

FIRST REGULAR SESSION

# HOUSE BILL NO. 1049

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

1639H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for senior citizen property owners.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.1915, to read as follows:

**135.1915. 1. As used in this section, the following terms shall mean:**

**(1) "Qualified taxpayer", any individual who has owned his or her primary residence for at least two years, whose primary residence is wholly owned by the individual and free of any obligation, that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265; and**

**(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.**

**2. For all tax years beginning on or after January 1, 2016, a qualified taxpayer shall, beginning the calendar year following the year in which the qualified taxpayer turns sixty-five, be allowed to claim a tax credit against the qualified taxpayer's state tax liability in an amount equal to the amount of real property tax paid on the qualified taxpayer's primary residence.**

**3. In the event the qualified taxpayer is married, only one spouse need qualify as a qualified taxpayer to be eligible for the credit authorized under this section.**

**4. Once an individual attains the status of a qualified taxpayer, the qualified taxpayer may move and waive the two year ownership requirement, provided the new primary residence is wholly owned and free of any obligation.**

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.

18           **5. Qualified taxpayers shall remit property tax when due and may apply for the**  
19 **credit authorized under this section when filing his or her Missouri income tax return.**

20           **6. Tax credits issued under the provisions of this section shall be refundable, but**  
21 **shall not be sold, transferred, or assigned.**

22           **7. The department of revenue may promulgate rules to implement the provisions**  
23 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
24 **is created under the authority delegated in this section shall become effective only if it**  
25 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
26 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
27 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
28 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
29 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,**  
30 **shall be invalid and void.**

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