

FIRST REGULAR SESSION

SENATE BILL NO. 350

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 19, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1745S.01I

AN ACT

To repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

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

Section A. Sections 135.010, 135.025, and 135.030, RSMo, are repealed

2 and three new sections enacted in lieu thereof, to be known as sections 135.010,
3 135.025, and 135.030, to read as follows:

135.010. As used in sections 135.010 to 135.030 the following words and
2 terms mean:

3 (1) "Claimant", a person or persons claiming a credit under sections
4 135.010 to 135.030. If the persons are eligible to file a joint federal income tax
5 return and reside at the same address at any time during the taxable year, then
6 the credit may only be allowed if claimed on a combined Missouri income tax
7 return or a combined claim return reporting their combined incomes and property
8 taxes. A claimant shall not be allowed a property tax credit unless the claimant
9 or spouse has attained the age of sixty-five on or before the last day of the
10 calendar year and the claimant or spouse was a resident of Missouri for the entire
11 year, or the claimant or spouse is a veteran of any branch of the Armed Forces
12 of the United States or this state who became one hundred percent disabled as
13 a result of such service, or the claimant or spouse is disabled as defined in
14 subdivision (2) of this section, and such claimant or spouse provides proof of such
15 disability in such form and manner, and at such times, as the director of revenue
16 may require, or if the claimant has reached the age of sixty on or before the last
17 day of the calendar year and such claimant received surviving spouse Social
18 Security benefits during the calendar year and the claimant provides proof, as

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 required by the director of revenue, that the claimant received surviving spouse
20 Social Security benefits during the calendar year for which the credit will be
21 claimed. A claimant shall not be allowed a property tax credit if the claimant
22 filed a valid claim for a credit under section 137.106 in the year following the
23 year for which the property tax credit is claimed. The residency requirement
24 shall be deemed to have been fulfilled for the purpose of determining the
25 eligibility of a surviving spouse for a property tax credit if a person of the age of
26 sixty-five years or older who would have otherwise met the requirements for a
27 property tax credit dies before the last day of the calendar year. The residency
28 requirement shall also be deemed to have been fulfilled for the purpose of
29 determining the eligibility of a claimant who would have otherwise met the
30 requirements for a property tax credit but who dies before the last day of the
31 calendar year;

32 (2) "Disabled", the inability to engage in any substantial gainful activity
33 by reason of any medically determinable physical or mental impairment which
34 can be expected to result in death or which has lasted or can be expected to last
35 for a continuous period of not less than twelve months. A claimant shall not be
36 required to be gainfully employed prior to such disability to qualify for a property
37 tax credit;

38 (3) ["Gross rent", amount paid by a claimant to a landlord for the rental,
39 at arm's length, of a homestead during the calendar year, exclusive of charges for
40 health and personal care services and food furnished as part of the rental
41 agreement, whether or not expressly set out in the rental agreement. If the
42 director of revenue determines that the landlord and tenant have not dealt at
43 arm's length, and that the gross rent is excessive, then he shall determine the
44 gross rent based upon a reasonable amount of rent. Gross rent shall be deemed
45 to be paid only if actually paid prior to the date a return is filed. The director of
46 revenue may prescribe regulations requiring a return of information by a landlord
47 receiving rent, certifying for a calendar year the amount of gross rent received
48 from a tenant claiming a property tax credit and shall, by regulation, provide a
49 method for certification by the claimant of the amount of gross rent paid for any
50 calendar year for which a claim is made. The regulations authorized by this
51 subdivision may require a landlord or a tenant or both to provide data relating
52 to health and personal care services and to food. Neither a landlord nor a tenant
53 may be required to provide data relating to utilities, furniture, home furnishings
54 or appliances;

55 (4)] "Homestead", the dwelling in Missouri owned or rented by the
56 claimant and not to exceed five acres of land surrounding it as is reasonably
57 necessary for use of the dwelling as a home. It may consist of part of a
58 multidwelling or multipurpose building and part of the land upon which it is
59 built. "Owned" includes a vendee in possession under a land contract and one or
60 more tenants by the entireties, joint tenants, or tenants in common and includes
61 a claimant actually in possession if he was the immediate former owner of record,
62 if a lineal descendant is presently the owner of record, and if the claimant
63 actually pays all taxes upon the property. It may include a mobile home;

64 [(5)] (4) "Income", Missouri adjusted gross income as defined in section
65 143.121 less two thousand dollars, or in the case of a homestead owned and
66 occupied, for the entire year, by the claimant, less four thousand dollars as an
67 exemption for the claimant's spouse residing at the same address, and increased,
68 where necessary, to reflect the following:

