

SENATE FILE NO. SF0081

Homestead exemption-2.

Sponsored by: Senator(s) Cooper, Dockstader, Larson and
Martin and Representative(s) Davison

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; and providing for an effective date.

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

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

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13 **39-11-105. Exemptions.**

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15 (a) The following property is exempt from property
16 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 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

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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 39-13-109(d)(ii), or any tax
20 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:

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(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 the lesser of the amount of the tax assessed or three hundred dollars (\$300.00) of the tax assessed 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 shall not be applicable for each tax year unless:

(I) The legislature has appropriated monies to the department to reimburse local governments for tax losses caused by the exemption for the applicable tax year. If the department determines that the monies appropriated are insufficient to fully reimburse all such tax revenues lost, the department shall calculate a reduced exemption amount funded by the appropriation and the exemption shall be reduced accordingly. The monies appropriated shall be prorated among the counties according to the exemption amounts allowed; or

(II) On the last day of the immediately preceding budget biennium:

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(1) The combined unappropriated balance of the general fund and the budget reserve account will meet or exceed five percent (5%) of the general fund revenue projection for the current budget biennium; and

(2) The unappropriated balance of the school foundation program account will meet or exceed one hundred million dollars (\$100,000,000.00).

(G) The determinations required by subdivision (F)(II) of this paragraph shall be made by the governor not later than April 1 of the year preceding the tax year in which the exemption would be authorized. The governor shall use actual revenues received during the current fiscal biennium, revenue estimates of the consensus revenue estimating group (CREG) and any actual appropriations and expenditure estimates for the foundation program. If the determinations made by the governor under this subparagraph results in the authorization of the homestead exemption under subdivision (II) of subparagraph (F) of this paragraph:

1 (I) The governor shall so certify to
2 the legislature, the state treasurer, the department of
3 revenue and the county treasurers; and

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5 (II) There is appropriated to the
6 department of revenue from the general fund, or as
7 necessary from the budget reserve account, the amount
8 necessary to fund the exemption. The department shall
9 expend the funds to reimburse local governments for tax
10 losses caused by the exemption for the applicable tax year.

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12 (H) As used in this paragraph:

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14 (I) "Applicant" means:

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

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19 (2) A person who occupies a
20 homestead as a vendee in possession under a contract of
21 sale;

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23 (3) A person who occupies a
24 homestead owned by a corporation primarily formed for the

1 purpose of farming or ranching if the person is a
2 shareholder or is related to a shareholder of the
3 corporation; or

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5 (4) A person who occupies a
6 homestead owned by a partnership primarily formed for the
7 purpose of farming or ranching if the person is a partner
8 or is related to a partner in the partnership.

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10 (II) "Dwelling" means a house, trailer
11 house, mobile home, transportable home or other dwelling
12 place.

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

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16 **Section 3.** There is appropriated forty million
17 dollars (\$40,000,000.00) from the general fund to the
18 department of revenue to be expended only as provided in
19 W.S. 39-13-109(d)(ii) created under section 1 of this act.

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

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

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(END)