

## HOUSE BILL NO. HB0131

Homeowner's tax credit-county option.

Sponsored by: Representative(s) Davison, Dockstader and  
Olsen and Senator(s) Aullman, Cooper and  
Sessions

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a  
2 county optional homeowner's tax credit; providing  
3 procedures and qualifications; and providing for an  
4 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. 39-13-109(d) by creating a new  
9 paragraph (ii) is amended to read:

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11 **39-13-109. Taxpayer remedies.**

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13 (d) Credits. The following shall apply:

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15 (ii) The following shall apply to the county  
16 homeowner's tax credit:

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(A) Notwithstanding the provisions of paragraph (i) of this subsection and subject to authorization by the board of county commissioners under subparagraph (H) of this paragraph, a person who occupies a specified homestead as his home and principal residence for a period of not less than one (1) year prior to applying for the tax credit, is entitled to a property tax credit in the amount determined by the board of county commissioners. The amount shall be determined by the board of county commissioners at a public hearing on the third Tuesday of June of each year and finalized at the budget hearing in July as provided by W.S. 16-4-109(b);

(B) A person who wishes to claim a homeowner's tax credit shall file a claim under penalty of false swearing with the county assessor on or before the fourth Monday in May on forms provided by the county. The forms may be mailed to property owners and may be published in a newspaper by county assessors and the mailed or published form may be filled out and returned by mail or in person to county assessors. The applicant shall list the property claimed to be subject to the tax credit, state that the property is the principal place of residence of

1 the applicant and has been for a period of not less than  
2 one (1) year prior to applying for the tax credit, and  
3 state that no other homeowner's claims have been or will be  
4 submitted by the applicant during the remainder of the  
5 calendar year. False claims are punishable as provided by  
6 W.S. 6-5-303;

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8 (C) In completing the assessment roll of  
9 the county, the county assessor shall indicate the assessed  
10 value used as a base for computation of the homeowner's tax  
11 credit and the county treasurer shall collect from the  
12 property owner the amount of tax due minus the amount of  
13 tax credit allowed. On or before September 1, county  
14 assessors shall certify the credits granted pursuant to  
15 this section to the board of county commissioners. On or  
16 before October 1 the board of county commissioners, out of  
17 funds budgeted by the board pursuant to the authorized mill  
18 levy under W.S. 39-13-104(b)(i) for that purpose, shall  
19 reimburse the county treasurer for the amount of taxes  
20 which would have been collected if the property tax credit  
21 had not been granted. To the extent budgeted by the board  
22 of county commissioners, the county treasurer shall  
23 distribute to each governmental entity the actual amount of  
24 revenue lost due to the tax credit;

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(D) The tax credit under subparagraph (A) of this paragraph shall be determined by the board of county commissioners and the board shall determine the value of a dwelling and land, not to exceed two (2) acres on which the dwelling is located, which is eligible for the credit. The property shall be eligible if it meets the criteria determined by the board of county commissioners and if:

(I) The dwelling and land on which the dwelling is located are owned by the same person or entity; and

(II) The dwelling has been occupied in Wyoming since the beginning of the calendar year by the applicant.

(E) As used in this paragraph:

(I) "Applicant" means:

1                   (1) A person who occupies and  
2 owns a homestead either solely or jointly with his spouse,  
3 or is the beneficiary of a trust which owns the homestead;

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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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1           (F) The purpose of this paragraph is to  
2 provide general property tax relief for certain persons who  
3 own their residences through a system of tax credits. The  
4 relief provided is to offset in part the general tax  
5 burden. Thus, the tax relief provided is determined by  
6 reference to property tax assessment and collection  
7 mechanisms but is not limited to property tax relief nor  
8 formulated upon legislative power to relieve such taxes. It  
9 is for the general relief of taxes and grounded upon  
10 general legislative power. Any bond issues or other matters  
11 relying upon the assessed value of a local government for  
12 computation shall be predicated upon the assessed value of  
13 the local government before computation of tax credits  
14 under this paragraph;

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16           (G) No tax credit shall be granted under  
17 this paragraph until the board of county commissioners has  
18 adopted a resolution authorizing the tax credit for that  
19 year.

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21           **Section 2.** This act is effective January 1, 2009.

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(END)