

HOUSE BILL NO. 2944

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

6569H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 137.1050, RSMo, and to enact in lieu thereof one new section relating to the senior citizen homestead tax credit.

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

Section A. Section 137.1050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.1050, to read as follows:

137.1050. 1. For the purposes of this section, the following terms shall mean:

(1) "Eligible credit amount", the difference between an eligible taxpayer's real property tax liability on such taxpayer's homestead for a given tax year, minus the real property tax liability on such homestead in the eligible taxpayer's initial credit year;

(2) "Eligible taxpayer", a Missouri resident who:

(a) Is sixty-two years of age or older;

(b) Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and

(c) Is liable for the payment of real property taxes on such homestead;

(3) "Homestead", real property actually occupied by an eligible taxpayer as the primary residence. An eligible taxpayer shall not claim more than one primary residence;

(4) "Initial credit year":

(a) In the case of a taxpayer that meets all requirements of subdivision (2) of this subsection prior to the year in which a credit is authorized pursuant to subsection 2 of this section, the year in which such credit is authorized;

(b) For all other taxpayers, the year in which the taxpayer meets all requirements of subdivision (2) of this subsection.

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.

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19 If in any tax year subsequent to the eligible taxpayer's initial credit year the eligible taxpayer's
20 real property tax liability is lower than such liability in the initial credit year, such tax year
21 shall be considered the eligible taxpayer's initial credit year for all subsequent tax years. This
22 provision shall not apply if an eligible taxpayer's real property tax liability is lower than such
23 liability in the taxpayer's initial credit year solely due to a reduction in a property tax levy
24 made pursuant to section 321.554.

25 2. (1) Any county authorized to impose a property tax may grant a property tax credit
26 to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible
27 credit amount, provided that:

28 (a) Such county adopts an ordinance authorizing such credit; or

29 (b) a. A petition in support of a referendum on such a credit is signed by at least five
30 percent of the registered voters of such county voting in the last gubernatorial election and the
31 petition is delivered to the governing body of the county, which shall subsequently hold a
32 referendum on such credit.

33 b. The ballot of submission for the question submitted to the voters pursuant to
34 paragraph (b) of this subdivision shall be in substantially the following form:

35 Shall the County of _____ exempt senior citizens aged 62 and
36 older from increases in the property tax liability due on such
37 senior citizens' primary residence?

38 YES

NO

39

40 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
41 favor of the proposal, then the credit shall be in effect.

42 (2) An ordinance adopted pursuant to paragraph (a) of subdivision (1) of this
43 subsection shall not preclude such ordinance from being amended or superseded by a petition
44 subsequently adopted pursuant to paragraph (b) of subdivision (1) of this subsection.

45 3. (1) A county granting credit pursuant to this section shall apply such credit when
46 calculating the eligible taxpayer's property tax liability for the tax year. The amount of the
47 credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county
48 collector. The county governing body may adopt reasonable procedures in order to carry out
49 the purposes and intent of this section, provided that the county shall not adopt any procedure
50 that limits the definition or scope of eligible credit amount or eligible taxpayer as defined in
51 this section.

52 (2) If an eligible taxpayer makes new construction and improvements to such eligible
53 taxpayer's homestead, the real property tax liability for the taxpayer's initial credit year shall

54 be increased to reflect the real property tax liability attributable to such new construction and
55 improvements.

56 (3) If an eligible taxpayer's homestead is annexed into a taxing jurisdiction to which
57 such eligible taxpayer did not owe real property tax in the eligible taxpayer's initial credit
58 year, then the real property tax liability for the taxpayer's initial credit year shall be increased
59 to reflect the real property tax liability owed to the annexing taxing jurisdiction.

60 4. For the purposes of calculating property tax levies pursuant to section 137.073, the
61 total amount of credits authorized by a county pursuant to this section shall be considered tax
62 revenue, as such term is defined in section 137.073, actually received.

63 5. A county granting a tax credit pursuant to this section shall notify each political
64 subdivision within such county of the total credit amount applicable to such political
65 subdivision by no later than November thirtieth of each year.

66 **6. For all tax years beginning on or after the effective date of this section, an**
67 **eligible taxpayer applying for the tax credit authorized under the provisions of this**
68 **section shall not be required to reapply annually. Upon initial qualification under the**
69 **provisions of this section and any additional provisions adopted by the county governing**
70 **body, the eligible taxpayer shall maintain such eligibility without a requirement to**
71 **reapply for qualification each year. The tax credit shall continue to be automatically**
72 **applied to the eligible taxpayer's homestead until the tax year in which the eligible**
73 **taxpayer relocates to another homestead or upon the death of the eligible taxpayer,**
74 **which shall be certified with a copy of the death certificate or notification of the**
75 **relocation within ninety days of the date of either such event.**

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