

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Property tax exemptions-repeal.

Sponsored by: Representative(s) Madden

A BILL

for

1 AN ACT relating to taxation and revenue; removing certain
2 taxation exemptions; repealing provisions; and providing
3 for an effective date.

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

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7 **Section 1.** W.S. 39-11-102(c)(viii) is amended to
8 read:

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10 **39-11-102. Administration; confidentiality;**
11 **department of revenue.**

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13 (c) In addition to the other powers and duties
14 imposed by law, the department shall:

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(viii) Specify the amount of land for mines or mining claims to which the ad valorem tax or assessment of coal lands provisions of the constitution apply. ~~For purposes of this paragraph, all real and tangible personal property used underground in mining or used within the well in oil or gas exploration or production which historically has not been assessed and taxed based on the 1941 and 1963 attorney general opinions and which remains underground until its value is consumed in the production of the mineral shall be considered part of the mine or mining claim to which the ad valorem tax applies. The taxpayer may remove the equipment from underground for repair or to meet statutory or regulatory requirements, and such removal shall not be considered by the assessor in determining whether the property shall be separately assessed. The following apply to underground equipment:~~

~~(A) Equipment which is permanently underground is not subject to separate assessment;~~

~~(B) Equipment which is intended or otherwise designed to be consumed underground in the~~

1 ~~production of the mineral shall not be separately assessed~~
2 ~~for taxation during the normal course of mining or oil or~~
3 ~~gas exploration or production;~~

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5 ~~(C) Except as provided by this paragraph,~~
6 ~~equipment which is removed from underground shall be~~
7 ~~treated as tangible personal property and assessed~~
8 ~~accordingly.~~

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10 **Section 2.** W.S. 35-11-1103, 39-11-105(a)(x) and (xx)
11 are repealed.

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13 ***** STAFF COMMENTS *****

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15 **Text of repealed sections shown below for discussion**
16 **purposes, will not appear in the final draft.**

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18 **35-11-1103. Property exempt from ad valorem taxation.**

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20 ~~The following property is exempt from ad valorem~~
21 ~~taxation pursuant to the provisions of this act and~~
22 ~~includes facilities, installations, machinery or equipment~~
23 ~~attached or unattached to real property and designed,~~

1 ~~installed and utilized primarily for the elimination,~~
2 ~~control or prevention of air, water or land pollution, or~~
3 ~~in the event such facility, installation, equipment or~~
4 ~~machinery shall also serve other beneficial purposes and~~
5 ~~use, such portion of the assessed valuation thereof as may~~
6 ~~be reasonably calculated to be necessary for and devoted to~~
7 ~~elimination, control or prevention of air, water and land~~
8 ~~pollution. The department of revenue shall determine the~~
9 ~~exempt portion on all property assessed pursuant to W.S.~~
10 ~~39-13-102(m). The county assessor shall determine the~~
11 ~~exempt portion on all property assessed pursuant to W.S.~~
12 ~~39-13-103(b). The determination shall not include as~~
13 ~~exempt any portion of any facilities which have value as~~
14 ~~the specific source of marketable byproducts.~~

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16 **39-11-105. Exemptions.**

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18 (a) The following property is exempt from property
19 taxation:

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21 ~~(x) Fire engines, stations, including land upon~~
22 ~~which located, and equipment used to extinguish fires,~~

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1 ~~(xx) Property used for pollution control to the~~
2 ~~extent provided by W.S. 35-11-1103;~~

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4 **Section 3.** This act is effective July 1, 2010.

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(END)