

SECOND REGULAR SESSION

HOUSE BILL NO. 2295

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

5116H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to the assessment of mining properties.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.077, to read as follows:

137.077. 1. For the purposes of this section, the following terms mean:

(1) **"Income-based approach", the use of direct capitalization methodology computed by dividing the net operating income of the parcel of property by an appropriate capitalization rate not to exceed the average of the current market data available in the county of said parcel of property;**

(2) **"Mining property", all real property that is in use or readily available as a reserve for underground, strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others, including all property that has been bonded and permitted under chapter 444.**

2. In establishing the value of a parcel of mining property, the county assessor shall use an income-based approach to determine the value of such property. The assessor shall include in the net operating income of such property all property that contributes or will contribute to the income of the property and that is taxable as real property including, but not limited to:

(1) **Lands owned by the property owner;**

(2) **Improvements on land owned by the property owner; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(3) Mineral interests owned by the property owner, whether such interests are**
18 **located on land owned by the property owner or are leased from another property owner.**

19 **3. The department of revenue shall promulgate rules to implement the provisions**
20 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
21 **is created under the authority delegated in this section shall become effective only if it**
22 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
23 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
24 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
25 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
26 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
27 **shall be invalid and void.**

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