

HOUSE BILL NO. HB0332

Optional Local Impacts and Improvement Act.

Sponsored by: Representative(s) Olsen, Berger, Luthi and Warren and Senator(s) Larson and Peck

A BILL

for

1 AN ACT relating to taxation and revenue; providing for the
2 Optional Local Impacts and Improvement Act; imposing a real
3 estate transfer tax as specified; requiring a majority vote
4 for the tax; authorizing collection of the tax; providing
5 for distribution; conforming related provision; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 39-22-101 through 39-22-111 are
11 created to read:

12

CHAPTER 22

13

LOCAL IMPACTS AND IMPROVEMENT ACT

14

15

16 **39-22-101. Definitions.**

1

2 There are no specific applicable provisions for definitions
3 for this chapter.

4

5 **39-22-102. Administration.**

6

7 The department of revenue shall enforce the provisions of
8 this chapter. The department shall promulgate rules and
9 regulations necessary for the implementation and
10 enforcement of this chapter.

11

12 **39-22-103. Imposition.**

13

14 (a) There is imposed a transfer tax upon the sale of
15 real property. On any sale of real property, a transfer tax
16 shall be imposed upon the total amount of the real property
17 sale. The tax shall be imposed upon all transfers of legal
18 and equitable title to real property.

19

20 (b) The transfer tax authorized by subsection (a) of
21 this section shall not be imposed by a county unless
22 approved by a majority of the qualified voters in the
23 county casting their ballots on the question. If approved
24 by a majority of the voters, the tax shall be valid for a

1 period of four (4) years. Thereafter, the tax shall
2 terminate unless a majority of the voters vote to impose
3 the tax for additional four (4) year periods.

4

5 (c) No tax shall be imposed under this section until
6 the proposition to impose the tax is submitted to the vote
7 of the qualified electors of the county and a majority of
8 those casting their ballots on the question vote in favor
9 of imposing the tax. Except as otherwise provided, the tax
10 imposed under this section shall commence as provided by
11 W.S. 39-15-207 following the election approving the
12 imposition of the tax.

13

14 (d) The proposition to impose the transfer tax shall
15 be at the expense of the county and be submitted to the
16 electors of the county upon the county clerk's filing of a
17 petition requesting the election signed by at least ten
18 percent (10%) of the qualified electors of the county or of
19 a resolution approving the proposition from the board of
20 county commissioners of the county and the governing bodies
21 of at least two-thirds (2/3) of the incorporated
22 municipalities within the county. The resolution or
23 petition shall state the specific tax rates to be imposed
24 as authorized by W.S. 39-22-104. If proposed by petition

1 by qualified electors, the number of qualified electors
2 required shall be determined by the number of votes cast at
3 the last general election. The petition shall be in a form
4 prescribed by the county clerk, which shall have an
5 affidavit by the circulator. The petition may be circulated
6 for not more than one (1) year after the date the county
7 clerk approves the form of the petition. The county clerk
8 shall verify the signatures on the petition as those of
9 qualified electors of the county. When the ten percent
10 (10%) threshold is met the county clerk shall certify and
11 file the petition. The election shall be at the direction
12 and under the supervision of the board of county
13 commissioners, and in accordance with the provisions of the
14 Wyoming Election Code.

15

16 (e) The proposition may be submitted at any general
17 election or at a special election called for that purpose,
18 provided that no special election may be called if a
19 general election will be held within one hundred twenty
20 (120) days of the date the county clerk certifies and files
21 the petition. If the election is a special election, a
22 notice of election shall be given in at least one (1)
23 newspaper of general circulation published in the county in
24 which the election is to be held and the notice shall

1 specify the object of the election. The notice of the
2 special election shall be published at least once each week
3 for a thirty (30) day period preceding the election. If the
4 proposition is submitted at a general election, the notice
5 of the election shall be included in the general election
6 proclamation as outlined in W.S. 22-2-109. The ballot in an
7 election under this section shall state the question
8 substantially in the following form:

9

10 "Shall a tax on the transfer of real property as
11 authorized by W.S. 39-22-103 be imposed in county for
12 four (4) years at the following rates as provided by W.S.
13 39-22-104:

14

15 (i) One hundred thousand dollars (\$100,000.00)
16 or less, no tax;

17

18 (ii) More than one hundred thousand dollars
19 (\$100,000.00) but less than or equal to three hundred
20 thousand dollars (\$300,000.00) - _____ percent (___%);

21

22 (iii) More than three hundred thousand dollars
23 (\$300,000.00) but less than or equal to five hundred
24 thousand dollars (\$500,000.00) - _____ percent (___%);

1

2 (iv) More than five hundred thousand dollars
 3 (\$500,000.00) but less than or equal to one million dollars
 4 (\$1,000,000.00) - _____ percent (__%);

5

6 (v) More than one million dollars
 7 (\$1,000,000.00) - _____ percent (__%)."

8

9

YES NO

10

11 If the proposition to impose the tax is approved, the same
 12 proposition shall be submitted, at the second general
 13 election following the election at which the proposition
 14 was initially approved and at the general election held
 15 every four (4) years thereafter, until defeated.

16

17 (f) If the proposition to impose or continue the tax
 18 is defeated the proposition shall not again be submitted to
 19 the electors of the county for at least one (1) year. If
 20 the proposition is defeated at any general election
 21 following initial adoption of the proposition the tax is
 22 repealed and shall not be collected following June 30 of
 23 the year immediately following the year in which the
 24 proposition is defeated.

