

AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to property taxation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.104, to read as follows:

137.104. 1. This act shall be known and may be cited as "The Missouri Homestead Preservation Act".

2. Notwithstanding any provision of law to the contrary, the assessed value of residential property, excluding any value added by new construction or improvements, which is owned by any person who is under sixty-five years of age and who uses such property as a homestead, or owned by any person who is sixty-five years of age or older who has used such property as a homestead for a period of less than five years, shall not increase during any two-year reassessment period by more than the consumer price index or five percent, whichever is less.

3. The assessed value of residential property, excluding any value added by new construction or improvements, which is owned by any person who is sixty-five years of age or older and who has used such property as a homestead for a period of at least five years shall not increase during the period of time

such person resides on that property after attaining the age of sixty-five years. Age and years of residence for purposes of this section shall be determined as of January first of each odd-numbered year; provided, however, that such information shall be provided by affidavit of the owner of homestead property by such date to the county assessor.

4. No person claiming a homestead exemption under this section shall be eligible to claim the property tax credit allowed in sections 135.010 to 135.035, RSMo, and no person claiming the property tax credit allowed in sections 135.010 to 135.035, RSMo, shall be eligible to claim the homestead exemption under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

6. This section shall become effective January 1, 2005, and

shall apply to all taxable years beginning after December 31,
2004.