

FIRST REGULAR SESSION

HOUSE BILL NO. 416

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RECTOR, COOPER (120) AND DAVIS (122) (Co-sponsors).

Read 1st time February 6, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1467L.011

AN ACT

To repeal section 137.082, RSMo, and to enact in lieu thereof one new section relating to assessment of newly constructed property.

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

Section A. Section 137.082, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.082, to read as follows:

137.082. 1. Notwithstanding the provisions of sections 137.075 and 137.080, to the contrary, a building or other structure classified as residential property pursuant to section 137.016, newly constructed and occupied on any parcel of real property shall be assessed and taxed on such assessed valuation as of the first day of the month following the date of occupancy for the proportionate part of the remaining year at the tax rates established for that year, in all taxing jurisdictions located in the county adopting this section as provided in subsection 8 of this section. Newly constructed residential property which has never been occupied shall not be assessed as improved real property until such occupancy or the first day of January of the second year following the year in which construction of the improvements was completed.

2. The assessor may consider a property residentially occupied upon personal verification or when any two of the following conditions have been met:

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

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

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

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

19 3. In implementing the provisions of this section, the assessor may use occupancy
20 permits, building permits, warranty deeds, utility connection documents, including telephone
21 connections, or other official documents as may be necessary to discover the existence of newly
22 constructed properties. No utility company shall refuse to provide verification monthly to the
23 assessor of a utility connection to a newly occupied single family building or structure.

24 4. In the event that the assessment under subsections 1 and 2 of this section is not
25 completed until after the deadline for filing appeals in a given tax year, the owner of the newly
26 constructed property who is aggrieved by the assessment of the property may appeal this
27 assessment the following year to the county board of equalization in accordance with chapter
28 138, RSMo, and may pay any taxes under protest in accordance with section 139.031, RSMo.
29 The collector shall impound such protested taxes and shall not disburse such taxes until
30 resolution of the appeal.

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

34 6. In counties which adopt the provisions of subsections 1 to 7 of this section, an amount
35 not to exceed ten percent of all ad valorem property tax collections on newly constructed and
36 occupied residential property allocable to each taxing authority within counties of the first
37 classification having a population of nine hundred thousand or more, one-tenth of one percent
38 of all ad valorem property tax collections allocable to each taxing authority within all other
39 counties of the first classification **other than any county of the first classification with more**
40 **than eighty-two thousand but less than eighty-two thousand one hundred inhabitants** and
41 one-fifth of one percent of all ad valorem property tax collections allocable to each taxing
42 authority within counties of the second, third and fourth classifications **and any county of the**
43 **first classification with more than eighty-two thousand but less than eighty-two thousand**
44 **one hundred inhabitants**, in addition to the amount prescribed by section 137.720 shall be
45 deposited into the assessment fund of the county for collection costs.

46 7. For purposes of figuring the tax due on such newly constructed residential property,
47 the assessor or the board of equalization shall place the full amount of the assessed valuation on
48 the tax book upon the first day of the month following occupancy. Such assessed valuation shall
49 be taxed for each month of the year following such date at its new assessed valuation, and for
50 each month of the year preceding such date at its previous valuation. The percentage derived
51 from dividing the number of months at which the property is taxed at its new valuation by twelve
52 shall be applied to the total assessed valuation of the new construction and improvements, and
53 such product shall be included in the next year's base for the purposes of figuring the next year's
54 tax levy rollback. The untaxed percentage shall be considered as new construction and

55 improvements in the following year and shall be exempt from the rollback provisions.

56 8. Subsections 1 to 7 of this section shall be effective in those counties including any city
57 not within a county in which the governing body of such county elects to adopt a proposal to
58 implement the provisions of subsections 1 to 7 of this section. Such subsections shall become
59 effective in such county on the first day of January of the year following such election.

60 9. In any county which adopts the provisions of subsections 1 to 7 of this section prior
61 to the first day of June in any year pursuant to subsection 8 of this section, the assessor of such
62 county shall, upon application of the property owner, remove on a pro rata basis from the tax
63 book for the current year any residential real property improvements destroyed by a natural
64 disaster if such property is unoccupied and uninhabitable due to such destruction. On or after
65 the first day of June, the board of equalization shall perform such duties. Any person claiming
66 such destroyed property shall provide a list of such destroyed property to the county assessor.
67 The assessor shall have available a supply of appropriate forms on which the claim shall be
68 made. The assessor may verify all such destroyed property listed to ensure that the person made
69 a correct statement. Any person who completes such a list and, with intent to defraud, includes
70 property on the list that was not destroyed by a natural disaster shall, in addition to any other
71 penalties provided by law, be assessed double the value of any property fraudulently listed. The
72 list shall be filed by the assessor, after he has provided a copy of the list to the county collector
73 and the board of equalization, in the office of the county clerk who, after entering the filing
74 thereof, shall preserve and safely keep them. If the assessor, subsequent to such destruction,
75 considers such property occupied as provided in subsection 2 of this section, the assessor shall
76 consider such property new construction and improvements and shall assess such property
77 accordingly as provided in subsection 1 of this section. For the purposes of this section, the term
78 "natural disaster" means any disaster due to natural causes such as tornado, fire, flood, or
79 earthquake.

80 10. Any political subdivision may recover the loss of revenue caused by subsection 9 of
81 this section by adjusting the rate of taxation, to the extent previously authorized by the voters of
82 such political subdivision, for the tax year immediately following the year of such destruction
83 in an amount not to exceed the loss of revenue caused by this section.