

HOUSE BILL NO. HB0232

Economic development-excise taxes.

Sponsored by: Representative(s) Buchanan, Bagby, Childers,
Hageman, Latta, Martin, Olsen, Petersen,
Powers and Walsh and Senator(s) Decaria,
Meier and Townsend

A BILL

for

1 AN ACT relating to taxation and revenue; authorizing local
2 governments to use excise taxes and impose additional
3 excise taxes for economic development as specified;
4 providing for distribution, specifying conditions; amending
5 related provisions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 39-15-203(a)(i)(C) and by creating a
10 new paragraph (v), 39-15-204(a)(iv) and by creating a new
11 paragraph (vi), 39-15-211(a)(intro) and (i) by creating a
12 new subparagraph (C) and by creating a new paragraph (iv),
13 39-16-203(a)(i)(C) and by creating a new paragraph (iv),
14 39-16-204(a)(intro), (iii) and by creating a new paragraph
15 (v) and 39-16-211(a)(intro) and (i) by creating a new

1 subparagraph (C) and by creating a new paragraph (iii) are
2 amended to read:

3

4 **39-15-203. Imposition.**

5

6 (a) Taxable event. The following shall apply:

7

8 (i) The following provisions apply to imposition
9 of the general purpose excise tax under W.S.
10 39-15-204(a)(i):

11

12 (C) The proposition may be submitted at an
13 election held on a date authorized under W.S. 22-21-103. A
14 notice of election shall be given in at least one (1)
15 newspaper of general circulation published in the county in
16 which the election is to be held, and the notice shall
17 specify the object of the election. The notice shall be
18 published at least once each week for a thirty (30) day
19 period preceding the election. At the election the ballots
20 shall contain the words "for the county sales and use tax"
21 and "against the county sales and use tax". If a portion
22 of the proceeds from the tax will be used for economic
23 development as provided by W.S. 39-15-211(a)(i), the ballot
24 shall contain the words "a portion of the tax proceeds

1 shall be used for economic development" in a clear and
2 appropriate manner. If the proposition is approved the
3 same proposition shall be submitted at subsequent general
4 elections as provided in this subparagraph until the
5 proposition is defeated. If the tax proposed is approved
6 after July 1, 1989, the same proposition shall be submitted
7 at every other subsequent general election until the
8 proposition is defeated. However in those counties where
9 the tax is not in effect, the county commissioners with the
10 concurrence of the governing bodies of two-thirds (2/3) of
11 the municipalities may establish the initial term of the
12 tax at two (2) years. If the term of the tax is limited to
13 two (2) years, the term of the tax shall be stated in the
14 proposition submitted to the voters. If approved, the
15 proposition shall be submitted at the next general election
16 and at every other subsequent general election thereafter
17 until the proposition is defeated;

18
19 (v) The following provisions apply to imposition
20 of the excise tax under W.S. 39-15-204(a)(vi) the purpose
21 of which is economic development:

22
23 (A) Except as provided by subparagraph (F)
24 of this paragraph, no tax shall be imposed under W.S.

1 39-15-204(a)(vi) until the proposition to impose the tax is
2 submitted to the vote of the qualified electors of the
3 county, and a majority of those casting their ballots vote
4 in favor of imposing the taxes. Except as otherwise
5 provided, excise taxes imposed under this paragraph shall
6 commence as provided by W.S. 39-15-207 following the
7 election approving the imposition of the tax;

8
9 (B) The proposition to impose an excise tax
10 shall be at the expense of the county and be submitted to
11 the electors of the county upon the receipt by the board of
12 county commissioners of a petition requesting the election
13 signed by at least five percent (5%) of the electors of the
14 county or of a resolution approving the proposition from
15 the governing body of the county and the governing bodies
16 of at least two-thirds (2/3) of the incorporated
17 municipalities within the county. If proposed by petition
18 by electors, the number of electors required shall be
19 determined by the number of votes cast at the last general
20 election. The election shall be at the direction and under
21 the supervision of the board of county commissioners;

