

ENROLLED ACT NO. 60, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to taxation and revenue; providing amendments to the tax refund to the elderly and disabled program as specified; repealing conflicting provisions; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 39-11-109(c)(ii), (iii), (vi), (vii)(intro), (C), by creating new subparagraphs (D) and (E) and by creating a new paragraph (viii) is amended to read:

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(ii) Wyoming residents meeting ~~resource~~asset eligibility requirements under paragraph (vii) of this subsection who are sixty-five (65) years of age and older or who are eighteen (18) years of age and older and are totally disabled during the one (1) year period immediately preceding the date of application for a refund under this subsection and are not residents of any state funded institution, are qualified for an exemption and refund of state taxes as provided in this subsection. The application shall indicate whether the applicant has applied for or received any refund under this section, a property tax exemption under W.S. 39-13-105, a property tax refund under W.S. 39-13-109(c)(iii) or a property tax credit under W.S. 39-13-109(d) for the same calendar year. A qualified single person whose actual income is less than ~~thirteen thousand five hundred dollars (\$13,500.00)~~seventeen thousand five hundred dollars (\$17,500.00) shall receive eight hundred dollars (\$800.00) reduced by the percentage that his actual

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income exceeds ~~eight thousand dollars (\$8,000.00)~~ ten thousand dollars (\$10,000.00) per year and qualified married persons, at least one (1) of whom is at least sixty-five (65) years of age or totally disabled, whose actual income is less than ~~twenty two thousand dollars (\$22,000.00)~~ twenty-eight thousand five hundred dollars (\$28,500.00) shall receive nine hundred dollars (\$900.00) reduced by the percentage that their actual income exceeds ~~twelve thousand five hundred dollars (\$12,500.00)~~ sixteen thousand dollars (\$16,000.00) per year. Until remarriage a person sixty (60) years or older once qualified through marriage remains eligible individually for single person benefits, subject to income limitations, after the death of his spouse;

(iii) Qualified residents shall apply to the department, or its designee, in the county of their residence, on or before the last working day in August of each year for a refund of exempted sales and use taxes, certifying age, residency, disability, if any, marital status, ~~resources~~ assets and income under oath on forms prescribed by the department. Each application shall be submitted under oath by the applicant and shall be accompanied by a copy of the applicant's federal income tax return for the previous calendar year or a statement under oath that the applicant was not required to file a return for the previous calendar year. The department shall issue upon request to each qualified applicant a receipt acknowledging the filing of a completed application;

(vi) The department of health shall promulgate rules and regulations to carry out the provisions of this subsection;

(vii) No applicant is entitled to a refund under this subsection ~~who owns resources that exceed an equity~~

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~~value of six thousand dollars (\$6,000.00) unless the person has total household assets as defined by the department of health through rules and regulations of not to exceed twenty-five thousand dollars (\$25,000.00) per adult member of the household as adjusted annually by the state average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information. In determining resources, a single one hundred thirty thousand dollars (\$130,000.00) equity value of the combined assets, the following~~ property is exempt:

(C) One (1) ~~automobile.~~ personal motor vehicle per adult in the household;

(D) Assets held under a bona fide pension plan or individual retirement account (IRA);

(E) The cash value of any life insurance policies held.

(viii) Any refund provided by this subsection shall be reduced by the dollar amount received by the applicant for the preceding calendar year from any exemption under W.S. 39-13-105, any homeowner's tax credit under W.S. 39-13-109(d)(i) or any tax refund under W.S. 39-13-109(c)(iii).

Section 2. W.S. 39-11-109(c)(i)(B) and (E) is repealed.

Section 3. Two million three hundred thousand dollars (\$2,300,000.00) of the funds appropriated by 2004 Wyoming Session Laws, Chapter 121, Section 4, shall not revert and are hereby reappropriated to the department of health for the purposes of this act. Of this appropriation, up to eighty thousand dollars (\$80,000.00) may be used to

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administer the provision of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2010. This appropriation shall be included in the department's standard budget for the 2011-2012 biennium.

Section 4. This act is effective July 1, 2008.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk