of horses; to
23 dairying, or to any other combination thereof; and buildings and structures customarily associated
24 with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also
25 include land devoted to and qualifying for payments or other compensation under a soil
26 conservation or agricultural assistance program under an agreement with an agency of the federal
27 government. Agricultural and horticultural property shall further include land and improvements,
28 exclusive of structures, on privately owned airports that qualify as reliever airports under the
29 National Plan of Integrated Airports System, to receive federal airport improvement project funds
30 through the Federal Aviation Administration. Real property classified as forest croplands shall not
31 be agricultural or horticultural property so long as it is classified as forest croplands and shall be

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1 taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri
2 Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill
3 defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under
4 Industry Group 242 with the SIC number 2421;

5 (3) "Utility, industrial, commercial, railroad and other real property", all real property used
6 directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional,
7 business, or similar purpose, including all property centrally assessed by the state tax commission
8 but shall not include floating docks, portions of which are separately owned and the remainder of
9 which is designated for common ownership and in which no one person or business entity owns
10 more than five individual units. All other real property not included in the property listed in
11 subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is
12 defined in this section, shall be deemed to be included in the term "utility, industrial, commercial,
13 railroad and other real property".

14 2. Pursuant to article X of the state constitution, any taxing district may adjust its operating
15 levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant
16 to article X, subsection 2 of section 6 of the constitution, as the result of changing the classification
17 of structures intended to be used for residential living by human occupants which contain five or
18 more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect
19 subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the
20 difference between the revenue that would have been collected on such property under its
21 classification prior to enactment of this section and the amount to be collected under its
22 classification under this section. The county assessor of each county or city not within a county
23 shall provide information to each taxing district within its boundaries regarding the difference in
24 assessed valuation of such property as the result of such change in classification.

25 3. All reclassification of property as the result of changing the classification of structures
26 intended to be used for residential living by human occupants which contain five or more dwelling
27 units shall apply to assessments made after December 31, 1994.

28 4. Where real property is used or held for use for more than one purpose and such uses
29 result in different classifications, the county assessor shall allocate to each classification the
30 percentage of the true value in money of the property devoted to each use; except that, where
31 agricultural and horticultural property, as defined in this section, also contains a dwelling unit or
32 units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately
33 surrounding such farm dwelling shall be residential property, as defined in this section.

34 5. All real property which is vacant, unused, or held for future use; which is used for a
35 private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization,
36 or similar entity; or for which a determination as to its classification cannot be made under the
37 definitions set out in subsection 1 of this section, shall be classified according to its immediate most
38 suitable economic use, which use shall be determined after consideration of:

39 (1) Immediate prior use, if any, of such property;

40 (2) Location of such property;

41 (3) Zoning classification of such property; except that, such zoning classification shall not

1 be considered conclusive if, upon consideration of all factors, it is determined that such zoning
2 classification does not reflect the immediate most suitable economic use of the property;

3 (4) Other legal restrictions on the use of such property;

4 (5) Availability of water, electricity, gas, sewers, street lighting, and other public services
5 for such property;

6 (6) Size of such property;

7 (7) Access of such property to public thoroughfares; and

8 (8) Any other factors relevant to a determination of the immediate most suitable economic
9 use of such property.

10 6. All lands classified as forest croplands shall not, for taxation purposes, be classified as
11 subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b)
12 of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance
13 with the laws enacted to implement section 7 of article X of the Missouri Constitution."; and

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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.