22
23 (C) The proposition may be submitted at an
24 election held on a date authorized under W.S. 22-21-103. A

1 notice of election shall be given in at least one (1)
2 newspaper of general circulation published in the county in
3 which the election is to be held, and the notice shall
4 specify the object of the election. The notice shall be
5 published at least once each week for a thirty (30) day
6 period preceding the election. At the election the ballots
7 shall contain the words "for the county sales and use tax
8 for economic development" and "against the county sales and
9 use tax for economic development". If the tax proposed is
10 approved, the same proposition shall be submitted at every
11 other subsequent general election until the proposition is
12 defeated. However, the county commissioners with the
13 concurrence of the governing bodies of two-thirds (2/3) of
14 the municipalities may establish the initial term of the
15 tax at two (2) years. If the term of the tax is limited to
16 two (2) years, the term of the tax shall be stated in the
17 proposition submitted to the voters. If approved, the
18 proposition shall be submitted at the next general election
19 and at every other subsequent general election thereafter
20 until the proposition is defeated;

21

22 (D) If the proposition to impose or
23 continue the tax is defeated the proposition shall not
24 again be submitted to the electors of the county for at

1 least eleven (11) months. If the proposition is defeated at
2 any general election following initial adoption of the
3 proposition the tax is repealed and shall not be collected
4 following June 30 of the year immediately following the
5 year in which the proposition is defeated;

6
7 (E) If the proposition is approved by the
8 qualified electors or under subparagraph (F) of this
9 paragraph, the board of county commissioners shall by
10 ordinance impose an excise tax upon retail sales of
11 tangible personal property, admissions and services. The
12 board of county commissioners or the city or town council
13 shall adopt an ordinance for the tax authorized by W.S.
14 39-15-204(a)(vi). The ordinance shall include the
15 following:

16
17 (I) A provision imposing an excise tax
18 upon every retail sale of tangible personal property,
19 admissions and services made within the county;

20
21 (II) Provisions identical to those
22 contained in article 1 of this chapter except for W.S.
23 39-15-102(a), insofar as it relates to sales taxes, except
24 the name of the county as the taxing agency shall be

1 substituted for that of the state and an additional license
2 to engage in business shall not be required if the vendor
3 has been issued a state license pursuant to law;

4
5 (III) A provision that any amendments
6 made to article 1 or to chapter 16 not in conflict with
7 article 1 of this chapter or to chapter 16 shall
8 automatically become a part of the sales tax ordinances of
9 the county, city or town;

10
11 (IV) A provision that the county, city
12 or town, as appropriate, shall contract with the department
13 prior to the effective date of the county sales tax
14 ordinances whereby the department shall perform all
15 functions incident to the administration of the sales tax
16 ordinances of the county, city or town;

17
18 (V) A provision that the amount
19 subject to the sales tax shall not include the amount of
20 any sales imposed by the state of Wyoming.

21
22 (F) In lieu of the requirements of
23 subparagraph (C) of this paragraph providing for the
24 submission of the proposition at subsequent elections, the

1 tax authorized under W.S. 39-15-204(a)(vi) may be continued
2 subject to the following terms and conditions:

3
4 (I) The tax shall be initially imposed
5 following approval of the electorate in accordance with
6 subparagraphs (B) and (C) of this paragraph;

7
8 (II) The tax shall be continued if
9 favorably supported by a resolution adopted by the
10 governing body of the county and by ordinances adopted by
11 the governing bodies of at least a majority of the
12 incorporated municipalities within the county;

13
14 (III) Ordinances under this
15 subparagraph shall conform with subdivisions (E)(I) through
16 (V) of this paragraph;

17
18 (IV) Excise taxes shall be continued
19 under this subparagraph only if the county clerk has
20 certified to the county treasurer that a sufficient number
21 of ordinances or resolutions to continue the tax under this
22 subparagraph have been adopted at least ninety (90) days
23 prior to the election to determine the continuation of the
24 tax. Within five (5) days of receipt of such certification

