

HOUSE BILL NO. HB0121

Property tax deferral program-amendments.

Sponsored by: Representative(s) Lawley, Harshman, Sommers
and Zwonitzer, Dn and Senator(s) Case,
Cooper, Rothfuss and Steinmetz

A BILL

for

1 AN ACT relating to property taxes; providing that the
2 property tax deferral program shall be administered by the
3 department of revenue; revising the amount of taxes that
4 can be deferred; revising the calculation of interest;
5 making deferral of taxes contingent on the availability of
6 funds; clarifying eligibility; making conforming changes;
7 requiring rulemaking; repealing a conflicting provision;
8 providing an appropriation; specifying applicability;
9 requiring a report; and providing for effective dates.

10

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

12

13 **Section 1.** W.S. 39-13-107(b)(iii)(A), (B), (D)
14 through (F), (H) and (K) through (N) is amended to read:

15

1 **39-13-107. Compliance; collection procedures.**

2

3 (b) The following provisions shall apply to the
4 payment of taxes, distraint of property and deferral:

5

6 (iii) The following shall apply to the deferral
7 of tax collection:

8

9 (A) On or before November 10 of the year
10 taxes are levied and upon the filing of an affidavit
11 demonstrating an adequate showing that ~~he~~the applicant is
12 qualified under subparagraph (N) of this paragraph and if
13 ~~his~~the principal residence of the applicant is located on
14 a parcel of land not more than forty (40) acres, any person
15 may apply to the ~~board of county commissioners~~department
16 for deferral of the collection of not to exceed one-half
17 (1/2) of any real estate ad valorem taxes owed by the
18 property owner on ~~his~~the principal residence of the
19 applicant. The ~~board of county commissioners of each county~~
20 ~~may~~department shall promulgate rules and regulations
21 necessary to administer the provisions of this paragraph;
22 ~~including guidelines for a taxpayer to demonstrate~~
23 ~~qualification and provisions allowing or requiring annual~~

1 ~~payment of a portion of the taxes or interest on deferred~~
2 ~~taxes. All rules, regulations, guidelines, forms and other~~
3 ~~program information shall be submitted to the department~~
4 ~~prior to July 1 of the year the deferral program is~~
5 ~~implemented in the county. The board of county~~
6 ~~commissioners may implement the program unless disapproved~~
7 ~~in writing by the department within forty five (45) days of~~
8 ~~submission. If at least ten (10) residents of a county who~~
9 ~~are qualified under subparagraph (N) of this paragraph~~
10 ~~submit a petition to the board of county commissioners, the~~
11 ~~board of county commissioners shall hold a hearing within~~
12 ~~thirty (30) days on the issue of whether to promulgate~~
13 ~~rules to enable the qualified residents of the county to~~
14 ~~participate in the tax deferral program authorized under~~
15 ~~this paragraph;~~

16

17 (B) Any deferral of the collection of taxes
18 granted by the ~~board of county commissioners~~ department
19 shall constitute a perpetual tax lien in favor of the state
20 against the property pursuant to W.S. 39-13-108(d)(i) with
21 priority over any other lien. ~~The taxpayer shall file an~~
22 ~~affidavit each year demonstrating qualification including~~
23 ~~any significant change to his financial status. If the~~

1 ~~board of county commissioners finds that the taxpayer's~~
2 ~~financial status to qualify under subdivision (N)(I) of~~
3 ~~this paragraph has significantly changed, the board of~~
4 ~~county commissioners shall, by written order, declare any~~
5 ~~taxes deferred due and payable on an earlier date. Unless~~
6 declared to be due earlier, any taxes deferred shall be due
7 and payable upon ~~a significant change in the taxpayer's~~
8 ~~financial status as determined by the board of county~~
9 ~~commissioners,~~ abandonment of the property, ~~failure to file~~
10 ~~annually the affidavit required by this paragraph,~~ the
11 death of the property owner or the sale or transfer of the
12 property, whichever occurs first. If the ~~board of county~~
13 ~~commissioners~~ department finds at any time that the total
14 taxes deferred exceeds one-half (1/2) of the fair market
15 value of the property as estimated by the ~~board of county~~
16 ~~commissioners~~ department, the ~~board of county commissioners~~
17 department may declare, by written order, that all deferred
18 taxes are immediately due and payable;

19

20 (D) Notwithstanding W.S. 39-13-108(b)(ii),
21 interest shall accrue on any tax collection deferral
22 granted by the ~~board of county commissioners at a~~
23 ~~compounded rate of four percent (4%) per annum, except for~~

1 ~~persons who qualify solely under subdivision (N)(III) of~~
2 ~~this paragraph interest shall accrue~~ department at a rate
3 equal to the average yield on ten (10) year United States
4 treasury bonds for the previous three (3) calendar years,
5 plus one and one-half percent (1.5%) as determined by the
6 state treasurer for the calendar year preceding the year in
7 which application is made. Any tax collection deferral may
8 be prepaid at any time without prepayment penalty;

