

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Property tax exemption-senior citizens.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a
2 property tax exemption for senior citizens as specified;
3 providing administration and procedures; providing
4 definitions; providing an appropriation; providing for
5 applicability; requiring a report; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 39-13.1-101 through 39-13.1-108 are
11 created to read:

12

13

CHAPTER 13.1

14

PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS

1

2 **39-13.1-101. Definitions**

3

4 (a) As used in this chapter, unless the context
5 otherwise requires:

6

7 (i) "Exemption" means the property tax
8 exemptions for qualifying seniors provided by W.S.
9 39-13.1-102;

10

11 (ii) "Owner-occupier" means an individual who:

12

13 (A) Is an owner of record of residential
14 real property that he occupies as his primary residence;

15

16 (B) Is not an owner of record of the
17 residential real property that he occupies as his primary
18 residence, but is:

19

20 (I) The spouse of an individual who is
21 an owner of record of the residential real property and who
22 also occupies the residential real property as his primary
23 residence; or

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(II) The surviving spouse of an

individual who was an owner of record of the residential

real property and who occupied the residential real

property with the surviving spouse as his primary residence

until his death.

(C) Is not an owner of record of the

residential real property that he occupies as his primary

residence, only because the property has been purchased by

or transferred to a trust or any other legal entity solely

for estate planning purposes and the individual is the

maker of the trust or a principal of the corporate

partnership or other legal entity;

(D) Occupies residential real property as

his primary residence, and is the spouse of a person who

also occupies the residential real property, who is not the

owner of record of the property only because the property

has been purchased by or transferred to a trust, a

corporate partnership or any other legal entity solely for

estate planning purposes, and who is the maker of the trust

1 or a principal of the corporate partnership or other legal
2 entity; or

3
4 (E) Occupies residential real property as
5 his primary residence, and is the surviving spouse of a
6 person who occupied the residential real property with the
7 surviving spouse until his death, who was not the owner of
8 record of the property at the time of his death only
9 because the property had been purchased by or transferred
10 to a trust, a corporate partnership or any other legal
11 entity solely for estate planning purposes prior to his
12 death, and who was the maker of the trust or a principal of
13 the corporate partnership or other legal entity prior to
14 his death.

15
16 (iii) "Owner-occupier" shall also include any
17 individual who, but for the confinement of the individual
18 to a hospital, nursing home or assisted living facility,
19 would occupy residential real property as his primary
20 residence and would meet one (1) or more of the ownership
21 criteria specified in paragraph (ii) of this subsection, if
22 the residential real property:

23

1 (A) Is temporarily unoccupied; or

2

3 (B) Is occupied by the spouse or a
4 financial dependent of the individual.

5

6 (iv) "Owner of record" means an individual whose
7 name appears on a valid recorded deed to residential real
8 property as an owner of the property;

9

10 (v) "Surviving spouse" means an individual who
11 was legally married to an owner-occupier who previously
12 qualified for a tax exemption under W.S. 39-13.1-102 at the
13 time of the his death and who has not remarried.

14

15 **39-13.1-102. Property tax exemption; qualifications.**

16

17 (a) For property tax years commencing on or after
18 January 1, 2010, fifty percent (50%) of the first two
19 hundred thousand dollars (\$200,000.00) of fair market value
20 of residential real property that as of the assessment date
21 is owner-occupied and is used as the primary residence of
22 the owner-occupier shall be exempt from taxation if:

23

1 (i) The owner-occupier or the spouse of the
2 owner-occupier is sixty-five (65) years of age or older as
3 of the assessment date, and the owner-occupier has owned
4 and occupied the residential real property as his primary
5 residence for the ten (10) years preceding the assessment
6 date; or the owner-occupier is the surviving spouse of an
7 owner-occupier who previously qualified for a property tax
8 exemption for the same residential real property under this
9 paragraph; and

10

11 (ii) The owner-occupier has completed and filed
12 an exemption application in the manner required by W.S.
13 39-13.1-104 and the circumstances that qualify the property
14 for the exemption have not changed since the filing of the
15 application. Under no circumstances shall an exemption be
16 allowed for property taxes assessed during any property tax
17 year prior to the year in which an owner-occupier first
18 files an exemption application.

