

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE JOINT RESOLUTION NO.

Constitutional property tax provisions-repeal.

Sponsored by: Joint Revenue Interim Committee

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution by repealing provisions of the Wyoming  
3 Constitution dealing with the imposition of property taxes.

4

5 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*  
6 *two-thirds of all the members of the two houses, voting*  
7 *separately, concurring therein:*

8

9 **Section 1.** The following proposal to amend the Wyoming  
10 Constitution by repealing Article 15, Sections 1 through 6,  
11 10 through 12, 15 and 17 is proposed for submission to the  
12 electors of the State of Wyoming at the next general election  
13 for approval or rejection to become valid as a part of the

1 Constitution if ratified by a majority of the electors at the  
2 election:

3  
4 Article 15, Sections 1 through 6, 10 through 12, 15 and 17 of  
5 the Wyoming Constitution are repealed.

6  
7 \*\*\*\*\*  
8 \*\*\*\*\*

9 **STAFF COMMENT**

10 All provisions of Article 15 of the Wyoming Constitution are  
11 included below for Committee discussion. Not all of the  
12 provisions are repealed in this bill, only the provisions  
13 dealing with property tax. Staff notes will follow each  
14 section to indicate if the provision is repealed.

15  
16 As is noted below, simply repealing these constitutional  
17 provisions would likely not prohibit the Legislature from  
18 imposing a property tax. Without any further constitutional  
19 amendment or other Legislative action, the current statutory  
20 provisions providing for a property tax would not change as  
21 a result of the repeal of the constitutional provisions as  
22 provided in this bill.

23  
24 **Article 15, Section 1 Assessment of lands and improvements**  
25 **thereon.**

26  
27 All lands and improvements thereon shall be listed for  
28 assessment, valued for taxation and assessed separately.

29  
30 *Staff Note: Repealed.* The repeal of this section would likely  
31 not prohibit the Legislature from providing for some type of  
32 property tax. For example, there is not a specific  
33 constitutional provision requiring or providing for a sales  
34 tax but a sales tax has been authorized.

35  
36 **Article 15, Section 2 Assessment of coal lands.**  
37

1 All coal lands in the state from which coal is not being mined  
2 shall be listed for assessment, valued for taxation and  
3 assessed according to value.

4  
5 Staff Note: Repealed.

6  
7 **Article 15, Section 3 Taxation of mines and mining claims.**

8  
9 All mines and mining claims from which gold, silver and other  
10 precious metals, soda, saline, coal, mineral oil or other  
11 valuable deposit, is or may be produced shall be taxed in  
12 addition to the surface improvements, and in lieu of taxes on  
13 the lands, on the gross product thereof, as may be prescribed  
14 by law; provided, that the product of all mines shall be taxed  
15 in proportion to the value thereof.

16  
17 Staff Note: Repealed.

18  
19 **Article 15, Section 4 State levy limited.**

20  
21 For state revenue, there shall be levied annually a tax not  
22 to exceed four mills on the dollar of the assessed valuation  
23 of the property in the state except for the support of state  
24 educational and charitable institutions, the payment of the  
25 state debt and the interest thereon.

26  
27 Staff Note: Repealed. As noted above, if the Legislature were  
28 to implement some type of property tax and this limit was  
29 repealed, there would be no constitutional limit on the amount  
30 of the state mill levy.

31  
32 **Article 15, Section 5 County levies limited.**

33  
34 For county revenue, there shall be levied annually a tax not  
35 to exceed twelve mills on the dollar for all purposes  
36 including general school tax, exclusive of state revenue,  
37 except for the payment of its public debt and the interest  
38 thereon.

39  
40 Staff Note: Repealed. Similar to the comment above, this would  
41 remove the constitutional limit on county levies.

42  
43 **Article 15, Section 6 City levies limited.**

1 No incorporated city or town shall levy a tax to exceed eight  
2 mills on the dollar in any one year, except for the payment  
3 of its public debt and the interest thereon.

4  
5 *Staff Note: Repealed. This would remove the constitutional*  
6 *limit on city levies.*

7  
8 **Article 15, Section 7 Depositories for public moneys.**

9  
10 All money belonging to the state or to any county, city, town,  
11 village or other subdivision therein, except as herein  
12 otherwise provided, shall, whenever practicable, be deposited  
13 in a national bank or banks or in a bank or banks incorporated  
14 under the laws of this state; provided, that the bank or banks  
15 in which such money is deposited shall furnish security to be  
16 approved as provided by law; and provided further, that such  
17 bank or banks shall pay the same rate of interest on any money  
18 so deposited therein on time certificates of deposit by the  
19 legal custodian or custodians of any such public moneys as  
20 such bank or banks pay on time certificates of deposit of  
21 private depositors, and the custodian or custodians of any  
22 such public moneys shall be authorized to deposit same under  
23 time certificates of deposit as may be provided by law. Such  
24 interest shall accrue to the fund from which it is derived.

