

1 Delete the Bear third reading amendment (HB0203H3002/A) entirely
2 and further amend as follows:

3
4 Page 1-line 5 After "exemption;" insert "providing for an
5 excise tax on the sale of real property as
6 specified; imposing criminal penalties;".

7
8 Page 1-after line 11 Insert and renumber as necessary:

9
10 "Section 1. W.S. 39-24-101 through 39-24-108 are created to
11 read:

12
13 CHAPTER 24
14 REAL ESTATE EXCISE TAX

15
16 **39-24-101. Imposition.**

17
18 (a) Taxable event. An excise tax is imposed on the conveyance
19 of real property under W.S. 39-24-104.

20
21 (b) Basis of tax. The tax shall be collected based on the
22 full actual consideration paid for the legal title or beneficial
23 interest conveyed, including any lien assumed, using the best
24 available information. For a gift or any deed transferred with
25 nominal consideration or without stated consideration, the tax
26 shall be collected based on the most recent fair market value of
27 the real property as determined by the county assessor.

28
29 (c) Taxpayer. The grantee shall be liable for the tax under
30 this chapter.

31
32 **39-24-102. Taxation rate.**

33
34 The tax shall be based on the total value of the real property
35 conveyance at the rate of two percent (2%).

36
37 **39-24-103. Exemptions.**

38
39 The tax under this chapter shall not be imposed upon any conveyance
40 of legal title to or beneficial interest in real property that is
41 recorded for any transfer which the department exempts by rule
42 upon a finding that the transfer does not represent a taxable
43 conveyance of property due to the relationship of the parties or
44 the nature of the real property.

1
2 **39-24-104. Licensing; permits.**
3

4 There are no specific applicable provisions for licenses and
5 permits for this chapter.
6

7 **39-24-105. Compliance; collection procedures.**
8

9 (a) Returns and reports. Taxes imposed by this chapter are
10 due and payable at the office of the county treasurer of the county
11 in which the real property is located on the date of recordation
12 of the deed or other instrument. The tax shall be collected on the
13 full actual consideration paid for the conveyance of real property,
14 provided that if the property is transferred with nominal
15 consideration or without stated consideration, the tax shall be
16 collected based on the most recently determined fair market value
17 of the real property that is transferred, as determined by the
18 county assessor. The county clerk shall not record a document
19 transferring legal title to or beneficial interest in real property
20 until all taxes due under this chapter have been paid to the county
21 treasurer. The grantor and grantee shall sign, on a form prescribed
22 by the department, a statement eliciting the information necessary
23 for the assessment of the tax. The statement is not a public record
24 and shall be held confidential by the county clerk, county
25 assessor, county treasurer, county board of equalization, state
26 board of equalization and by the department.
27

28 (b) It is a misdemeanor for a person to willfully disclose,
29 except as specifically authorized by law, any information on the
30 statement required by subsection (a) of this section. A violation
31 of this section is punishable by a fine of not more than seven
32 hundred fifty dollars (\$750.00), imprisonment for not more than
33 six (6) months, or both.
34

35 (c) Payment. The grantee shall be liable for the tax under
36 this chapter. Payment of the tax shall be collected at the time of
37 recording the deed or other instrument in the form prescribed by
38 the department. The grantee shall sign under penalty of perjury on
39 a form prescribed by the department that the tax required under
40 this chapter has been paid.
41

42 (d) Timelines. There are no specific applicable provisions
43 for timelines for this chapter.
44

45 (e) If the property being transferred is located in more
46 than one (1) county and the value has not been determined by the
47 grantor and grantee as to each county, the value and resulting

1 taxes due under this chapter shall be established by applying the
2 ratio of the assessed valuation in each county to the assessed
3 valuation of all property being transferred.

4
5 **39-24-106. Enforcement.**

6
7 There are no specific applicable provisions for enforcement for
8 this chapter.

9
10 **39-24-107. Taxpayer remedies.**

11
12 There are no specific applicable provisions for taxpayer remedies
13 for this chapter.

14
15 **39-24-108. Distribution.**

16
17 Taxes collected by the county treasurer under this chapter shall
18 be distributed in accordance with W.S. 39-15-111(r).".

19
20 Page 1-line 13 Delete "**Section 1.**" and insert "**Section 2.**";
21 after "W.S." insert "34-1-119(a),".

22
23 Page 2-after line 5 Insert:

24
25 **"34-1-119. Duties of county clerk generally.**

26
27 (a) The county clerk of each county within this state shall
28 receive and record at length all deeds, mortgages, conveyances,
29 patents, certificates and instruments left with him for that
30 purpose, and he shall endorse on every such instrument the day and
31 hour on which it was filed for record. The county clerk shall not
32 record any document until the clerk receives documentation that
33 the tax required by W.S. 39-24-103 has been paid to the county
34 treasurer. The county clerk shall not record any document until
35 the address of the grantee, mortgagee or assignee of the mortgagee
36 is furnished to the county clerk, but this requirement shall not
37 affect the validity of the recording of any instrument except to
38 the extent provided in W.S. 34-1-142(b). Only instruments which
39 are the originally signed documents, including electronic
40 documents recorded pursuant to the Uniform Real Property
41 Electronic Recording Act, W.S. 34-1-401 through 34-1-407, or
42 properly certified or authenticated copies thereof may be properly
43 recorded. A document is properly certified if in compliance with
44 Rule 902 of the Wyoming Rules of Evidence or other applicable rule
45 or statute.".

1 Page 3-line 21 Delete the Zwonitzer, Dn second reading
2 amendment (HB0203H2002.01/AC) to this line, in
3 the House standing committee amendment
4 (HB0203HS001/AC) to this line, in paragraph
5 (j)(i) created by that amendment, delete "two
6 percent (2%)" and insert "one-half of one
7 percent (0.5%)"; delete "six percent (6%)" and
8 insert "four and one-half percent (4.5%)".
9

10 Page 9-line 20 Delete the Zwonitzer, Dn second reading
11 amendment (HB0203H2002.01/AC) to this line,
12 delete "two percent (2%)" and insert "one-half
13 of one percent (0.5%)".
14

15 Page 9-line 23 Delete the Zwonitzer, Dn second reading
16 amendment (HB0203H2002.01/AC) to this line,
17 delete "six percent (6%)" and insert "four and
18 one-half percent (4.5%)".
19

20 Page 13-line 7 Delete "**Section 2.**" and insert "**Section 3.**".
21

22 Page 13-line 11 Delete "**Section 3.**" and insert "**Section 4.**".
23

24 Page 13-line 15 Delete "**Section 4.**" and insert "**Section 5.**".
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