1 from the county clerk, the county treasurer shall notify
2 the department of revenue of this tax. If the tax is not
3 continued pursuant to this subparagraph it shall be subject
4 to the provisions of subparagraph (C) of this paragraph for
5 continuation;

6
7 (V) The tax may be terminated in the
8 same manner as it was continued under subdivisions (II) and
9 (IV) of this subparagraph except that ordinances and
10 resolutions shall be for the rescinding of the tax. If the
11 tax is continued under subdivisions (II) and (IV) of this
12 subparagraph, it may also be terminated by an election to
13 rescind the tax conducted subject to subparagraphs (B)
14 through (D) of this paragraph.

15
16 **39-15-204. Taxation rate.**

17
18 (a) In addition to the state tax imposed under W.S.
19 39-15-101 through 39-15-111 any county of the state may
20 impose the following excise taxes and any city or town may
21 impose the tax authorized by paragraph (ii) of this
22 subsection and any resort district may impose the tax
23 authorized by paragraph (v) of this subsection:

24

1 (iv) In no event shall the total excise tax
2 imposed within any county under the provisions of
3 paragraphs (i), ~~and~~ (iii) and (vi) of this subsection
4 exceed two percent (2%);

5
6 (vi) An excise tax at a rate in increments of
7 one-half of one percent (.5%) not to exceed a rate of one
8 percent (1%) upon retail sales of tangible personal
9 property, admissions and services made within the county,
10 the purpose of which is for economic development.

11
12 **39-15-211. Distribution.**

13
14 (a) All revenue collected by the department from the
15 taxes imposed under W.S. 39-15-204(a) (i), (ii), ~~and~~ (v) and
16 (vi) shall be transferred to the state treasurer who shall:

17
18 (i) For revenues collected under W.S.
19 39-15-204(a) (i):

20
21 (C) Notwithstanding subparagraph (B) of
22 this paragraph, a county and its cities and towns receiving
23 distributions under this paragraph may expend not to exceed
24 twenty-five percent (25%) of the amount received under

1 subparagraph (B) of this paragraph for the purposes of
2 economic development provided:

3
4 (I) The intent to use a portion of the
5 amount distributed for economic development was indicated
6 by specific language on the ballot as provided by W.S.
7 39-15-203(a)(i)(C) or the enactment of a resolution or
8 ordinance stating that a portion of the proceeds would be
9 used for "economic development";

10
11 (II) The county has not imposed a tax
12 under W.S. 39-15-204(a)(vi).

13
14 (iv) For revenues collected under W.S.
15 39-15-204(a)(vi):

16
17 (A) Deduct one percent (1%) to defray the
18 costs of collecting the tax and administrative expenses
19 incident thereto which shall be deposited into the general
20 fund;

21
22 (B) Deposit the remainder into the trust
23 and agency fund for monthly distribution to counties
24 imposing the tax and its cities and towns. The distribution

1 to the county and its cities and towns shall be equal to
 2 the amount collected in each county less the costs of
 3 collection as provided by subparagraph (A) of this
 4 paragraph. The distribution shall be as follows:

5

6 (I) To the county for deposit into its
 7 general fund in the proportion the population of the county
 8 situated outside the corporate limits of its cities and
 9 towns bears to the total population of the county;

10

11 (II) To the incorporated cities and
 12 towns within the county for deposit into their treasuries
 13 in the proportion the population of each city or town bears
 14 to the total population of the county.