1

2 (g) If the proposition is approved by the qualified
3 electors, the board of county commissioners shall by
4 resolution impose a tax upon the transfer of real property.

5

6 **39-22-104. Taxation rate.**

7

8 (a) The tax rate shall be as follows on the price
9 paid for real property:

10

11 (i) One hundred thousand dollars (\$100,000.00)
12 or less - no tax;

13

14 (ii) More than one hundred thousand dollars
15 (\$100,000.00) but less than or equal to three hundred
16 thousand dollars (\$300,000.00) - not to exceed one-quarter
17 percent (1/4%);

18

19 (iii) More than three hundred thousand dollars
20 (\$300,000.00) but less than or equal to five hundred
21 thousand dollars (\$500,000.00) - more than one-quarter
22 percent (1/4%) but not to exceed three quarters percent
23 (3/4%);

24

1 (iv) More than five hundred thousand dollars
2 (\$500,000.00) but less than or equal to one million dollars
3 (\$1,000,000.00) - more than three quarters percent (3/4%)
4 but not to exceed one and one-quarter percent (1 1/4%);

5

6 (v) More than one million dollars
7 (\$1,000,000.00) - more than one and one-quarter percent (1
8 1/4%) but not to exceed three percent (3%).

9

10 **39-22-105. Exemptions.**

11

12 (a) The tax shall not be imposed upon any of the
13 following:

14

15 (i) Any transfer exempted by W.S. 34-1-142(c) (i)
16 through (vi) and (viii);

17

18 (ii) Any transfer of real property exempted from
19 taxation by W.S. 39-11-105, and any property protected from
20 taxation by the constitution;

21

22 (iii) Any transfer of property pursuant to a
23 judicial decree or judgment, except for the judicial

1 enforcement of contracts or agreements of sale not
2 otherwise exempt hereunder;

3

4 (iv) Any transfer of property pursuant to a
5 contract executed prior to the effective date of this act;

6

7 (v) Any transfer of real property valued for
8 taxation under W.S. 39-13-102(m).

9

10 (b) For agricultural lands the real estate transfer
11 tax shall apply only to that amount of the real property
12 sale which exceeds the production value of the land as
13 determined pursuant to W.S. 39-13-103(b)(x).

14

15 **39-22-106. Licensing; permits.**

16

17 There are no specific applicable provisions for licenses
18 and permits for this chapter.

19

20 **39-22-107. Compliance; collection procedures.**

21

22 (a) Returns and reports. Taxes imposed by this
23 section are due and payable at the office of the county
24 treasurer of the county in which the real property is

1 located on the date of recordation of the deed or other
2 instrument making the sale a matter of public record. The
3 tax shall only be collected on the price paid for real
4 property. The county clerk shall not record a document
5 transferring legal or equitable title to real property
6 until all taxes due under this section have been paid to
7 the county treasurer.

8

9 (b) Payment. The tax shall be paid by the purchaser
10 and collected from the party recording the deed or other
11 instrument making the sale a matter of public record by the
12 county treasurer based upon the total amount paid or to be
13 paid as shown in the statement presented to the county
14 clerk for recording under W.S. 34-1-142.

15

16 (c) Timelines. There are no specific applicable
17 provisions for timelines for this chapter.

18

19 **39-22-108. Enforcement.**

20

21 (a) Audits. The state department of audit shall
22 conduct an audit of the county's collection of taxes under
23 this chapter every two (2) years.

24

1 (b) Interest. There are no specific applicable
2 provisions for interest for this chapter.

3

4 (c) Penalties. Any person failing to pay the tax
5 imposed by this chapter is guilty of a misdemeanor and is
6 subject to a fine of not more than seven hundred fifty
7 dollars (\$750.00), imprisonment for not more than six (6)
8 months, or both.

9

10 (d) Liens. Taxes owed under this section constitute
11 a lien against the property transferred until paid.

12

13 (e) Tax sales. There are no specific applicable
14 provisions for tax sales for this chapter.

15

16 **39-22-109. Taxpayer remedies.**

17

18 There are no specific applicable provisions for taxpayer
19 remedies for this chapter.

20

21 **39-22-110. Statute of limitations.**

22

23 There are no specific applicable provisions for a statute
24 of limitations for this chapter.

1

2 **39-22-111. Distribution.**

3

4 (a) Taxes collected by the county treasurer shall be
5 distributed as follows:

6

7 (i) Ninety percent (90%) shall be transferred to
8 the county treasurer for distribution as follows:

9

10 (A) To the county in the proportion that
11 the population of the county situated outside the corporate
12 limits of its cities and towns bears to the total
13 population of the county including cities and towns;

14

15 (B) To each city and town within the county
16 in the proportion the population of the city or town bears
17 to the population of the county.

18

19 (ii) Ten percent (10%) shall be transferred to
20 the state treasurer for deposit into the general fund.

21

22 **Section 2.** W.S. 34-1-142(d) is amended to read:

23

1 **34-1-142. Instrument transferring title to real**
2 **property; procedure; exceptions; confidentiality.**

3

4 (d) The sworn statements shall be used by the county
5 clerk to collect the real property transfer tax authorized
6 by W.S. 39-22-101 through 39-22-111 and the county
7 assessors and the state board of equalization and the
8 department of revenue along with other statements filed
9 only as data in a collection of statistics which shall be
10 used collectively in determining sales-price ratios by
11 county. An individual statement shall not, by itself, be
12 used by the county assessor to adjust the assessed value of
13 any individual property.

14

15 **Section 3.** This act is effective July 1, 2005.

16

17

(END)