

SECOND REGULAR SESSION

# HOUSE BILL NO. 2880

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

4371H.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 known as section 135.045, to read as follows:

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

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

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

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

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

2. For all tax years beginning on or after January 1, 2023, a qualified taxpayer shall be allowed to claim a tax credit in an amount equal to his or her qualified amount, subject to the provisions of subsection 3 of this section.

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           **3. The tax credit authorized under this section may be claimed on either a**  
19 **separate or a combined tax return; provided that, for any particular primary residence,**  
20 **no more than one tax return filed by any number of taxpayers residing at such primary**  
21 **residence shall claim or receive the tax credit.**

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

24           **5. The department of revenue shall promulgate all necessary rules and**  
25 **regulations for the administration of this section. Any rule or portion of a rule, as that**  
26 **term is defined in section 536.010, that is created under the authority delegated in this**  
27 **section shall become effective only if it complies with and is subject to all of the**  
28 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**  
29 **536 are nonseverable, and if any of the powers vested with the general assembly**  
30 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
31 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
32 **and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

33           **6. Under section 23.253 of the Missouri sunset act:**

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

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

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

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