

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 115, Page 15, Section 99.845, Line 311, by inserting immediately after said line the
3 following:

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

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

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

31 Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242

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1 with the SIC number 2421;

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

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

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

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

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

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

37 (2) Location of such property;

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

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

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

3 (6) Size of such property;

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

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

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

11
12 Further amend said bill, page 18, section 143.801, line 74, by inserting immediately after said line
13 the following:

14
15 "144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used
16 motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways
17 or waters of this state which are required to be titled under the laws of the state of Missouri and,
18 except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging
19 in the business of selling tangible personal property or rendering taxable service at retail in this state.
20 The rate of tax shall be as follows:

21 (1) Upon every retail sale in this state of tangible personal property, excluding motor
22 vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be
23 titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this
24 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale
25 involves the exchange of property, a tax equivalent to four percent of the consideration paid or
26 charged, including the fair market value of the property exchanged at the time and place of the
27 exchange, except as otherwise provided in section 144.025;

28 (2) A tax equivalent to four percent of the amount paid for admission and seating
29 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games
30 and athletic events;

31 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity
32 or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial
33 consumers;

34 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and
35 long distance telecommunications service to telecommunications subscribers and to others through
36 equipment of telecommunications subscribers for the transmission of messages and conversations
37 and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto;
38 except that, the payment made by telecommunications subscribers or others, pursuant to section
39 144.060, and any amounts paid for access to the internet or interactive computer services shall not be
40 considered as amounts paid for telecommunications services;

41 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services

1 for transmission of messages of telegraph companies;

2 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals
3 and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car,
4 tourist cabin, tourist camp or other place which rooms, meals or drinks are regularly served to the
5 public. The provisions of this subdivision shall not apply to bed and breakfast inns in which the
6 owner resides and uses as a primary residence with four or fewer rooms for rent;

7 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by
8 every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses
9 and trucks as are licensed by the division of motor carrier and railroad safety of the department of
10 economic development of Missouri, engaged in the transportation of persons for hire;

11 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
12 tangible personal property, provided that if the lessor or renter of any tangible personal property had
13 previously purchased the property under the conditions of "sale at retail" or leased or rented the
14 property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or
15 subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental
16 receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles,
17 mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in
18 this section and section 144.070. In no event shall the rental or lease of boats and outboard motors
19 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor
20 shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement,
21 entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the
22 provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible
23 personal property which is exempt from the sales or use tax under section 144.030 upon a sale
24 thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

25 (9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of
26 new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on
27 the highways or waters of this state which are required to be registered under the laws of the state of
28 Missouri. This tax is imposed on the person titling such property, and shall be paid according to the
29 procedures in section 144.440.

30 2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which
31 are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words
32 "This ticket is subject to a sales tax."; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.