

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Property tax-acquisition value.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to ad valorem taxation; establishing a
2 rebuttable presumption in favor of acquisition value for
3 the taxation of specified real property; clarifying the
4 use, disclosure and confidentiality of sworn statements for
5 specified real property; providing definitions; making
6 conforming amendments; requiring rulemaking; and providing
7 for effective dates.

8

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

10

11 **Section 1.** W.S. 34-1-142(d) and by creating a new
12 subsection (j), 39-11-101(a)(vi), (xvii)(intro) and (C),
13 39-11-102(c)(xv), (d)(i), 39-11-109(b)(iv), 39-13-102(n),

1 39-13-103(b)(ii), (iii)(intro) and (C), (vi) through (viii)
2 and by creating a new paragraph (xviii) and 39-13-109(b)(i)
3 are amended to read:

4
5 **34-1-142. Instrument transferring title to real**
6 **property; procedure; exceptions; confidentiality.**

7
8 (d) Except as provided in subsection (j) of this
9 section, the sworn statements shall be used by the county
10 assessors and the state board of equalization and the
11 department of revenue along with other statements filed
12 only as data in a collection of statistics which shall be
13 used collectively in determining sales-price ratios by
14 county. An individual statement shall not, by itself, be
15 used by the county assessor to adjust the assessed value of
16 any individual property.

17
18 (j) Sworn statements regarding real property taxable
19 under W.S. 39-13-103(b)(iii)(C) shall be available to a
20 county assessor, a county board of equalization, the
21 department of revenue and the state board of equalization
22 for purposes of determining the value of property for
23 purposes of property taxation. Nothing in this subsection

1 shall waive the confidentiality requirements specified in
2 subsection (e) of this section.

3

4 **39-11-101. Definitions.**

5

6 (a) As used in this act unless otherwise specifically
7 provided:

8

9 (vi) "Fair market value" means the amount in
10 cash, or terms reasonably equivalent to cash, a well
11 informed buyer is justified in paying for a property and a
12 well informed seller is justified in accepting, assuming
13 neither party to the transaction is acting under undue
14 compulsion, and assuming the property has been offered in
15 the open market for a reasonable time, except, fair market
16 value of agricultural land shall be determined as provided
17 by W.S. 39-13-103(b)(x), fair market value of residential
18 real property shall be determined as provided in W.S.
19 39-13-103(b)(xviii) and fair market value of mine products
20 shall be determined as provided by W.S. 39-14-103(b),
21 39-14-203(b), 39-14-303(b), 39-14-403(b), 39-14-503(b),
22 39-14-603(b) and 39-14-703(b);

23

1 (xvii) "Taxable value" means a percent of the
2 fair market value or other value required by law of
3 property in a particular class as follows:

4
5 (C) All other property, real and personal,
6 including property valued and assessed under W.S.
7 39-13-102(m)(vi) and (ix), nine and one-half percent
8 (9.5%), provided that the value of residential real
9 property shall be determined as provided in W.S.
10 39-13-103(b)(xviii).

11
12 **39-11-102. Administration; confidentiality;**
13 **department of revenue.**

14
15 (c) In addition to the other powers and duties
16 imposed by law, the department shall:

17
18 (xv) Prescribe the system of establishing the
19 fair market value or other value required by law of all
20 property valued for property taxation to ensure that all
21 property within a class is uniformly valued. The county
22 assessor and the facilities of his office, together with
23 the deputy assessors and clerical assistants in each

1 county, at the direction of the department, shall give full
2 aid in the installation of the prescribed system in the
3 county. The county shall also furnish the necessary
4 supplies and records for installing the system;

5
6 (d) The following shall be adopted in accordance with
7 the requirements and procedures of the Wyoming
8 Administrative Procedure Act:

9
10 (i) Adoption of any manual, formula, method or
11 system to be used to determine the fair market value or
12 other value required by law of property for tax purposes;

13
14 **39-11-109. Taxpayer remedies.**

15
16 (b) Appeals. The following shall apply:

17
18 (iv) In any appeal to the board authorized by
19 this section, the taxpayer may present any credible
20 evidence, including expert opinion testimony, to rebut the
21 presumption in favor of a valuation asserted by the
22 department. The rebuttable presumption in favor of a
23 valuation asserted by the department shall not apply to the

1 extent the rebuttable presumption conflicts with the
2 rebuttable presumption in W.S. 39-13-103(b)(xviii)(A)(III).

