

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 704, Page 36, Section  
2 135.550, Line 79, by inserting after all of said section and line the following:  
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4 "137.084. 1. Notwithstanding the provisions of sections 137.075 and 137.080 to the contrary, a  
5 building or other structure that is used as commercial property, newly constructed and occupied on any parcel  
6 of real property, shall be assessed and taxed on such assessed valuation as of the first day of the month  
7 following the date of occupancy for the proportionate part of the remaining year at the tax rates established  
8 for that year, in all taxing jurisdictions located in the county adopting this section as provided in subsection 8  
9 of this section. Newly constructed commercial property that has never been occupied shall not be assessed as  
10 improved real property until such occupancy or January first of the year following the year in which  
11 construction of the improvements is completed. The provisions of this subsection shall apply in any county  
12 in which the governing body has previously adopted or hereafter adopts the provisions of this subsection. For  
13 purposes of this section, the term "county" shall include any county and any city not within a county.

14 2. The assessor may consider a property commercially occupied upon personal verification or if any  
15 two of the following conditions have been met:

16 (1) An occupancy permit has been issued for the property;

17 (2) A deed transferring ownership from one party to another has been filed with the recorder of  
18 deeds' office subsequent to the date of the first permanent utility service;

19 (3) A utility company providing service in the county has verified a transfer of service for property  
20 from one party to another;

21 (4) The person or persons occupying the newly constructed property have registered a change of  
22 address with any local, state, or federal governmental office or agency.

23 3. In implementing the provisions of this section, the assessor may use occupancy permits, building  
24 permits, warranty deeds, utility connection documents including telephone connections, or other official  
25 documents as may be necessary to discover the existence of newly constructed properties. No utility  
26 company shall refuse to provide verification monthly to the assessor of a utility connection to a newly  
27 occupied commercial property.

28 4. In the event that the assessment under subsections 1 and 2 of this section is not completed until  
29 after the deadline for filing appeals in a given tax year, the owner of the newly constructed property who is  
30 aggrieved by the assessment of the property may appeal this assessment the following year to the county  
31 board of equalization in accordance with chapter 138 and may pay any taxes under protest in accordance with  
32 section 139.031; provided, however, that such payment under protest shall not be required as a condition of  
33 appealing to the county board of equalization. The collector shall impound such protested taxes and shall not  
34 disburse such taxes until resolution of the appeal.

35 5. The increase in assessed valuation resulting from the implementation of the provisions of this  
36 section shall be considered new construction and improvements under the provisions of this chapter.

37 6. In counties that adopt the provisions of subsections 1 to 7 of this section, an amount not to exceed  
38 ten percent of all ad valorem property tax collections on newly constructed and occupied commercial  
39 property allocable to each taxing authority within counties of the first classification having a population of  
40 nine hundred thousand or more, one-tenth of one percent of all ad valorem property tax collections allocable

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1 to each taxing authority within all other counties of the first classification and one-fifth of one percent of all  
2 ad valorem property tax collections allocable to each taxing authority within counties of the second, third and  
3 fourth classifications and any county of the first classification having a population of at least eighty-two  
4 thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, in addition to the amount  
5 prescribed by section 137.720 shall be deposited into the assessment fund of the county for collection costs.

6 7. For purposes of calculating the tax due on such newly constructed commercial property, the  
7 assessor or the board of equalization shall place the full amount of the assessed valuation on the tax book  
8 upon the first day of the month following occupancy. Such assessed valuation shall be taxed for each month  
9 of the year following such date at its new assessed valuation, and for each month of the year preceding such  
10 date at its previous valuation. The percentage derived from dividing the number of months at which the  
11 property is taxed at its new valuation by twelve shall be applied to the total assessed valuation of the new  
12 construction and improvements, and such percentage shall be included in the next year's base for the purposes  
13 of calculating the next year's tax levy rollback. The untaxed percentage shall be considered as new  
14 construction and improvements in the following year and shall be exempt from the rollback provisions.

15 8. The provisions of subsections 1 to 7 of this section shall be effective in any county in which the  
16 governing body of such county elects to adopt a proposal to implement such provisions. Such subsections  
17 shall become effective in such county on January first of the year following the election.

18 9. In any county that adopts the provisions of subsections 1 to 7 of this section prior to June first in  
19 any year under subsection 8 of this section, the assessor of such county shall, upon application of the property  
20 owner, remove on a pro rata basis from the tax book for the current year any commercial real property  
21 improvements destroyed by a natural disaster if such property is unoccupied and uninhabitable due to such  
22 destruction. On or after the first day of July, the board of equalization shall perform such duties. Any person  
23 claiming such destroyed property shall provide a list of such destroyed property to the county assessor. The  
24 assessor shall have available a supply of appropriate forms on which the claim shall be made. The assessor  
25 may verify all such destroyed property listed to ensure that the person made a correct statement. Any person  
26 who completes such a list and, with intent to defraud, includes property on the list that was not destroyed by a  
27 natural disaster shall, in addition to any other penalties provided by law, be assessed double the value of any  
28 property fraudulently listed. The list shall be filed by the assessor, after he or she has provided a copy of the  
29 list to the county collector and the board of equalization, in the office of the county clerk who, after entering  
30 the filing thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,  
31 considers such property occupied as provided in subsection 2 of this section, the assessor shall consider such  
32 property new construction and improvements and shall assess such property accordingly as provided in  
33 subsection 1 of this section. For the purposes of this section, the term "natural disaster" means any disaster  
34 due to natural causes such as tornado, fire, flood, or earthquake.

35 10. Any political subdivision may recover the loss of revenue caused by subsection 9 of this section  
36 by adjusting the rate of taxation, to the extent previously authorized by the voters of such political  
37 subdivision, for the tax year immediately following the year of such destruction in an amount not to exceed  
38 the loss of revenue caused by this section."; and

39  
40 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.