

**HOUSE****AMENDMENT NO. \_\_\_\_**

Offered by \_\_\_\_\_

of \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 23, Page 11,  
 2 Section 137.1018, Line 42, by inserting after all of said line  
 3 the following:

4 "143.145. 1. As used in this section, the following terms  
 5 mean:

6 (1) "Deduction", an amount deducted from the taxpayer's  
 7 Missouri adjusted gross income pursuant to section 143.121 to  
 8 determine Missouri taxable income for the tax year in which such  
 9 deduction is claimed;

10 (2) "Purchase", any conveyance to a taxpayer of fee simple  
 11 ownership interest in a qualified principal residence made by  
 12 deed executed by any person having authority to convey the same,  
 13 or by his agent or attorney, and acknowledged and recorded  
 14 pursuant to chapter 442 after the effective date of this section  
 15 but before January 1, 2016;

16 (3) "Contract sales price", the total price paid by a  
 17 taxpayer for the purchase of a qualified principal residence;

18 (4) "Qualified principal residence", any single-family  
 19 residence located in the state of Missouri, whether detached or  
 20 attached, that is owner occupied or will be owner occupied after  
 21 purchase by the taxpayer claiming the deduction allowed by this  
 22 section as his or her primary residence, for which construction  
 23 began and has been completed between August 28, 2013, and  
 24 December 31, 2015, and that has not been previously occupied.  
 25 For the purposes of this section, a manufactured home, modular  
 26 unit, recreational park trailer, or recreational vehicle as  
 27 defined in section 700.010, shall not be considered a single-  
 28 family residence. For the purposes of this section, the value of  
 29 land or any pre-existing structures on such land shall not be

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

1 included in the value of such residence. The taxpayer shall  
2 submit an appraisal to the department that separately states the  
3 value of the land and any existing structures in order to claim  
4 the deduction;

5 (5) "Recapture period", the two taxable years beginning  
6 with the first taxable year following the taxable year in which  
7 the taxpayer occupied the qualified principal residence for which  
8 a deduction is allowed under this section, except that such  
9 recapture period shall be deemed to have expired immediately upon  
10 the date of the death of any person deemed a taxpayer under this  
11 section;

12 (6) "Taxpayer", an individual who purchases a fee simple  
13 ownership interest in a qualified principal residence during a  
14 taxable year and has not previously received a deduction issued  
15 pursuant to this section in any taxable year.

16 2. In addition to all deductions listed in this chapter,  
17 for taxable years beginning on or after January 1, 2013, and  
18 ending on or before December 31, 2015, a taxpayer shall be  
19 allowed a deduction for the purchase of a qualified principal  
20 residence in this state. The deduction amount shall be equal to  
21 the lesser of:

22 (1) One-third of the contract sales price of the qualified  
23 principal residence in this state; or

24 (2) One hundred sixty-six thousand six hundred sixty-seven  
25 dollars.

26 3. No taxpayer shall claim a tax deduction for the purchase  
27 of more than one qualified principal residence under this  
28 section. Such tax deduction shall be limited to a maximum tax  
29 benefit of ten thousand dollars.

30 4. If the amount of the deduction allowed under this  
31 section exceeds the total Missouri adjusted gross income for the  
32 taxpayer in the same tax year in which the deduction is allowed  
33 without taking into account the deduction allowed by this  
34 section, the amount that exceeds the total Missouri adjusted  
35 gross income for the taxpayer without taking into account the  
36 deduction allowed by this section may be carried forward to any  
37 subsequent tax year until the full deduction is claimed.

1       5. If a taxpayer disposes of his or her qualified principal  
2 residence for which a deduction was allowed under this section or  
3 such qualified principal residence ceases to be the principal  
4 residence of the taxpayer (and if married the taxpayer's spouse)  
5 before the end of the recapture period, then any remaining unused  
6 deduction shall be cancelled, and the taxpayer shall be subject  
7 to an addition to his or her Missouri adjusted gross income of  
8 any amount deducted under this section in any preceding tax year.  
9 The provisions of this subsection shall not apply in the case of  
10 a transfer of a qualified principal residence from an individual  
11 taxpayer to a spouse (or to a former spouse if the transfer is  
12 incident to a divorce) or from an individual taxpayer to a  
13 grantor-trust or a single-member limited liability company owned  
14 by the taxpayer.

15       6. If a Missouri taxpayer self-constructs a qualified  
16 principal residence, such taxpayer shall be eligible for a tax  
17 deduction allowed by this section by satisfying the department of  
18 revenue's proof of documentation requirements to verify the  
19 contract sale price of a qualified principle residence.

20       7. The department of revenue shall establish the procedure  
21 by which the deduction provided in this section may be claimed  
22 and may promulgate rules to implement the provisions of this  
23 section. Any rule or portion of a rule, as that term is defined  
24 in section 536.010, that is created under the authority delegated  
25 in this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable, and if any of the powers vested with the general  
29 assembly pursuant to chapter 536 to review, to delay the  
30 effective date, or to disapprove and annul a rule are  
31 subsequently held unconstitutional, then the grant of rulemaking  
32 authority and any rule proposed or adopted after August 28, 2013,  
33 shall be invalid and void.

34       8. Pursuant to section 23.253 of the Missouri sunset act:

35       (1) The provisions of the new program authorized under this  
36 section shall automatically sunset December 31, 2015, unless  
37 reauthorized by an act of the general assembly; and

1       (2) If such program is reauthorized, the program authorized  
2 under this section shall automatically sunset December thirty-  
3 first one year after the effective date of the reauthorization of  
4 this section; and

5       (3) This section shall terminate on September first of the  
6 calendar year immediately following the calendar year in which  
7 the program authorized under this section is sunset."; and

8  
9       Further amend said title, enacting clause and intersectional  
10 references accordingly.