

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 756
102ND GENERAL ASSEMBLY

3172H.09C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 137.1050, RSMo, and to enact in lieu thereof one new section relating to a property tax credit for certain seniors, with an emergency clause.

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Section A. Section 137.1050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.1050, to read as follows: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 **from all taxing entities levying a property tax**, minus the real property tax liability on such homestead in the ~~[year that the taxpayer became an eligible taxpayer]~~ **eligible taxpayer's initial credit year**;
- (2) "Eligible taxpayer", a Missouri resident who:
- (a) Is ~~[eligible for Social Security retirement benefits]~~ **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; **and**
- (d) **Does not owe any delinquent taxes, interest, or penalties to the county**;
- (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":

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.

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

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

21

22 **If in any tax year subsequent to the eligible taxpayer's initial credit year the eligible**
23 **taxpayer's real property tax liability is lower than such liability in the initial credit year,**
24 **such tax year shall be considered the eligible taxpayer's initial credit year for all**
25 **subsequent tax years.**

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

29 ~~[(1)]~~ **(a) Such county adopts an ordinance authorizing such credit; or**

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

34 ~~[(b)]~~ **b. The ballot of submission for the question submitted to the voters pursuant to**
35 **paragraph (a) of this subdivision shall be in substantially the following form:**

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

39 YES NO

40

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

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

47 **3. (1) A county granting ~~[an exemption]~~ credit pursuant to this section shall apply**
48 **such ~~[exemption]~~ credit when calculating the eligible taxpayer's property tax liability for the**
49 **tax year. The amount of the credit shall be noted on the statement of tax due sent to the**
50 **eligible taxpayer by the county collector. The county governing body may adopt**
51 **reasonable procedures in order to carry out the purposes and intent of this section,**

52 **provided that the county shall not adopt any procedure that limits the definition or**
53 **scope of "eligible credit amount" or "eligible taxpayer" as defined in this section.**

54 **(2) If an eligible taxpayer makes new construction and improvements to such**
55 **eligible taxpayer's homestead, the real property tax liability for the taxpayer's initial**
56 **credit year shall be increased to reflect the real property tax liability attributable to such**
57 **new construction and improvements.**

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

63 4. For the purposes of calculating property tax levies pursuant to section 137.073, the
64 total amount of credits authorized by a county pursuant to this section shall be considered tax
65 revenue, as such term is defined in section 137.073, actually received [~~by the county~~].

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

Section B. Because immediate action is necessary to protect senior citizen taxpayers
2 from inflated real property values and rapidly increasing prices, the repeal and reenactment of
3 section 137.1050 of section A of this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and the repeal and reenactment of section 137.1050 of
6 section A of this act shall be in full force and effect upon its passage and approval.

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