

HOUSE BILL NO. HB0211

Property tax-acquisition value.

Sponsored by: Representative(s) Jennings, Allemand, Bear, Haroldson, Heiner, Locke, Pendergraft, Slagle and Styvar and Senator(s) Biteman and Hutchings

A BILL

for

1 AN ACT relating to ad valorem taxation; establishing a
 2 rebuttable presumption in favor of acquisition value for
 3 specified real property; removing restrictions on the use,
 4 disclosure and confidentiality of sworn statements for
 5 specified real property; providing a definition; repealing
 6 an obsolete provision; requiring rulemaking; and providing
 7 for an effective date.

8

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

10

11 **Section 1.** W.S. 34-1-142(d), (e) and by creating a
 12 new subsection (j), 39-11-101(a)(vi), (xvii)(intro) and
 13 (C), 39-11-102(c)(xv) and (d)(i), 39-11-102.1(c)(ii) and
 14 (iii), 39-11-109(b)(iv), 39-13-102(n), 39-13-103(b)(ii),

1 (iii)(intro), (C), (vi) through (viii) and by creating a
2 new paragraph (xviii) and 39-13-109(b)(i) are amended to
3 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 (e) Except as provided in subsection (j) of this
19 section, the statement is not a public record and shall be
20 held confidential by the county clerk, county assessor,
21 county board of equalization, the state board of
22 equalization and the department of revenue. A statement may
23 be disclosed pursuant to W.S. 39-13-109(a)(i) to any person

1 wishing to review or contest his property tax assessment or
2 valuation. The statement shall not be subject to discovery
3 in any other county or state proceeding.

4
5 (j) Sworn statements regarding real property taxable
6 under W.S. 39-13-103(b)(iii)(C) shall be public records
7 that are not subject to the use, disclosure and
8 confidentiality provisions of this section. A person who
9 discloses a sworn statement regarding real property taxable
10 under W.S. 39-13-103(b)(iii)(C) shall not be subject to
11 criminal prosecution under W.S. 34-1-144.

12
13 **39-11-101. Definitions.**

14
15 (a) As used in this act unless otherwise specifically
16 provided:

17
18 (vi) "Fair market value" means the amount in
19 cash, or terms reasonably equivalent to cash, a well
20 informed buyer is justified in paying for a property and a
21 well informed seller is justified in accepting, assuming
22 neither party to the transaction is acting under undue
23 compulsion, and assuming the property has been offered in

1 the open market for a reasonable time, except, fair market
 2 value of agricultural land shall be determined as provided
 3 by W.S. 39-13-103(b)(x), fair market value of real property
 4 under the all other property class shall be subject to the
 5 rebuttable presumption provided in W.S.
 6 39-13-103(b)(xviii)(A) and fair market value of mine
 7 products shall be determined as provided by W.S.
 8 39-14-103(b), 39-14-203(b), 39-14-303(b), 39-14-403(b),
 9 39-14-503(b), 39-14-603(b) and 39-14-703(b);

10

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

14

15 (C) All other property, real and personal,
 16 including property valued and assessed under W.S.
 17 39-13-102(m)(vi) and (ix), nine and one-half percent
 18 (9.5%), provided that the value of real property shall be
 19 determined as provided in W.S. 39-13-103(b)(xviii).

20

21 **39-11-102. Administration; confidentiality;**
 22 **department of revenue.**

23

1 (c) In addition to the other powers and duties
2 imposed by law, the department shall:

3
4 (xv) Prescribe the system of establishing the
5 fair market value or other value required by law of all
6 property valued for property taxation to ensure that all
7 property within a class is uniformly valued. The county
8 assessor and the facilities of his office, together with
9 the deputy assessors and clerical assistants in each
10 county, at the direction of the department, shall give full
11 aid in the installation of the prescribed system in the
12 county. The county shall also furnish the necessary
13 supplies and records for installing the system;

14
15 (d) The following shall be adopted in accordance with
16 the requirements and procedures of the Wyoming
17 Administrative Procedure Act:

18
19 (i) Adoption of any manual, formula, method or
20 system to be used to determine the fair market value or
21 other value required by law of property for tax purposes;

22

1 **39-11-102.1. Administration; state board of**
2 **equalization.**

3
4 (c) The state board of equalization shall perform the
5 duties specified in article 15, section 10 of the Wyoming
6 constitution and shall hear appeals from county boards of
7 equalization and review final decisions of the department
8 upon application of any interested person adversely
9 affected, including boards of county commissioners for the
10 purposes of this subsection, under the contested case
11 procedures of the Wyoming Administrative Procedure Act.
12 Upon request of a county board of equalization providing
13 compelling reasons to do so, the state board of
14 equalization may accept a case certified directly to the
15 state board of equalization pursuant to rules adopted by
16 the state board of equalization. The state board of
17 equalization shall accept a case certified directly to the
18 state board of equalization that involves property that may
19 subject a county to tax liability as provided in W.S.
20 39-13-102(c)(iv). The board shall also review final
21 decisions of the department of transportation concerning
22 the assessment or application of taxes authorized under
23 this title upon application of any interested person