69 (a) Social Security, railroad retirement, and veterans payments and
70 benefits unless the claimant is a one hundred percent service-connected, disabled
71 veteran or a spouse of a one hundred percent service-connected, disabled
72 veteran. The one hundred percent service-connected disabled veteran shall not
73 be required to list veterans payments and benefits;

74 (b) The total amount of all other public and private pensions and
75 annuities;

76 (c) Public relief, public assistance, and unemployment benefits received
77 in cash, other than benefits received under this chapter;

78 (d) No deduction being allowed for losses not incurred in a trade or
79 business;

80 (e) Interest on the obligations of the United States, any state, or any of
81 their subdivisions and instrumentalities;

82 [(6)] (5) "Property taxes accrued", property taxes paid, exclusive of
83 special assessments, penalties, interest, and charges for service levied on a
84 claimant's homestead in any calendar year. Property taxes shall qualify for the
85 credit only if actually paid prior to the date a return is filed. The director of
86 revenue shall require a tax receipt or other proof of property tax payment. If a
87 homestead is owned only partially by claimant, then "property taxes accrued" is
88 that part of property taxes levied on the homestead which was actually paid by
89 the claimant. For purposes of this subdivision, property taxes are "levied" when
90 the tax roll is delivered to the director of revenue for collection. If a claimant

owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part[;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year].

135.025. 1. The property taxes accrued [and rent constituting property taxes accrued] on each return shall be totaled. This total, up to [seven hundred fifty dollars in rent constituting property taxes actually paid or] eleven hundred dollars in actual property tax paid, shall be used in determining the property tax credit. The director of revenue shall prescribe regulations providing for allocations where part of a claimant's homestead is rented to another or used for nondwelling purposes or where a homestead is owned [or rented] or used as a dwelling for part of a year.

2. The director of the department of revenue shall calculate the amount of the tax credit redeemed in fiscal year 2012 for rent constituting property taxes. Beginning fiscal year 2014, an amount equal to the amount calculated in this section shall annually be deposited in the Missouri senior services protection fund. Moneys in the fund shall be allocated for services for low-income seniors and people with disabilities.

3. There is hereby created in the state treasury the "Missouri Senior Services Protection Fund", which shall consist of money collected under subsection 2 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be

22 used solely for the administration of subsection 2 of this
 23 section. Notwithstanding the provisions of section 33.080 to the
 24 contrary, any moneys remaining in the fund at the end of the biennium
 25 shall not revert to the credit of the general revenue fund. The state
 26 treasurer shall invest moneys in the fund in the same manner as other
 27 funds are invested. Any interest and moneys earned on such
 28 investments shall be credited to the fund.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after
 3 December 31, 1997, but before calendar year 2008, be the sum of twenty-five
 4 thousand dollars. For all calendar years beginning on or after January 1, 2008,
 5 the maximum upper limit shall be the sum of twenty-seven thousand five
 6 hundred dollars. In the case of a homestead owned and occupied for the entire
 7 year by the claimant, the maximum upper limit shall be the sum of thirty
 8 thousand dollars;

9 (2) The term "minimum base" shall, for each calendar year after December
 10 31, 1997, but before calendar year 2008, be the sum of thirteen thousand
 11 dollars. For all calendar years beginning on or after January 1, 2008, the
 12 minimum base shall be the sum of fourteen thousand three hundred dollars.

13 2. If the income on a return is equal to or less than the maximum upper
 14 limit for the calendar year for which the return is filed, the property tax credit
 15 shall be determined from a table of credits based upon the amount by which the
 16 total property tax described in section 135.025 exceeds the percent of income in
 17 the following list:

18 If the income on the return is	The percent is:
19 Not over the minimum base	0 percent with credit
20	not to exceed \$1,100
21	in actual property tax
22	[or rent equivalent paid
23	up to \$750]
24 Over the minimum base but	1/16 percent accumulative
25 not over the maximum upper	per \$300 from 0 percent
26 limit	to 4 percent.

27 The director of revenue shall prescribe a table based upon the preceding
 28 sentences. The property tax shall be in increments of twenty-five dollars and the
 29 income in increments of three hundred dollars. The credit shall be the amount

30 rounded to the nearest whole dollar computed on the basis of the property tax
31 and income at the midpoints of each increment. As used in this subsection, the
32 term "accumulative" means an increase by continuous or repeated application of
33 the percent to the income increment at each three hundred dollar level.

34 3. Notwithstanding subsection 4 of section 32.057, the department of
35 revenue or any duly authorized employee or agent shall determine whether any
36 taxpayer filing a report or return with the department of revenue who has not
37 applied for the credit allowed pursuant to section 135.020 may qualify for the
38 credit, and shall notify any qualified claimant of the claimant's potential
39 eligibility, where the department determines such potential eligibility exists.

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Bill

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