3 The board shall make specific findings and conclusions as
4 to the evidence presented.

5

6 **39-13-102. Administration; confidentiality.**

7

8 (n) Following determination of the fair market value
9 or other value required by law of property the department
10 shall notify the taxpayer by mail or, if offered by the
11 department and upon request of the taxpayer, by electronic
12 transmission of the assessed value. The person assessed may
13 file written objections to the assessment with the board
14 within thirty (30) days of the date of postmark or the date
15 of electronic transmission, whichever is earlier, and
16 appear before the board at a time specified by the board.
17 For purposes of this subsection, if a written objection is
18 mailed or sent by electronic transmission by the person
19 assessed, it shall be deemed timely filed if it is
20 postmarked or transmitted not later than thirty (30) days
21 after the mailing or electronic transmission of the
22 notification of the assessed value. The person assessed
23 shall also file a copy of the written objections with the

1 county treasurer of the county in which the property is
2 located, who shall notify the county assessor and the board
3 of county commissioners, with an estimate of the tax amount
4 under appeal based upon the previous year's tax levy.

5
6 **39-13-103. Imposition.**

7
8 (b) Basis of tax. The following shall apply:

9
10 (ii) All taxable property shall be annually
11 valued at its fair market value or other value required by
12 law. Except as otherwise provided by law for specific
13 property, the department shall prescribe by rule and
14 regulation the appraisal methods and systems for
15 determining fair market value using generally accepted
16 appraisal standards. For tangible personal property, fair
17 market value shall be determined using valuation indexes
18 and depreciation schedules prescribed by rule and
19 regulation of the department. Once the tangible personal
20 property reaches the depreciation floor, the trending
21 factor shall remain constant for subsequent years until the
22 property is removed from service. As used in this
23 paragraph, "depreciation floor" means twenty percent (20%)

1 of the reported installed cost of the property. As used in
2 this paragraph, "tangible personal property" excludes any
3 property that is valued under W.S. 39-13-102(m) and mobile
4 homes required to be titled under W.S. 31-2-501 through 31-
5 2-508;

6
7 (iii) ~~Beginning January 1, 1989,~~ "Taxable value"
8 means a percent of the fair market value or other value
9 required by law of property in a particular class as
10 follows:

11
12 (C) All other property, real and personal,
13 nine and one-half percent (9.5%), provided that the value
14 of residential real property shall be determined as
15 provided in paragraph (xviii) of this subsection.

16
17 (vi) Each deputy county assessor upon completing
18 the assessment of property within the district assigned to
19 him shall immediately deliver all books, records, schedules
20 and lists to the county assessor and make and subscribe the
21 following oath: "I,, deputy assessor in and for
22 district No., county of, State of Wyoming, do
23 solemnly swear (or affirm), that I have obtained from every

1 person within the district, the lists and schedules
2 required by law, and have received the lists and schedules
3 according to law, from every person in the district; that I
4 have carefully examined each of the lists and schedules,
5 and have revised and corrected the lists when necessary;
6 that I have to the best of my knowledge and ability valued
7 the property in the lists and schedules at its fair market
8 value or other value as required by law; that in no case
9 have I knowingly omitted to perform any duty required of me
10 by law and have not, in any way, connived at any evasion or
11 violation of any of the requirements of law in relation to
12 the listing and valuation of property.";

13

14 (vii) The county assessor shall enter in books
15 furnished for that purpose, from the tax schedule, the
16 enumeration and fair market value or other value required
17 by law of all taxable property assessed by him or his
18 deputies. The county assessor shall enter the names of
19 persons against whom property is assessed in the county
20 assessment roll in alphabetical order. On or before the
21 fourth Monday in April, or as soon thereafter as is
22 practicable, the county assessor shall send all assessment
23 schedules to taxpayers by mail at their last known address

1 or, if offered by the county and upon request of the
2 taxpayer, by electronic transmission, and return the county
3 assessment roll enumerating the property and value assessed
4 by him or his deputies to the board of county commissioners
5 together with a list stating the assessed value of taxable
6 property within each school district, municipality or
7 special district in the county;

8
9 (viii) Every assessment schedule sent to a
10 taxpayer shall contain the property's estimated fair market
11 value or other value required by law for the current and
12 previous year, or, productive value in the case of
13 agricultural property. The schedule shall also contain the
14 assessment ratio as provided by paragraph (b)(iii) of this
15 section for the taxable property, the amount of taxes
16 assessed on the taxable property from the previous year, an
17 estimate of the taxes which will be due and payable for the
18 current year based on the previous year's mill levies and,
19 if the property is a single family residential structure,
20 an estimate of the taxes that will be avoided if the
21 property is eligible for the exemptions under W.S. 39-11-
22 105(a)(xliii) and (xliv). The schedule shall contain a