9

10 (E) Each year the department and each
11 county assessor shall publicize in a manner reasonably
12 designed to notify all residents of ~~the county~~ the
13 provisions of this ~~section~~ paragraph and the method by
14 which eligible persons may obtain a deferral;

15

16 (F) The department shall provide payment
17 not later than December 31 each year to the county
18 treasurer of any amount of property taxes deferred under
19 this section from funds appropriated for that purpose. The
20 department shall not authorize any deferral under this
21 paragraph if the department determines that funds
22 appropriated for that purpose are insufficient to make
23 payment to the county treasurer as provided in this

1 subparagraph. Payment of deferred taxes shall be
2 ~~distributed pursuant to W.S. 39-13-111(a)(ii).~~ Any taxes
3 ~~deferred under this paragraph which would be distributed~~
4 ~~pursuant to W.S. 39-13-111(a)(ii)(A) shall be paid from the~~
5 ~~county general fund subject to reimbursement when the~~
6 ~~deferred taxes are paid by the taxpayer or otherwise~~
7 ~~collected by the county~~ made to the department and
8 deposited in the property tax deferral account which is
9 hereby created. Amounts in the account shall not revert and
10 shall be continuously appropriated to the department for
11 purposes of providing payments to county treasurers for
12 deferrals as provided in this subparagraph. Any earnings on
13 the account shall be deposited in the account;

14

15 (H) If any residence is under mortgage,
16 deed of trust or purchase contract whereby the explicit
17 terms of the mortgage, deed or contract requires the
18 accumulation of reserves out of which the holder of the
19 mortgage, deed or contract is required to pay real property
20 taxes, the owner may apply for the deferral provided that
21 the holder or his authorized agent shall cosign the
22 affidavit to defer either before a notarial officer or the

1 county assessor or deputy in the county in which the real
2 property is located;

3
4 (K) Consistent with generally accepted
5 fiscal accounting standards, ~~each county implementing the~~
6 ~~deferral program~~ the department shall maintain adequate
7 records pertaining to the deferral program, by legal
8 description, owner, taxpayer, if different from owner,
9 deferred taxes and interest, payments made against deferred
10 taxes and interest, and any other information necessary to
11 document and determine the status of deferred taxes and
12 interest ~~in the county. These records shall be updated~~
13 ~~annually or as needed, and a summary thereof shall be~~
14 ~~submitted annually to the department of revenue on or~~
15 ~~before August 10~~ under this paragraph;

16
17 (M) As used in this paragraph, "limited
18 income" means not to exceed a maximum gross monthly
19 household income at or below two hundred fifty percent
20 (250%) of the federal poverty level for a household of four
21 (4) as adjusted annually by the comparative cost-of-living
22 index for the ~~respective~~ county where the property is

1 located as determined by the division of economic analysis,
2 department of administration and information;

3

4 (N) ~~An owner~~ A taxpayer is qualified under
5 this subparagraph for his primary residence if the taxpayer
6 demonstrates any one (1) of the following conditions:

7

8 (I) The ~~owner's affidavit~~ application
9 adequately demonstrates limited income as defined in
10 subparagraph (M) of this paragraph;

11

12 (II) The ~~owner~~ applicant is a person
13 over the age of sixty-two (62) years;

14

15 (III) The ~~owner~~ applicant is a person
16 with a disability as determined by the social security
17 administration; ~~or~~

18

19 (IV) The ~~owner~~ applicant purchased the
20 property at least ten (10) years prior to the beginning of
21 the tax year for which he is applying for deferral of
22 taxes ; ~~;~~

23

1 (V) The applicant is a disabled
2 veteran with a compensable service connected disability
3 certified by the veterans administration or a branch of the
4 armed forces of the United States.

5
6 **Section 2.** W.S. 39-13-107(b)(iii)(G) is repealed.

7
8 **Section 3.** There is appropriated two hundred thousand
9 dollars (\$200,000.00) from the general fund to the
10 department of revenue for the period beginning January 1,
11 2024 and ending June 30, 2026 to be expended only for
12 property tax deferral payments as provided in W.S.
13 39-13-107(b)(iii)(F). This appropriation shall not be
14 transferred or expended for any other purpose and any
15 unexpended, unobligated funds remaining from this
16 appropriation shall revert as provided by law on June 30,
17 2026. It is the intent of the legislature that this
18 appropriation be included in the department of revenue's
19 standard budget request for the immediately succeeding
20 fiscal biennium.

21

1 **Section 4.** The department of revenue shall adopt
2 rules necessary to implement this act not later than
3 December 31, 2024.

4

5 **Section 5.** Nothing in this act shall be construed to
6 alter or change any deferral of taxes approved prior to
7 January 1, 2025 and shall not be construed to release or
8 diminish any obligation of a taxpayer to pay any taxes that
9 were deferred prior to January 1, 2025.

10

11 **Section 6.** The department of revenue shall report to
12 the joint revenue interim committee on the implementation
13 of this act and any additional statutory changes not later
14 than November 1, 2023.

15

1 **Section 7.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective immediately upon completion
5 of all acts necessary for a bill to become law as provided
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8 (b) Sections 1 and 2 of this act are effective
9 January 1, 2025.

10

11

(END)