

HOUSE BILL NO. 2400

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

5001H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits.

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
2 known as section 135.045, to read as follows:

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

2 **(1) "Base amount", the total amount of property tax for which a qualified taxpayer**
3 **is liable on such qualified taxpayer's primary residence in the year in which such qualified**
4 **taxpayer first accumulates ten consecutive years of ownership of such primary residence;**

5 **(2) "Qualified amount", for any qualified taxpayer in a given tax year, the base**
6 **amount subtracted from the total amount of property tax for which such qualified**
7 **taxpayer is liable on such qualified taxpayer's primary residence;**

8 **(3) "Qualified taxpayer", any individual with an income tax liability under chapter**
9 **143, excluding withholding tax imposed under sections 143.191 to 143.265, who is sixty-five**
10 **years of age or older and who has owned and resided in his or her current primary**
11 **residence for ten or more consecutive years;**

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

14 **2. For all tax years beginning on or after January 1, 2021, a qualified taxpayer shall**
15 **be allowed to claim a tax credit in an amount equal to his or her qualified amount, subject**
16 **to the provisions of subsection 3 of this section.**

17 **3. The tax credit authorized under this section may be claimed on either a separate**
18 **or a combined tax return; provided that, for any particular primary residence, no more**

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.

19 than one tax return filed by any number of taxpayers residing at such primary residence
20 shall claim or receive the tax credit.

21 4. The tax credit authorized under this section shall be refundable, but shall not be
22 assigned, transferred, sold, or otherwise conveyed.

23 5. The department of revenue shall promulgate all necessary rules and regulations
24 for the administration of this section. Any rule or portion of a rule, as that term is defined
25 in section 536.010, that is created under the authority delegated in this section shall become
26 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
27 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
28 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
29 the effective date, or to disapprove and annul a rule are subsequently held
30 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
31 after August 28, 2020, shall be invalid and void.

32 6. Under section 23.253 of the Missouri sunset act:

33 (1) The provisions of this section shall automatically sunset six years after the
34 effective date of this section unless reauthorized by an act of the general assembly; and

35 (2) If such provisions are reauthorized, the provisions of this section shall
36 automatically sunset twelve years after the effective date of the reauthorization; and

37 (3) This section shall terminate on September first of the calendar year immediately
38 following the calendar year in which the provisions of this section are sunset.

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