25  
26 *Staff Note: Not repealed. This provision does not deal*  
27 *specifically with property taxes but with public funds in*  
28 *general.*

29  
30 **Article 15, Section 8 Profit making from public funds**  
31 **prohibited.**

32  
33 The making of profit, directly or indirectly, out of state,  
34 county, city, town or school district money or other public  
35 fund, or using the same for any purpose not authorized by  
36 law, by any public officer, shall be deemed a felony, and  
37 shall be punished as provided by law.

38  
39 *Staff Note: Not repealed. This provision does not deal*  
40 *specifically with property taxes but with public funds in*  
41 *general.*

42  
43 **Article 15, Section 9 Legislature to provide for state board**  
44 **of equalization.**

1 The legislature shall provide by law for a state board of  
2 equalization.

3  
4 *Staff Note: **Not repealed.** While the State Board of*  
5 *Equalization hears issues related to property taxes, they*  
6 *also hear appeals from other tax disputes as well as appeals*  
7 *related to liquor licenses.*

8  
9 **Article 15, Section 10 Duties of state board of**  
10 **equalization.**

11  
12 The duties of the state board shall be to equalize the  
13 valuation on all property in the several counties and such  
14 other duties as may be prescribed by law.

15  
16 *Staff Note: **Repealed.** Rather than repealing the full section,*  
17 *it may be advisable to **amend** to remove the equalization*  
18 *portion but to still specify that the duties of the State*  
19 *Board of Equalization are those duties as prescribed by law.*

20  
21 **Article 15, Section 11 Uniformity of assessment required.**

22  
23 (a) All property, except as in this constitution  
24 otherwise provided, shall be uniformly valued at its full  
25 value as defined by the legislature, in four (4) classes as  
26 follows:

27  
28 (i) Gross production of minerals and mine products  
29 in lieu of taxes on the land where produced;

30  
31 (ii) Property used for industrial purposes as  
32 defined by the legislature;

33  
34 (iii) Residential real property; and

35  
36 (iv) All other property, real and personal.

37  
38 (b) The legislature shall prescribe the percentage of  
39 value which shall be assessed within each designated class.  
40 All taxable property shall be valued at its full value as  
41 defined by the legislature except agricultural and grazing  
42 lands which shall be valued according to the capability of  
43 the land to produce agricultural products under normal  
44 conditions. The percentage of value prescribed for industrial  
45 property shall not be more than forty percent (40%) higher

1 nor more than four (4) percentage points more than the  
2 percentage prescribed for residential real property or more  
3 than forty percent (40%) higher nor more than four (4)  
4 percentage points more than the percentage prescribed for all  
5 other property other than minerals.

6  
7 (c) Except as provided in this subsection the  
8 legislature shall not create new classes or subclasses or  
9 authorize any property to be assessed at a rate other than  
10 the rates set for authorized classes. The legislature may  
11 create a subclass of residential real property for owner  
12 occupied primary residences.

13  
14 (d) All taxation shall be equal and uniform within each  
15 class and subclass of property. The legislature shall  
16 prescribe such regulations as shall secure a just valuation  
17 for taxation of all property, real and personal.

18  
19 Staff Note: Repealed.

20  
21 **Article 15, Section 12 Exemptions from taxation.**

22  
23 The property of the United States, the state, counties,  
24 cities, towns, school districts and municipal corporations,  
25 when used primarily for a governmental purpose, and public  
26 libraries, lots with the buildings thereon used exclusively  
27 for religious worship, church parsonages, church schools and  
28 public cemeteries, shall be exempt from taxation, and such  
29 other property as the legislature may by general law provide.

30  
31 Staff Note: Repealed.

32  
33 **Article 15, Section 13 Tax must be authorized by law; law to**  
34 **state object.**

35  
36 No tax shall be levied, except in pursuance of law, and every  
37 law imposing a tax shall state distinctly the object of the  
38 same, to which only it shall be applied.

39  
40 Staff Note: Not repealed. This deals with the general taxing  
41 power of the legislature and is not specific to the property  
42 tax.

43  
44 **Article 15, Section 14 Surrender of taxing power prohibited.**  
45

1 The power of taxation shall never be surrendered or suspended  
2 by any grant or contract to which the state or any county or  
3 other municipal corporation shall be a party.

4  
5 *Staff Note: **Not repealed.** This deals with the general taxing*  
6 *power of the legislature and is not specific to the property*  
7 *tax.*

8  
9 **Article 15, Section 15 State tax for support of public**  
10 **schools.**

11  
12 For the support of the public schools in the state there may  
13 be levied each year a state tax not exceeding twelve mills on  
14 the dollar of the assessed valuation of the property in the  
15 state.