19

20 (b) An owner-occupier who owns and occupies a
21 dwelling unit in a common interest community as his primary
22 residence, or who owns residential real property consisting
23 of multiple-dwelling units and occupies one (1) of the

1 dwelling units as his primary residence, shall be allowed
2 an exemption only with respect to the dwelling unit that
3 the individual occupies as his primary residence.

4
5 (c) Not more than one (1) exemption per property tax
6 year shall be allowed for a single dwelling unit of
7 residential real property, regardless of how many owner-
8 occupiers use the dwelling unit as their primary residence
9 or whether one (1) or more owner-occupiers qualify for
10 exemptions under subsection (a) of this section. The full
11 amount of the exemption allowed by subsection (a) of this
12 section shall be allowed with respect to any single
13 dwelling unit of residential real property so long as any
14 owner-occupier of the dwelling unit satisfies the
15 requirements of subsection (a) of this section, and the
16 fact that any other person who does not satisfy the
17 requirements is also an owner of record of the dwelling
18 unit shall not affect the amount of the exemption.

19
20 (d) For purposes of this chapter, two (2) individuals
21 who are legally married but who own more than one (1) piece
22 of residential real property shall be deemed to occupy the

1 same primary residence and may claim not more than one (1)
2 exemption.

3
4 (e) Notwithstanding the ten (10) year occupancy
5 requirement set forth in subsection (a) of this section, an
6 owner-occupier who has not actually owned and occupied
7 residential real property for which the owner-occupier has
8 claimed an exemption under subsection (a) of this section
9 for the ten (10) years preceding the assessment date shall
10 be deemed to have met the ten (10) year requirement and
11 shall be allowed an exemption under subsection (a) of this
12 section with respect to the property if:

13
14 (i) The owner-occupier would have qualified for
15 the exemption with respect to other residential real
16 property that the owner-occupier owned and occupied as his
17 primary residence before moving to the residential real
18 property for which an exemption is claimed but for the fact
19 that the other property was condemned by a governmental
20 entity through an eminent domain proceeding; and

21
22 (ii) The owner-occupier has not owned and
23 occupied residential property as his primary residence

1 other than the residential real property for which an
2 exemption is claimed since the condemnation occurred.

3
4 (f) An owner-occupier who claims an exemption with
5 respect to residential real property that he has not
6 actually owned and occupied as his primary residence for
7 the ten (10) years preceding the assessment date as
8 provided by subsection (e) of this section shall provide to
9 the assessor with whom the owner-occupier files the
10 exemption application any information that the assessor may
11 reasonably require to verify that the owner-occupier is
12 entitled to an exemption.

13
14 **39-13.1-103. Notice of property tax exemption.**

15
16 No later than January 1, 2010, and no later than the fourth
17 Monday in April thereafter, each assessor shall mail to
18 each residential real property address in the assessor's
19 county notice of the exemption allowed by W.S. 39-13.1-103.
20 The notice shall include a statement of the eligibility
21 criteria for the exemptions and instructions for obtaining
22 an exemption application. To reduce mailing costs, an
23 assessor may coordinate with the treasurer of the same

1 county to include notice with the tax statement for the
2 previous property tax year or may include notice with the
3 notice of valuation.

4
5 **39-13.1-104. Exemption applications; penalty for**
6 **providing false information; confidentiality.**

7
8 (a) To claim the exemption allowed by W.S.
9 39-13.1-102, an individual shall file with the assessor a
10 completed exemption application no later than March 1 of
11 the first property tax year for which the exemption is
12 claimed. An application returned by mail shall be deemed
13 filed on the date it is postmarked.

14
15 (b) An exemption application shall require an
16 applicant to provide the following information:

17
18 (i) The applicant's name, mailing address and
19 date of birth, and the name and date of birth of the
20 applicant's spouse if the applicant is not sixty-five (65)
21 years of age as of the assessment date;

1 (ii) The address and parcel number of the
2 residential real property for which an exemption is
3 claimed;

4

5 (iii) The name of each individual who occupies
6 as his primary residence the residential real property for
7 which an exemption is claimed;

8

9 (iv) If a trust is the owner of record of the
10 residential real property for which an exemption is
11 claimed, the names of the maker of the trust, the trustee,
12 the beneficiaries of the trust and a statement the trust
13 was created solely for estate planning purposes;

