

HOUSE BILL NO. HB0092

Property tax refund program.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a
2 property tax refund program as specified; providing for an
3 appropriation; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 39-13-109(c) by creating a new
8 paragraph (iv) is amended to read:

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10 **39-13-109. Taxpayer remedies.**

11

12 (c) Refunds. The following shall apply:

13

14 (iv) The following shall apply to the property
15 tax refund program:

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1 (A) On or before the first Monday in June,
2 upon the filing of an affidavit demonstrating an adequate
3 showing that he is qualified under subparagraph (B) of this
4 paragraph, any person may apply to the county treasurer or
5 department of revenue for a property tax refund from
6 property taxes timely paid for the preceding calendar year
7 upon his principal residence including the land upon which
8 the residence is located. An applicant shall have been a
9 resident of this state for not less than five (5) years
10 prior to applying for a refund under this paragraph.
11 Subject to legislative appropriation, the affidavit shall
12 include information as required by rule and regulation on a
13 form approved by the department of revenue. The tax refund
14 granted shall be as provided by subparagraph (C) of this
15 paragraph;

16
17 (B) Gross income as used in this
18 subparagraph shall be defined by the department through
19 rules and regulations. Such gross income shall be verified
20 by federal income tax returns which shall accompany the
21 application for refund, if federal income tax returns were
22 required and filed, or whatever other means necessary as
23 determined by the department through rules and regulations.
24 The tax refund for qualifying persons shall be in the form

1 of a refund of any ad valorem tax due and timely paid upon
2 the person's principal residence for the preceding calendar
3 year in the amount specified in this paragraph. The
4 department shall issue all refunds due under this paragraph
5 on or before September 30 of the year in which application
6 is made for the refund. Any person shall qualify for a
7 refund in the amount specified under this paragraph if the
8 person's gross income including the total household income
9 of which the person is a member does not exceed the greater
10 of two-thirds (2/3) of the median gross household income
11 for the applicant's county of residence or the state, as
12 determined annually by the economic analysis division of
13 the department of administration and information.
14 Additionally, no person shall qualify for a refund under
15 this paragraph unless the person has total household assets
16 as defined by the department of revenue through rules and
17 regulations of not to exceed twenty-five thousand dollars
18 (\$25,000.00) per adult member of the household as adjusted
19 annually by the statewide average Wyoming cost-of-living
20 index published by the economic analysis division of the
21 department of administration and information, excluding the
22 following:
23

1 (I) The value of the home for which
2 the taxpayer is seeking a tax refund;

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4 (II) One (1) personal motor vehicle
5 per adult in the household;

6
7 (III) Household furnishings and
8 personal property;

9
10 (IV) Assets held under a bona fide
11 pension plan or individual retirement account (IRA);

12
13 (V) The cash value of any life
14 insurance policies held.

15
16 (C) A refund granted under this paragraph
17 shall not exceed one-half (1/2) of the applicant's prior
18 year's property tax, but in no instance shall the amount of
19 refund exceed one-half (1/2) of the median residential
20 property tax liability for the applicant's county of
21 residence as determined annually by the department of
22 revenue;

23

1 (D) Nothing in this paragraph shall be
2 construed to prohibit or affect requirements for property
3 to be listed, valued and assessed by the county assessor
4 pursuant to law. Each year the county shall publicize in a
5 manner reasonably designed to notify all residents of the
6 county the provisions of this paragraph and the method by
7 which eligible persons may obtain a refund;

8
9 (E) The department shall promulgate rules
10 and regulations necessary to implement this paragraph;

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12 (F) Any refund as provided by this
13 paragraph shall be reduced by the dollar amount received by
14 the person applying for the refund for the preceding
15 calendar year of any exemption received for veterans under
16 W.S. 39-13-105, any home owner's tax credit under paragraph
17 (d)(i) of this section, or any property tax deferral under
18 W.S. 39-13-107(b)(iii);

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20 (G) This paragraph is repealed January 1,
21 2015.

22
23 **Section 2.**

1 (a) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and
2 9-4-207:

(i) Funds appropriated by 2004 Wyoming Session Laws, Chapter 121, Section 4 shall not revert and are hereby reappropriated to the department of revenue for the purposes of this act; and

9 (ii) Funds appropriated under this section shall
10 not lapse or revert until June 30, 2015.

12 **Section 3.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

17 (END)