FIRST REGULAR SESSION

HOUSE BILL NO. 26

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

Pre-filed December 2, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0475L.01I

AN ACT

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

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 137.102, to read as follows:

137.102. 1. As used in this section, the following terms mean:

(1) "Homestead beneficiary", a person who has reached the age of sixty-five years as of January first of the determining odd-numbered year, or who is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or who is disabled as defined in section 135.010, RSMo;

(2) "Homestead property", the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home;

(3) "Owner", a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint tenants, or tenants in common, and who declared ownership of the property on each of the three immediately preceding annual property declaration statements, and who actually paid the three immediately preceding annual property tax assessments.

2. For all tax years beginning on or after January 1, 2004, the assessed value of homestead property in class 1, excluding any value added by new construction or improvements, owned by any owner who is a homestead beneficiary and who has

continuously used that property as a principal residence for at least three years shall not increase during the period of time that owner resides on that property after becoming a homestead beneficiary. Status as a homestead beneficiary and years of residence for purposes of this section shall be determined as of January first of each odd-numbered year; the owner shall provide such information by affidavit by such date to the county assessor.

3. The tax rate or rates imposed upon homestead property whose owner meets the conditions specified in subsection 2 of this section shall not be increased with respect to such property until the owner moves, sells the property, or fails to notify the assessor of continued eligibility pursuant to subsection 2 of this section.

4. All revenue losses of any political subdivision resulting from the limitation on assessed valuations contained in this section shall be reimbursed to those political subdivisions by the state of Missouri through appropriations. Data substantiating revenue losses resulting from the limitation on assessed valuations as contained in this section shall be provided to the state auditor in such form as shall be prescribed by the state auditor by rule promulgated pursuant to chapter 536, RSMo. The required data shall be submitted for each political subdivision levying a property tax and shall be submitted by either the county or the individual taxing authority as requested by the state auditor. Calculation or verification of the revenue loss shall be determined by the state auditor subsequent to the annual property tax rate review completed pursuant to section 137.073. All data and documents substantiating the revenue loss for each political subdivision shall be copied to each county clerk respectively and shall be retained and made available for public inspection by the county for a minimum of three years. Whenever a taxpayer in a taxing jurisdiction has cause to believe that the taxing jurisdiction has not complied with this section, the taxpayer shall have legal standing to bring a civil action to determine and require compliance with this section.

Section B. Section A of this act shall become effective January 1, 2004.