

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 867, Page 16, Section 99.845, Line 335,  
2 by inserting after all of said section and line the following:

3  
4 "137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following  
5 terms mean:

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

16 (2) "Agricultural and horticultural property", all real property used for agricultural purposes  
17 and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and  
18 management of livestock which shall include breeding, showing, and boarding of horses; to  
19 dairying, or to any other combination thereof; and buildings and structures customarily associated  
20 with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also  
21 include land devoted to and qualifying for payments or other compensation under a soil  
22 conservation or agricultural assistance program under an agreement with an agency of the federal  
23 government. Agricultural and horticultural property shall further include land and improvements,  
24 exclusive of structures, on privately owned airports that qualify as reliever airports under the  
25 National Plan of Integrated Airports System, to receive federal airport improvement project funds  
26 through the Federal Aviation Administration. Real property classified as forest croplands shall not  
27 be agricultural or horticultural property so long as it is classified as forest croplands and shall be  
28 taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri  
29 Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill  
30 defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under  
31 Industry Group 242 with the SIC number 2421;

32 (3) "Utility, industrial, commercial, railroad and other real property", all real property used  
33 directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional,  
34 business, or similar purpose, including all property centrally assessed by the state tax commission  
35 but shall not include floating docks, portions of which are separately owned and the remainder of  
36 which is designated for common ownership and in which no one person or business entity owns

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1 more than five individual units. All other real property not included in the property listed in  
 2 subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is  
 3 defined in this section, shall be deemed to be included in the term "utility, industrial, commercial,  
 4 railroad and other real property".

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

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

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

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

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

31 (2) Location of such property;

32 (3) Zoning classification of such property; except that, such zoning classification shall not  
 33 be considered conclusive if, upon consideration of all factors, it is determined that such zoning  
 34 classification does not reflect the immediate most suitable economic use of the property;

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

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

38 (6) Size of such property;

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

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

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

46  
 47 Further amend said bill by amending the title, enacting clause, and intersectional references  
 48 accordingly.