

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Mill levy amendments.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation; authorizing the state board of
2 equalization to direct mill levies as specified;
3 restricting tax levies for special districts as specified;
4 authorizing the state board of equalization to lower mills
5 as specified; and providing for an effective date.

6

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

8

9 **Section 1.** 9-4-219.1 is created to read:

10

11 **9-4-219.1. Levy of state tax; disposition of funds.**

12

1 (a) Between July 1 and July 10 of each year the state
2 auditor shall determine if the unobligated, unencumbered
3 legislative stabilization reserve account balance from the
4 preceding fiscal year is less than five hundred million
5 dollars (\$500,000,000.00). If the unobligated, unencumbered
6 legislative stabilization reserve account balance is less
7 than five hundred million dollars (\$500,000,000.00), the
8 state auditor shall immediately notify the state board of
9 equalization and the state board of equalization shall
10 direct the boards of county commissioners of the several
11 counties to levy on all taxable property a special tax not
12 exceeding four (4) mills on the dollar of the assessed
13 valuation of the property within the state to be certified
14 on August 10 under W.S. 39-11-102.1(c)(v). The board shall
15 certify the mill levy to the county assessors to be levied
16 and collected for the next tax year.

17

18 (b) The money raised by the special tax shall be
19 credited to the general fund and then transferred to the
20 legislative stabilization reserve account.

21

22 (c) Any mill levy imposed under subsection (a) of
23 this section shall be in effect for the year the board

1 imposes it, subject to reimposition in a subsequent tax
2 year in accordance with the requirements of subsection (a)
3 of this section.

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7 STAFF COMMENT

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9 The Committee may wish to consider:

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- 11 • What the legislative stabilization reserve account
- 12 balance must be for the state board of equalization to
- 13 direct the mill levy.
- 14 • When and how the state auditor shall determine the
- 15 account balance.
- 16 • Whether the state auditor must notify anyone else
- 17 about the account balance, such as the Governor.
- 18 • Whether the state board of equalization "shall" or
- 19 "may" direct the mill levy.
- 20 • Who will determine whether the mill levy is 1, 2, 3 or
- 21 4 and how they will determine it.

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26 Section 2. W.S. 39-13-104(a)(i) and (k) by creating a
27 new paragraph (v) and 21-13-303(c) are amended to read:

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29 39-13-104. Taxation rate.

30

1 (a) Authorized mill levies. There shall be annually
2 levied and assessed upon the taxable value of property
3 within Wyoming the following state taxes when applicable:

4

5 (i) Not to exceed four (4) mills pursuant to
6 W.S. 9-4-219.1 as certified by the board to be credited to
7 the state general fund;

8

9 (k) The following shall apply to the certification of
10 tax levies:

11

12 (v) The board of county commissioners shall not
13 certify tax levies for a special district whose total
14 accumulated reserves exceed seven (7) times the special
15 district's current adopted budget under W.S. 16-12-408.

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STAFF COMMENT

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21 For ease of reference, the entirety of W.S. 21-13-303 is
22 included below. Subsections (a) and (b) will be omitted
23 from any final draft if they are not amended.

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1 **21-13-303. Levy of state tax; disposition of funds;**
2 **reduction of mill levy.**

3

4 (a) For the support of the public elementary and
5 secondary schools of the state, there shall be assessed and
6 levied each year a state tax of twelve (12) mills on the
7 dollar of the assessed valuation of the property within the
8 state as certified on August 10 under W.S. 39-11-
9 102.1(c)(v) except as provided in subsection (c) of this
10 section. The tax is in addition to any and all other taxes
11 authorized by law.

12

13 (b) The funds that may accrue under this section
14 shall be placed in a separate account. Balances in the
15 account, if any, shall not lapse or be transferred to any
16 other fund or account.

17

18 (c) Between July 1 and July 10 of each year the state
19 auditor ~~and the state treasurer~~ shall determine if the
20 unobligated ~~average daily general fund~~, unencumbered public
21 school foundation program account balance ~~over~~from the
22 preceding fiscal year exceeds ~~twenty percent (20%) of the~~
23 ~~amount of the general fund appropriations for the present~~

1 ~~biennium~~five hundred million dollars (\$500,000,000.00). If
2 the unobligated ~~average daily general fund~~, unencumbered
3 public school foundation program account balance from the
4 preceding fiscal year exceeds ~~twenty percent (20%)~~ of the
5 amount appropriated, the excess is appropriated and shall
6 be transferred into the foundation program account as soon
7 as possible. ~~The~~five hundred million dollars
8 (\$500,000,000.00) the state auditor ~~and treasurer~~ shall
9 immediately notify the state board of equalization ~~of the~~
10 ~~amount to be transferred. Based on the current assessed~~
11 ~~valuation of the state, and~~ the board shall lower the mill
12 levy under subsection (a) of this section for the next tax
13 year as determined by the board to eight (8), nine (9), ten
14 (10) or eleven (11) mills on the dollar of the assessed
15 valuation of the property within the state to be certified
16 on August 10 under W.S. 39-11-102.1(c)(v).~~compute the~~
17 ~~estimated amount of revenue to be produced by a twelve (12)~~
18 ~~mill levy, subtract the amount transferred to the~~
19 ~~foundation program account and then compute the mill levy~~
20 ~~necessary to produce the difference.~~ The board shall
21 certify the recomputed mill levy to the county assessors to
22 be levied and collected in lieu of the twelve (12) mill
23 state levy for the next tax year. The mill levy shall reset

1 to the amount specified in subsection (a) of this section
2 for the following tax year, subject to reduction in
3 accordance with the requirements of this subsection.

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7 STAFF COMMENT

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9 The Committee may wish to consider:

10

- 11 • What the public school foundation program account
- 12 balance must be for the state board of equalization to
- 13 lower the mill levy.
- 14 • When and how the state auditor shall determine the
- 15 account balance.
- 16 • Whether the state auditor must notify anyone else
- 17 about the account balance, such as the Governor or the
- 18 State Superintendent of Public Instruction.
- 19 • Whether the state board of equalization "shall" or
- 20 "may" lower the mill levy.
- 21 • Whether to specify how the state board of equalization
- 22 shall determine whether the mill levy should be 8, 9,
- 23 10 or 11.

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25 The Committee may wish to consider the following
26 alternative language for the second sentence of subsection
27 (c): "If the unobligated, unencumbered public school
28 foundation program account balance from the preceding
29 fiscal year exceeds five hundred million dollars
30 (\$500,000,000.00) the state auditor shall immediately
31 notify the state board of equalization and the board shall
32 lower the mill levy under subsection (a) of this section to
33 not less than eight (8) mills to ensure the unobligated,
34 unencumbered public school foundation program account
35 balance for the current fiscal year is not greater than
36 five hundred million dollars (\$500,000,000.00).

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1 **Section 3.** This act is effective January 1, 2025.

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(END)