14

15 (v) If a corporate partnership or other legal
16 entity is the owner of record of the residential real
17 property for which an exemption is claimed, the names of
18 the principals of the corporate partnership or other legal
19 entity, and a statement the legal entity was created solely
20 for estate planning purposes;

21

22 (vi) An affirmation by the applicant and
23 applicant's spouse, if any, that the applicant and spouse

1 believe, under penalty of perjury as defined in W.S.
2 6-5-303(b), that all information provided by the applicant
3 is correct, and that neither the applicant nor the spouse
4 of the applicant, if any, nor any entity formed by either
5 of them for estate planning purposes as provided in W.S.
6 39-13.1-101(a)(ii)(C) through (E) claims any other primary
7 residence; and

8
9 (vii) The exemption application shall also
10 contain a statement that an applicant, or in the case of
11 residential real property for which the owner of record is
12 a trust, the trustee, has a legal obligation to inform the
13 assessor within sixty (60) days of any change in the
14 ownership or occupancy of residential real property for
15 which an exemption has been applied for or allowed that
16 would prevent an exemption from being allowed for the
17 property;

18
19 (viii) Any other information that the assessor
20 may reasonably require as necessary for the proper and
21 efficient administration of the exemption.

22

1 (c) In addition to any penalties prescribed by law
2 for perjury as defined in W.S. 6-5-303(b), an applicant or
3 applicant's spouse who knowingly provides false information
4 on an exemption application or files more than one (1)
5 exemption application in any property tax year:

6
7 (i) Shall not be entitled to an exemption;

8
9 (ii) Shall be required to pay to the treasurer
10 of any county in which an exemption was improperly allowed
11 due to the provision by the applicant of false information
12 or the filing by the applicant of more than one (1)
13 exemption application, an amount equal to the amount of
14 property taxes not paid as a result of the exemption being
15 improperly allowed.

16
17 (d) If an applicant, applicant's spouse or a trustee
18 fails to inform the assessor within sixty (60) days of any
19 change in the ownership or occupancy of residential real
20 property for which an exemption has been applied for or
21 allowed that would prevent an exemption from being allowed
22 for the property as required by paragraph (b)(viii) of this
23 section:

1

2 (i) An exemption shall not be allowed with
3 respect to the residential real property; and

4

5 (ii) The applicant, applicant's spouse or
6 trustee shall be required to pay, to the treasurer of any
7 county in which an exemption was improperly allowed due to
8 the failure to immediately inform the assessor of any
9 change in the ownership or occupancy of residential real
10 property, an amount equal to the amount of property taxes
11 not paid as a result of the exemption being improperly
12 allowed plus interest. Interest shall be calculated at the
13 annual rate calculated pursuant to W.S. 39-13-108(b)(ii)
14 from the date on which the change in the ownership or
15 occupancy occurred until the date the applicant makes the
16 payment required by this subparagraph.

17

18 (e) Any amount required to be paid to a treasurer
19 pursuant to subsection (c) or (d) of this section shall be
20 deemed part of the lien of general taxes imposed on the
21 person required to pay the amount and shall have the
22 priority specified in W.S. 39-13-108(d)(i).

23

1 (f) Neither an assessor nor a county treasurer shall
2 give any other person any listing of individuals who have
3 applied for an exemption or any other information that
4 would enable a person to easily assemble a mailing list of
5 individuals who have applied for an exemption.

6
7 **39-13.1-105. Notice to individuals returning**
8 **incomplete or nonqualifying exemption applications; denial**
9 **of exemption; administrative remedies.**

10
11 (a) Except as otherwise provided in subsection (d) of
12 this section, an assessor shall only grant the exemption
13 allowed to qualifying seniors under W.S. 39-13.1-102 to an
14 applicant who has timely returned an exemption application
15 in accordance with W.S. 39-13.1-104 that establishes that
16 the applicant is entitled to the exemption.