16  
17 *Staff Note: **Repealed.***

18  
19 **Article 15, Section 16 Disposition of fees, excises and**  
20 **license taxes on vehicles and gasoline.**

21  
22 No moneys derived from fees, excises, or license taxes levied  
23 by the state and exclusive of registration fees and licenses  
24 or excise taxes imposed by a county or municipality, relating  
25 to registration, operation or use of vehicles on public  
26 highways, streets or alleys, or to fuels used for propelling  
27 such vehicles, shall be expended for other than cost of  
28 administering such laws, statutory refunds and adjustments  
29 allowed therein, payment of highway obligations, costs for  
30 construction, reconstruction, maintenance and repair of  
31 public highways, county roads, bridges, and streets, alleys  
32 and bridges in cities and towns, and expense of enforcing  
33 state traffic laws.

34  
35 *Staff Note: **Not repealed.** This section is related to vehicle*  
36 *and fuel taxes rather than the property tax.*

37  
38 **Article 15, Section 17 County levy for support and**  
39 **maintenance of public schools.**

40  
41 There shall be levied each year in each county of the state  
42 a tax of not to exceed six (6) mills on the dollar of the  
43 assessed valuation of the property in each county for the  
44 support and maintenance of the public schools. This tax shall  
45 be collected by the county treasurer and disbursed among the

1 school districts within the county as the legislature shall  
2 provide. The legislature may authorize boards of trustees of  
3 school districts to levy a special tax on the property of the  
4 district. The legislature may also provide for the  
5 distribution among one (1) or more school districts of any  
6 revenue from the special school district property tax in  
7 excess of a state average yield, which shall be calculated  
8 each year, per average daily membership.

9  
10 *Staff Note: **Repealed.** This section in part provides the*  
11 *authority to recapture tax revenues and provide those funds*  
12 *to entitlement districts.*

13  
14 **Article 15, Section 18 Full tax credit allowed against any**  
15 **liability arising from a tax on income.**

16  
17 No tax shall be imposed upon income without allowing full  
18 credit against such tax liability for all sales, use, and ad  
19 valorem taxes paid in the taxable year by the same taxpayer  
20 to any taxing authority in Wyoming.

21  
22 *Staff Note: **Not repealed.** Not specific to the property tax.*

23  
24 **Article 15, Section 19 Mineral excise tax; distribution.**

25  
26 The Legislature shall provide by law for an excise tax on the  
27 privilege of severing or extracting minerals, of one and one-  
28 half percent (1 1/2%) on the value of the gross product  
29 extracted. The minerals subject to such excise tax shall be  
30 coal, petroleum, natural gas, oil shale, and such other  
31 minerals as may be designated by the Legislature. Such tax  
32 shall be in addition to any other excise, severance or ad  
33 valorem tax. The proceeds from such tax shall be deposited in  
34 the Permanent Wyoming Mineral Trust Fund. The fund, including  
35 all monies deposited in the fund from whatever source, shall  
36 remain inviolate. The monies in the fund shall be invested as  
37 prescribed by the Legislature and all income from fund  
38 investments shall be deposited by the State Treasurer in the  
39 general fund on an annual basis. The Legislature may also  
40 specify by law, conditions and terms under which monies in  
41 the fund may be loaned to political subdivisions of the state.

42  
43 *Staff Note: **Not repealed.** Excise tax rather than a property*  
44 *tax.*



1 **Article 15, Section 20 Higher education trust funds;**  
2 **investments; earnings.**

3  
4 The legislature may from time to time place monies into  
5 endowment funds for higher education scholarships and for  
6 improving the quality of higher education, which funds shall  
7 remain inviolate. The earnings of the funds shall be used  
8 for the purposes specified in this section, but the  
9 legislature may from time to time by law regulate the manner  
10 in which the earnings are expended. The legislature may also  
11 provide for use of the earnings to protect the funds from  
12 inflation and to even fluctuations in earnings over time.  
13 The funds may be invested in the same manner as other  
14 permanent funds of the state.

15  
16 Staff Note: **Not repealed.** Deals with education trust funds.

17  
18 **Additional Considerations:** There are several constitutional  
19 provisions outside of Article 15 that refer to the "taxable  
20 value", if there is not a requirement to assess property under  
21 article 15, section 1 of the constitution it may be advisable  
22 to consider amendments to those sections. The sections that  
23 are potentially affected are: Article 5, Section 21 and  
24 Article 16, Sections 1, 3, 5 and 12.

25  
26 \*\*\*\*\*  
27 \*\*\*\*\*  
28

29 **Section 2.** That the Secretary of State shall endorse  
30 the following statement on the proposed amendment:

31  
32 The Wyoming Constitution currently requires the valuation and  
33 assessment of all property within the state for taxation. The  
34 Constitution also provides certain requirements related to  
35 property taxes including limits on certain mill levies, a  
36 requirement for uniformity of assessment, and a requirement

1 for specified mill levies to fund education. The adoption of  
2 this amendment would repeal those provisions in the  
3 Constitution that are specifically related to property taxes.

4

5 (END)