1 statement of the process to contest assessments as
2 prescribed by W.S. 39-13-109(b)(i);

3
4 (xviii) The following shall apply to the
5 valuation of residential real property, as made subject to
6 taxation in subparagraph (iii)(C) of this subsection:

7
8 (A) Beginning January 1, 2027, the fair
9 market value of residential real property shall be
10 determined as follows:

11
12 (I) For any residential real property
13 that was last acquired on or before December 31, 2019, the
14 base year value for the residential real property shall be
15 equal to the fair market value of the property on January
16 1, 2019;

17
18 (II) For any residential real property
19 that was last acquired between January 1, 2020 and December
20 31, 2026, the base year value for the residential real
21 property shall be equal to the fair market value of the
22 property on January 1 of the year the property was last
23 acquired;

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(III) For any residential real property that is acquired on or after January 1, 2027, there shall be a rebuttable presumption that the acquisition value of the property is the fair market value of the property. The acquisition value shall be used as the base year value for the property, except as provided in subdivision (IV) of this subparagraph;

(IV) Notwithstanding subdivision (III) of this subparagraph, for any residential real property that is acquired on or after January 1, 2027, the fair market value of the property on January 1 of the year the property was acquired shall be used as the base year value of the property if:

(1) The presumption under subdivision (III) of this subparagraph is rebutted by a preponderance of the evidence showing that the acquisition price paid to acquire the property was not at fair market value because a party to the transaction was acting under undue influence or the terms of the transaction were not

1 negotiated at arms-length between an informed buyer and
2 seller; or

3
4 (2) The owner of the residential
5 real property does not submit information that is
6 sufficient to enable the assessor to establish the
7 acquisition value of the residential real property under
8 subdivision (III) of this subparagraph.

9
10 (B) The base year value determined under
11 subparagraph (A) of this paragraph shall be annually
12 adjusted to determine the taxable value for that tax year
13 as follows:

14
15 (I) The base year value shall be
16 adjusted by an inflation factor that compounds annually
17 each year beginning in the first year after the base year
18 value is determined under subparagraph (A) of this
19 paragraph. The inflation factor shall be the lesser of two
20 percent (2%) or the rate of the consumer price index or its
21 successor index of the United States department of labor,
22 bureau of labor statistics, for the applicable year;

1 (II) The base year value shall be
2 adjusted as necessary to account for increases in the value
3 of the residential real property caused by new construction
4 or significant additions to the property. The value of the
5 new construction or significant additions shall be added to
6 the base year value of the residential real property. The
7 value of the new construction or significant additions
8 shall be determined by the construction costs. Actual costs
9 may be submitted to determine construction costs. If actual
10 costs are not submitted or if the construction costs do not
11 represent fair market value because a party to the
12 transaction was acting under undue influence or the terms
13 of the transaction were not negotiated at arms-length, the
14 construction costs shall be determined based on average
15 construction costs in the state for the applicable tax year
16 for a comparable construction or addition.

17
18 (C) The amount determined pursuant to
19 subparagraphs (A) and (B) of this paragraph shall be the
20 taxable value of the residential real property until
21 ownership of the property is transferred to a new person.
22 Each time residential real property is transferred to a new
23 person, the property shall be valued as provided in

1 subparagraph (A) of this paragraph to determine the new
2 base year value of the property. The new base year value of
3 the property shall be subject to adjustment as provided in
4 subparagraph (B) of this paragraph;

5

6 (D) The department shall adopt rules
7 necessary to implement this paragraph. The rules shall
8 include:

9

10 (I) Rules regarding the documentation
11 and procedures required to establish acquisition value
12 under this paragraph;

13

14 (II) Rules specifying how construction
15 costs are determined and reported;

16

17 (III) Rules specifying how significant
18 additions to residential real property are determined and
19 reported.