17
18 (b) If the information provided on or with an
19 application for the exemption allowed to qualifying seniors
20 under W.S. 39-13.1-102 indicates that the applicant is not
21 entitled to the exemption, or is insufficient to allow the
22 assessor to determine whether or not the applicant is
23 entitled to the exemption, the assessor shall deny the

1 application and mail to the applicant a statement providing
2 the reasons for the denial and informing the applicant of
3 the applicant's right to contest the denial pursuant to
4 subsection (c) of this section. The assessor shall mail
5 the statement no later than April 1 of the property tax
6 year for which the exemption application was filed.

7
8 (c) An applicant whose exemption application has been
9 denied pursuant to subsection (b) of this section may
10 contest the denial by requesting a hearing before the
11 county commissioners sitting as the county board of
12 equalization for the property tax year for which the
13 exemption application was filed.

14
15 (d) An owner-occupier who wishes to claim the
16 exemption for qualifying seniors provided by W.S.
17 39-13.1-102, but who has not timely filed an exemption
18 application with the assessor, may request that the
19 assessor waive the application deadline and allow the
20 individual to file a late exemption application no later
21 than April 1 immediately following the original application
22 deadline. The assessor may accept an application if, in the
23 assessor's sole discretion, the applicant shows good cause

1 for not timely filing an application. The assessor shall
2 grant an exemption if an accepted late application
3 establishes that the applicant is entitled to the
4 exemption. A decision of an assessor to allow or disallow
5 the filing of a late application or to grant or deny an
6 exemption to an applicant who has filed a late application
7 is final, and an applicant who is denied late filing or an
8 exemption may not contest the denial.

9
10 **39-13.1-106. Reporting of exemptions; reimbursement**
11 **to local governmental entities.**

12
13 On or before September 1, county assessors shall certify
14 the exemptions granted pursuant to W.S. 39-13.1-102 to the
15 department of revenue. On or before October 1 the state
16 treasurer out of funds appropriated for that purpose shall
17 reimburse each county treasurer for the amount of taxes
18 which would have been collected if the property was not
19 exempt. The county treasurer shall distribute the revenue
20 to each governmental entity in the actual amount of taxes
21 lost due to the exemption.

1 **39-13.1-107. Auditing of property tax exemption**
2 **program.**

3

4 The department of audit shall periodically audit the
5 property tax exemption program to ensure that the program
6 is operating in compliance with chapter 15, section 21 of
7 the Wyoming constitution and this chapter. In connection
8 with an audit, the department of audit may suggest means of
9 improving the administration of the program. Upon request,
10 an assessor, a county treasurer or the state treasurer
11 shall provide the department of audit with any exemption
12 applications, reports or other documents relevant to the
13 administration of the program.

14

15 **39-13.1-108. Department of revenue responsibility.**

16

17 Pursuant to the statutory responsibilities set forth in
18 W.S. 39-11-102(c)(xv) and 39-13-103(b)(ii), the department
19 shall facilitate the implementation of this chapter by
20 providing any necessary adaptations to computer assisted
21 mass appraisals systems which the county assessors employ.
22 Those adaptations shall include but not be limited to those
23 necessary to identify claimants of the exemption, calculate

1 fair market value with and without the exemption and enable
2 the assessors to certify exemptions to the department for
3 timely reimbursement by the state treasurer.

4

5 **Section 2.**

6

7 (a) There is appropriated from the general fund to
8 the state treasurer fifteen million five hundred thousand
9 dollars (\$15,500,000.00), or so much thereof as necessary
10 for the purposes of this act. Funds appropriated under
11 this section shall not lapse or revert until June 30, 2011.

12

13 (b) It is the intent of the legislature that no local
14 government shall incur any loss of property tax revenue
15 under this act. The department of revenue shall report to
16 the governor, the joint revenue interim committee and the
17 joint appropriations interim committee not later than
18 October 15, 2011, the amount of funds reimbursed to
19 counties under this act and the amount of funds anticipated
20 to be required for reimbursement in the 2011 tax year. The
21 governor shall include in his state budget submitted under
22 W.S. 9-2-1013 for the 2011 legislative session and
23 thereafter a recommendation for any additional

1 appropriation necessary to fully reimburse local
2 governments for the full exemption provided by this act.

3

4

5 **Section 3.** This act is effective January 1, 2010 but
6 only if the electors adopt a constitutional amendment prior
7 to December 31, 2009 authorizing a home owner's property
8 tax exemption for senior citizens.

9

10 (END)