

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2944

AN ACT

To repeal sections 137.1050 and 139.053, RSMo, and to enact in lieu thereof two new sections relating to the senior citizen homestead tax credit.

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

Section A. Sections 137.1050 and 139.053, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 137.1050 and 139.053, to read as follows: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.

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

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

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

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

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

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

YES

NO

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

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pursuant to paragraph (a) of subdivision (1) of this subsection shall not preclude such ordinance from being amended or superseded by a petition subsequently adopted pursuant to paragraph (b) of subdivision (1) of this subsection.

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

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

liability attributable to such new construction and improvements.

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

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

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

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

within ninety days of the date of either such event. If a credit is granted in error due to the failure of the taxpayer to notify the county collector of relocation or death, the governing body of the county may remedy the error.

7. Any payment of real or personal property taxes transmitted through the United States Postal Service and postmarked no later than January fifth of the year immediately following the applicable tax year shall be deemed timely paid and shall not be subject to penalty or interest, provided that, regardless of postmark date, any check, cashier's check, or money order dated later than December thirty-first of the applicable tax year shall be considered delinquent, and further provided that any payment made by means other than United States Postal Service mail, including but not limited to in person, electronic, internet, interactive voice response, or electronic check payments shall be considered delinquent if received after December thirty-first of the applicable tax year.

8. Notwithstanding any provision of law to the contrary, in the event a county experiences technical, administrative, or operational difficulties that materially delay the preparation, printing, or mailing of real or personal property tax statements, the county governing body may extend the deadline for timely payment of such taxes for a period not to exceed thirty days beyond the otherwise applicable delinquency date. During such extension period, payments received shall be deemed timely and shall not be subject to penalty or interest. The county governing body shall provide reasonable public notice of such extension, and such extension shall apply uniformly to all affected taxpayers within the jurisdiction.

9. Notwithstanding any provision of law to the contrary, the county assessor, township assessor, or other

county designee responsible for the administration of assessment lists, personal property declarations, homestead verification forms, or other assessment-related filings may allow a grace period not to exceed ten days following the statutory deadline for submission of such forms when such forms are transmitted through the United States Postal Service and postmarked on or before the applicable due date but received after such due date due to postal delay. Any such form received within the authorized grace period shall be deemed timely filed and shall not result in penalty, estimated assessment, or disqualification from any property tax credit or relief program solely due to delayed receipt. The assessor or county designee may establish reasonable procedures to verify postmark dates and ensure uniform and consistent application of such grace period in accordance with state law.

139.053. 1. The governing body of any county[, **excluding township counties,**] may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual [**or**], quarterly, monthly, or weekly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the

estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the amount of property taxes still owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

5. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.