1 adversely affected. Any interested person adversely
2 affected by the adoption, amendment or repeal of a rule
3 pursuant to W.S. 16-3-103(a) shall be afforded an
4 opportunity for a hearing before the board. In addition,
5 the board shall:

6

7 (ii) Prescribe the form for the abstract of the
8 assessment roll, examine and compare the abstracts of the
9 counties and equalize the same, so that all taxable
10 property in the state is assessed at its fair market value,
11 and to that end shall add to or deduct from the aggregate
12 valuation of the property, or any class or classes of
13 property, in any county such percent as will bring the same
14 to its fair market value. When any assessed valuation is to
15 be increased or decreased, the board shall provide not less
16 than twenty (20) days notice of the proposed action to the
17 county board of equalization and county assessor of the
18 county in which the property is situated. If requested, the
19 state board of equalization shall provide an opportunity
20 for a hearing for the county board of equalization and
21 assessor of the affected county. The hearing shall be held
22 in the affected county. After a hearing, if requested, the
23 county board of equalization shall take the necessary

1 action to effectuate the action taken by the state board of
2 equalization. The state board of equalization shall certify
3 the valuation to be used for all tax levies on or before
4 the first Monday in August. The board shall communicate its
5 equalization actions to the department, along with any
6 recommendations for improved work practices of county
7 assessors. This paragraph shall not apply to real property
8 taxable under W.S. 39-13-103(b)(iii)(C);
9

10 (iii) When in the opinion of the board, it would
11 be of assistance in equalizing values under paragraph (ii)
12 of this subsection, the board may require any county
13 assessor to furnish statements showing assessments of the
14 property of any person within the county. The board shall
15 consider and equalize county assessments under paragraph
16 (ii) of this subsection and may increase or decrease
17 assessments returned by the county board of equalization
18 when the property so assessed appears to be over-valued or
19 under-valued, first giving notice to those persons
20 affected. The notice shall fix a time and place of hearing.
21 Any affected person may appeal from the decision of the
22 board to the district court of the county in which the

1 property is situated. This paragraph shall not apply to
2 real property taxable under W.S. 39-13-103(b)(iii)(C);

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4 **39-11-109. Taxpayer remedies.**

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6 (b) Appeals. The following shall apply:

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8 (iv) In any appeal to the board authorized by
9 this section, the taxpayer may present any credible
10 evidence, including expert opinion testimony, to rebut the
11 presumption in favor of a valuation asserted by the
12 department. The rebuttable presumption in favor of a
13 valuation asserted by the department shall not apply to the
14 extent the rebuttable presumption conflicts with the
15 rebuttable presumption in W.S. 39-13-103(b)(xviii)(A). The
16 board shall make specific findings and conclusions as to
17 the evidence presented.

18

19 **39-13-102. Administration; confidentiality.**

20

21 (n) Following determination of the fair market value
22 or other value required by law of property the department
23 shall notify the taxpayer by mail or, if offered by the

1 department and upon request of the taxpayer, by electronic
2 transmission of the assessed value. The person assessed may
3 file written objections to the assessment with the board
4 within thirty (30) days of the date of postmark or the date
5 of electronic transmission, whichever is earlier, and
6 appear before the board at a time specified by the board.
7 For purposes of this subsection, if a written objection is
8 mailed or sent by electronic transmission by the person
9 assessed, it shall be deemed timely filed if it is
10 postmarked or transmitted not later than thirty (30) days
11 after the mailing or electronic transmission of the
12 notification of the assessed value. The person assessed
13 shall also file a copy of the written objections with the
14 county treasurer of the county in which the property is
15 located, who shall notify the county assessor and the board
16 of county commissioners, with an estimate of the tax amount
17 under appeal based upon the previous year's tax levy.

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19 **39-13-103. Imposition.**

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

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1 (ii) All taxable property shall be annually
2 valued at its fair market value or other value required by
3 law. Except as otherwise provided by law for specific
4 property, the department shall prescribe by rule and
5 regulation the appraisal methods and systems for
6 determining fair market value using generally accepted
7 appraisal standards;

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

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

18
19 (vi) Each deputy county assessor upon completing
20 the assessment of property within the district assigned to
21 him shall immediately deliver all books, records, schedules
22 and lists to the county assessor and make and subscribe the
23 following oath: "I,, deputy assessor in and for

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

15

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

1 practicable, the county assessor shall send all assessment
2 schedules to taxpayers by mail at their last known address
3 or, if offered by the county and upon request of the
4 taxpayer, by electronic transmission, and return the county
5 assessment roll enumerating the property and value assessed
6 by him or his deputies to the board of county commissioners
7 together with a list stating the assessed value of taxable
8 property within each school district, municipality or
9 special district in the county;