20

21 (E) As used in this paragraph:

22

1 (I) "Acquisition value," as used in
2 this subparagraph, means the actual full amount paid or to
3 be paid to acquire residential real property;

4
5 (II) "Residential real property" means
6 real property improved by a dwelling designed to house not
7 more than four (4) families and includes any detached
8 garage owned by the owner of the dwelling and any
9 associated residential land up to thirty-five (35) acres
10 where the dwelling is located if the land is owned by the
11 owner of the dwelling. The dwelling may include any type of
12 residence including a single family home, an individual
13 condominium unit, a mobile home or a trailer if the
14 dwelling is used as a primary residence;

15
16 (III) "Significant addition" means any
17 construction of residential real property that adds
18 habitable square feet to the residential real property and
19 includes construction where all or a portion of the
20 dwelling is demolished and reconstructed. "Significant
21 addition" shall not include finishing an unfinished portion
22 of the existing dwelling;

23

1 (IV) "Transfer" or "acquisition" of
2 residential real property does not include:

3
4 (1) A transfer of property
5 between spouses or between a parent and the parent's child;

6
7 (2) A transfer of property
8 pursuant to a court order including to effectuate a
9 settlement agreement or in compliance with a decree of
10 divorce or judicial separation;

11
12 (3) A transfer of property to a
13 trust established for the benefit of the immediately
14 preceding owner;

15
16 (4) A transfer of property to a
17 corporation, partnership or limited liability company if
18 the immediately preceding owner of the property is a
19 shareholder or owner of the corporation, partnership or
20 limited liability company;

21

1 (5) A donation of residential
2 real property to a religious or charitable organization,
3 including a nonprofit organization;

4
5 (6) Any other transfer of
6 property that the department determines by rule should not
7 be an acquisition of property due to the relationship of
8 the parties or other factors.

9
10 **39-13-109. Taxpayer remedies.**

11
12 (b) Appeals. The following shall apply:

13
14 (i) Any person wishing to contest an assessment
15 of his property shall file not later than thirty (30) days
16 after the date of the assessment schedule properly sent
17 pursuant to W.S. 39-13-103(b)(vii), a statement with the
18 county assessor specifying the reasons why the assessment
19 is incorrect. For purposes of this paragraph, if a
20 statement of reasons is mailed or sent by electronic
21 transmission by the person assessed, it shall be deemed
22 timely filed if it is postmarked or transmitted not later
23 than thirty (30) days after the mailing or the electronic

1 transmission of the notification of the assessment
2 schedule. The county assessor shall provide a copy to the
3 county clerk as clerk of the county board of equalization.
4 The county assessor and the person contesting the
5 assessment, or his agent, shall disclose witnesses and
6 exchange information, evidence and documents relevant to
7 the appeal, including sales information from relevant
8 statements of consideration if requested, no later than
9 thirty (30) days prior to the scheduled county board of
10 equalization hearing. The assessor shall specifically
11 identify the sales information used to determine market
12 value of the property under appeal. A county board of
13 equalization may receive evidence relative to any
14 assessment and may require the person assessed or his agent
15 or attorney to appear before it, be examined and produce
16 any documents relating to the assessment. The appeal may be
17 dismissed if any person willfully neglects or refuses to
18 attend a meeting of a county board of equalization and be
19 examined or answer any material question upon the board's
20 request. The state board of equalization shall adopt rules
21 to be followed by any county board of equalization when
22 conducting appeals under this subsection. All hearings
23 shall be conducted in accordance with the rules adopted by

1 the state board of equalization. Each hearing shall be
2 recorded electronically or by a court reporter or a
3 qualified stenographer or transcriptionist. The taxpayer
4 may present any evidence that is relevant, material or not
5 repetitious, including expert opinion testimony, to rebut
6 the presumption in favor of a valuation asserted by the
7 county assessor or related to the presumption in W.S.
8 39-13-103(b)(xviii)(A)(III). The county attorney or his
9 designee may represent the county board or the assessor,
10 but not both. The assessor may be represented by an
11 attorney and the board may hire a hearing officer. All
12 deliberations of the board shall be in public. The county
13 board of equalization may affirm the assessor's valuation
14 or find in favor of the taxpayer and remand the case back
15 to the assessor. The board shall make specific written
16 findings and conclusions as to the evidence presented not
17 later than October 1 of each year;

18

19 **Section 2.** The state board of equalization and the
20 department of revenue shall promulgate all rules necessary
21 to implement this act not later than January 1, 2027.

22

1 **Section 3.** This act shall be effective only upon
2 certification by the secretary of state that the electors
3 have adopted the amendment to the Wyoming constitution at
4 the 2026 general election provided in 2026 House Joint
5 Resolution 00XX.

6

7 Section 4.

8

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

14

15 (b) Subject to section 3 of this act, section 1 of
16 this act is effective January 1, 2027.

17

18 (END)