

## HOUSE BILL NO. HB0068

Property tax-homestead exemption.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a  
 2 homestead tax exemption as specified; amending related  
 3 provisions; repealing conflicting provisions; providing an  
 4 appropriation; providing applicability; and providing for  
 5 an effective date.

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

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9       **Section 1.** W.S. 39-11-105(a) by creating a new  
 10 paragraph (xxxviii), 39-11-109(c)(ii) and (viii) and  
 11 39-13-109(d) by creating a new paragraph (ii) are amended  
 12 to read:

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14       **39-11-105. Exemptions.**

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16       (a) The following property is exempt from property  
 17 taxation:

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(xxxviii) Property used as a homestead to the extent provided by W.S. 39-13-109(d)(ii).

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**39-11-109. Taxpayer remedies.**

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(c) Refunds. The following shall apply:

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(ii) Wyoming residents meeting 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 or W.S. 39-13-109(d)(ii), or 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 seventeen thousand five hundred dollars

1 (\$17,500.00) shall receive eight hundred dollars (\$800.00)  
2 reduced by the percentage that his actual income exceeds  
3 ten thousand dollars (\$10,000.00) per year and qualified  
4 married persons, at least one (1) of whom is at least  
5 sixty-five (65) years of age or totally disabled, whose  
6 actual income is less than twenty-eight thousand five  
7 hundred dollars (\$28,500.00) shall receive nine hundred  
8 dollars (\$900.00) reduced by the percentage that their  
9 actual income exceeds sixteen thousand dollars (\$16,000.00)  
10 per year. Until remarriage a person sixty (60) years or  
11 older once qualified through marriage remains eligible  
12 individually for single person benefits, subject to income  
13 limitations, after the death of his spouse;

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

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22 **39-13-109. Taxpayer remedies.**

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24 (d) Credits. The following shall apply:

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(ii) The following shall apply to the homestead exemption:

(A) Subject to subparagraph (F) of this paragraph, a person who has been domiciled in Wyoming for at least three (3) years and who occupies a specified dwelling is entitled to a tax exemption as provided by subparagraph (D) of this paragraph. Not more than one (1) tax exemption shall be allowed on the same piece of property during any year;

(B) A person who wishes to claim a homestead exemption shall file an annual sworn statement on or before the fourth Monday in May on the form provided by the department of revenue and mailed to the applicant by the county assessor with an annual assessment of the property for tax purposes. False claims by an applicant are punishable as provided in W.S. 6-5-303. The applicant shall swear or affirm that:

(I) He is currently domiciled in Wyoming and has been domiciled in Wyoming for at least the immediately preceding three (3) years;

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(II) At the time of claiming the exemption he is the owner of the dwelling and it is his primary residence; and

(III) He has not claimed a homestead exemption in any other state or in any other county in Wyoming for that calendar year.

(C) The county treasurer shall collect from the property owner the amount of the tax due less any tax exemption under this paragraph. On or before September 1 of each year, county assessors shall certify the exemptions granted pursuant to this paragraph to the department. On or before October 1 of each year the state treasurer shall reimburse each county treasurer for the amount of taxes which would have been collected if the homestead exemption had not been granted;

(D) The exemption under subparagraph (A) of this paragraph is four thousand four hundred dollars (\$4,400.00) of assessed value for property if the dwelling has been occupied by the applicant since the beginning of the calendar year;

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(E) Every person holding an escrow for the payment of taxes on property owned by another shall notify the owner of the property of the amount of the homestead exemption allowed to the owner under this paragraph on or before October 1 of each year;

(F) The homestead exemption authorized by this paragraph is allowed during a fiscal year only if the legislature has appropriated monies that the department determines to be necessary to reimburse all local governments for tax losses created by this paragraph during that fiscal year. When it appears to the state treasurer that the monies appropriated are insufficient to reimburse the counties as provided herein, the money available shall be prorated among the counties at an amount less than one hundred percent (100%);

(G) As used in this paragraph:

(I) "Applicant" means:

1                                   (1) A person who occupies  
2 and owns a homestead either solely or jointly with his  
3 spouse;

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5                                   (2) A person who occupies a  
6 homestead as a vendee in possession under a contract of  
7 sale;

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9                                   (3) A person who occupies a  
10 homestead owned by a corporation primarily formed for the  
11 purpose of farming or ranching if the person is a  
12 shareholder or is related to a shareholder of the  
13 corporation; or

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15                                   (4) A person who occupies a  
16 homestead owned by a partnership primarily formed for the  
17 purpose of farming or ranching if the person is a partner  
18 or is related to a partner in the partnership.

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20                                   (II) "Dwelling" means a house, trailer  
21 house, mobile home, transportable home or other dwelling  
22 place.

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24       **Section 2.** W.S. 39-13-109(d)(i) is repealed.

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2       **Section 3.** There is appropriated forty million two  
3 hundred thousand dollars (\$40,200,000.00) from the general  
4 fund to the state treasurer to be spent only as provided in  
5 W.S. 39-13-109(d)(ii) created under section 1 of this act.

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7       **Section 4.** This act shall apply to any property tax  
8 assessed on or after January 1, 2009.

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10       **Section 5.** This act is effective immediately upon  
11 completion of all acts necessary for a bill to become law  
12 as provided by Article 4, Section 8 of the Wyoming  
13 Constitution.

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(END)