10

11 (viii) Every assessment schedule sent to a
12 taxpayer shall contain the property's estimated fair market
13 value or other value required by law for the current and
14 previous year, or, productive value in the case of
15 agricultural property. The schedule shall also contain the
16 assessment ratio as provided by paragraph (b)(iii) of this
17 section for the taxable property, the amount of taxes
18 assessed on the taxable property from the previous year,
19 and an estimate of the taxes which will be due and payable
20 for the current year based on the previous year's mill
21 levies. The schedule shall contain a statement of the
22 process to contest assessments as prescribed by W.S.
23 39-13-109(b)(i);

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(xviii) The following shall apply to the valuation of all other real property, except agricultural land, as made subject to taxation in subparagraph (iii)(C) of this subsection:

(A) Beginning January 1, 2025, the base year value for real property shall be equal to the fair market value of the property on the date the property was most recently acquired, except there shall be a rebuttable presumption that the acquisition value of the property is the fair market value. The presumption may be rebutted by a preponderance of the evidence showing that a party to the transaction was acting under undue compulsion, that the terms of the transaction were not negotiated at arms length between a knowledgeable buyer and seller or that a party to the transaction claimed an exception under W.S. 34-1-142(c). "Acquisition value," as used in this subparagraph, means the actual full amount paid or to be paid for the property. The department shall promulgate rules regarding the documentation and procedures required to establish acquisition value. If a person does not submit the required documentation to establish acquisition value

1 within the time required by department rule, the base year
2 value shall be equal to the fair market value of the
3 property on the date that the property was most recently
4 acquired;

5
6 (B) The base year value shall be increased
7 by an inflation factor that compounds annually each year
8 beginning in the first year after the property was most
9 recently acquired. The inflation factor shall be the lesser
10 of three percent (3%) or the rate of the consumer price
11 index or its successor index of the United States
12 department of labor, bureau of labor statistics, for the
13 applicable year;

14
15 (C) The amount determined pursuant to
16 subparagraphs (A) and (B) of this paragraph shall be the
17 taxable value of the real property until ownership of the
18 property is transferred to a new person. Each time property
19 is transferred to a new person, the property shall be
20 valued as provided in subparagraph (A) of this paragraph to
21 determine the new base year value of the property. The new
22 base year value of the property shall be subject to the

1 inflation factor provided in subparagraph (B) of this
2 paragraph in subsequent tax years.

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4 **39-13-109. Taxpayer remedies.**

5

6 (b) Appeals. The following shall apply:

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8 (i) Any person wishing to contest an assessment
9 of his property shall file not later than thirty (30) days
10 after the date of the assessment schedule properly sent
11 pursuant to W.S. 39-13-103(b)(vii), a statement with the
12 county assessor specifying the reasons why the assessment
13 is incorrect. For purposes of this paragraph, if a
14 statement of reasons is mailed or sent by electronic
15 transmission by the person assessed, it shall be deemed
16 timely filed if it is postmarked or transmitted not later
17 than thirty (30) days after the mailing or the electronic
18 transmission of the notification of the assessment
19 schedule. The county assessor shall provide a copy to the
20 county clerk as clerk of the county board of equalization.
21 The county assessor and the person contesting the
22 assessment, or his agent, shall disclose witnesses and
23 exchange information, evidence and documents relevant to

1 the appeal, ~~including sales information from relevant~~
2 ~~statements of consideration if requested,~~ no later than
3 thirty (30) days prior to the scheduled county board of
4 equalization hearing. ~~The assessor shall specifically~~
5 ~~identify the sales information used to determine market~~
6 ~~value of the property under appeal.~~ A county board of
7 equalization may receive evidence relative to any
8 assessment and may require the person assessed or his agent
9 or attorney to appear before it, be examined and produce
10 any documents relating to the assessment. The appeal may be
11 dismissed if any person willfully neglects or refuses to
12 attend a meeting of a county board of equalization and be
13 examined or answer any material question upon the board's
14 request. The state board of equalization shall adopt rules
15 to be followed by any county board of equalization when
16 conducting appeals under this subsection. All hearings
17 shall be conducted in accordance with the rules adopted by
18 the state board of equalization. Each hearing shall be
19 recorded electronically or by a court reporter or a
20 qualified stenographer or transcriptionist. The taxpayer
21 may present any evidence that is relevant, material or not
22 repetitious, including expert opinion testimony, to rebut
23 the presumption in ~~favor of a valuation asserted by the~~

1 ~~county assessor~~ W.S. 39-11-109(b)(iv). The county attorney
2 or his designee may represent the county board or the
3 assessor, but not both. The assessor may be represented by
4 an attorney and the board may hire a hearing officer. All
5 deliberations of the board shall be in public. The county
6 board of equalization may affirm the assessor's valuation
7 or find in favor of the taxpayer and remand the case back
8 to the assessor. The board shall make specific written
9 findings and conclusions as to the evidence presented not
10 later than October 1 of each year;

11

12 **Section 2.** W.S. 39-13-109(a) is repealed.

13

14 **Section 3.** The state board of equalization and the
15 department of revenue shall promulgate all rules necessary
16 to implement this act not later than January 1, 2025.

17

18 **Section 4.** This act is effective January 1, 2025.

19

20

(END)