

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

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 2, Pages 14-17, Section 137.016, Lines 1-  
2 93, by deleting all of said section and lines and inserting in lieu thereof the following:

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

6 (1) "Residential property"~~]~~;

7 (a) All real property improved by a structure which is used or intended to be used for  
8 residential living by human occupants~~]~~;

9 (b) Vacant land in connection with an airport~~]~~;

10 (c) Land used as a golf course~~]~~;

11 (d) Manufactured home parks~~]~~;

12 (e) Bed and breakfast inns in which the owner resides and uses as a primary residence with  
13 six or fewer rooms for rent~~]~~ and~~]~~;

14 (f) Time-share units as defined in section 407.600, except to the extent such units are  
15 actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020~~]~~  
16 ~~but] and;~~

17 (g) Any single family home owned by an individual or business that is leased for a term of  
18 less than thirty consecutive days, in whole or in part, subject to sales tax under subdivision (6) of  
19 subsection 1 of section 144.020, provided that the provisions of this paragraph shall not apply to  
20 such properties in excess of fifteen such properties owned by the same individual or business. For  
21 the purposes of this paragraph, the term "business" shall mean a sole proprietor, partnership, or  
22 limited liability company. For the purposes of this paragraph for determining the number of single  
23 family homes leased for a term of less than thirty consecutive days, in whole or in part, subject to  
24 sales tax under subdivision (6) of subsection 1 of section 144.020 owned by an individual or  
25 business, all single family homes that are such properties owned by the individual or business, or  
26 which an individual or business is a part, shall be counted;

27  
28 Residential property shall not include other similar facilities used primarily for transient housing.  
29 For the purposes of this section, "transient housing" means all rooms available for rent or lease for  
30 which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 subdivision (6) of subsection 1 of section 144.020, provided that the term "transient housing" may  
2 apply to any such property in excess of fifteen such properties owned by the same individual or  
3 business, as determined in paragraph (g) of this subdivision;

4 (2) "Agricultural and horticultural property", all real property used for agricultural purposes  
5 and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and  
6 management of livestock which shall include breeding, showing, and boarding of horses; to  
7 dairying, or to any other combination thereof; and buildings and structures customarily associated  
8 with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also  
9 include land devoted to and qualifying for payments or other compensation under a soil  
10 conservation or agricultural assistance program under an agreement with an agency of the federal  
11 government. Agricultural and horticultural property shall further include any reliever airport. Real  
12 property classified as forest croplands shall not be agricultural or horticultural property so long as it  
13 is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement  
14 Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural property shall  
15 also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard  
16 Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421.  
17 Agricultural and horticultural property shall also include urban and community gardens. For the  
18 purposes of this section, "urban and community gardens" shall include real property cultivated by  
19 residents of a neighborhood or community for the purposes of providing agricultural products, as  
20 defined in section 262.900, for the use of residents of the neighborhood or community, and shall not  
21 include a garden intended for individual or personal use;

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

31 2. Pursuant to Article X of the state Constitution, any taxing district may adjust its operating  
32 levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant  
33 to Article X, Subsection 2 of Section 6 of the Constitution, as the result of changing the  
34 classification of structures intended to be used for residential living by human occupants which  
35 contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax  
36 rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall  
37 include the difference between the revenue that would have been collected on such property under  
38 its classification prior to enactment of this section and the amount to be collected under its  
39 classification under this section. The county assessor of each county or city not within a county

1 shall provide information to each taxing district within its boundaries regarding the difference in  
2 assessed valuation of such property as the result of such change in classification.

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

6 4. Where real property is used or held for use for more than one purpose and such uses  
7 result in different classifications, the county assessor shall allocate to each classification the  
8 percentage of the true value in money of the property devoted to each use; except that, where  
9 agricultural and horticultural property, as defined in this section, also contains a dwelling unit or  
10 units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately  
11 surrounding such farm dwelling shall be residential property, as defined in this section, provided that  
12 the portion of property used or held for use as an urban and community garden shall not be  
13 residential property. This subsection shall not apply to any reliever airport.

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

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

20 (2) Location of such property;

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

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

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

27 (6) Size of such property;

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

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

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

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.