15

16 **39-16-203. Imposition.**

17

18 (a) Taxable event. The following shall apply:

19

20 (i) The following provisions apply to imposition
 21 of the general purpose excise tax under W.S.
 22 39-16-204(a)(i):

23

1 (C) The proposition may be submitted at an election
2 held on a date authorized under W.S. 22-21-103. A notice
3 of election shall be given in at least one (1) newspaper of
4 general circulation published in the county in which the
5 election is to be held, and the notice shall specify the
6 object of the election. The notice shall be published at
7 least once each week for a thirty (30) day period preceding
8 the election. At the election the ballots shall contain the
9 words "for the county sales and use tax" and "against the
10 county sales and use tax". If a portion of the proceeds
11 from the tax will be used for economic development as
12 provided by W.S. 39-16-211(a)(i), the ballot shall contain
13 the words "a portion of the proceeds will be used for
14 economic development" in a clear and appropriate manner.
15 If the proposition is approved the same proposition shall
16 be submitted at subsequent general elections as provided in
17 this subparagraph until the proposition is defeated. If
18 the tax proposed is approved after July 1, 1989, the same
19 proposition shall be submitted at every other subsequent
20 general election until the proposition is defeated.
21 However in those counties where the tax is not in effect,
22 the county commissioners with the concurrence of the
23 governing bodies of two-thirds (2/3) of the municipalities
24 may establish the initial term of the tax at two (2) years.

1 If the term of the tax is limited to two (2) years, the
2 term of the tax shall be stated in the proposition
3 submitted to the voters. If approved, the proposition
4 shall be submitted at the next general election and at
5 every other subsequent general election thereafter until
6 the proposition is defeated;

7

8 (iv) The following provisions apply to
9 imposition of the excise tax under W.S. 39-16-204(a)(v) the
10 purpose of which is economic development:

11

12 (A) Except as provided by subparagraph (F)
13 of this paragraph, no tax shall be imposed under W.S.
14 39-16-204(a)(v) until the proposition to impose the tax is
15 submitted to the vote of the qualified electors of the
16 county, and a majority of those casting their ballots vote
17 in favor of imposing the taxes. Except as otherwise
18 provided, excise taxes imposed under this paragraph shall
19 commence as provided by W.S. 39-16-207 following the
20 election approving the imposition of the tax;

21

22 (B) The proposition to impose an excise tax
23 shall be at the expense of the county and be submitted to
24 the electors of the county upon the receipt by the board of

1 county commissioners of a petition requesting the election
2 signed by at least five percent (5%) of the electors of the
3 county or of a resolution approving the proposition from
4 the governing body of the county and the governing bodies
5 of at least two-thirds (2/3) of the incorporated
6 municipalities within the county. If proposed by petition
7 by electors, the number of electors required shall be
8 determined by the number of votes cast at the last general
9 election. The election shall be at the direction and under
10 the supervision of the board of county commissioners;

11

12 (C) The proposition may be submitted at an
13 election held on a date authorized under W.S. 22-21-103. A
14 notice of election shall be given in at least one (1)
15 newspaper of general circulation published in the county in
16 which the election is to be held, and the notice shall
17 specify the object of the election. The notice shall be
18 published at least once each week for a thirty (30) day
19 period preceding the election. At the election the ballots
20 shall contain the words "for the county sales and use tax
21 for economic development" and "against the county sales and
22 use tax for economic development". If the tax proposed is
23 approved the same proposition shall be submitted at every
24 other subsequent general election until the proposition is

1 defeated. However, the county commissioners with the
2 concurrence of the governing bodies of two-thirds (2/3) of
3 the municipalities may establish the initial term of the
4 tax at two (2) years. If the term of the tax is limited to
5 two (2) years, the term of the tax shall be stated in the
6 proposition submitted to the voters. If approved, the
7 proposition shall be submitted at the next general election
8 and at every other subsequent general election thereafter
9 until the proposition is defeated;

10
11 (D) If the proposition to impose or
12 continue the tax is defeated the proposition shall not
13 again be submitted to the electors of the county for at
14 least eleven (11) months. If the proposition is defeated at
15 any general election following initial adoption of the
16 proposition the tax is repealed and shall not be collected
17 following June 30 of the year immediately following the
18 year in which the proposition is defeated;

19
20 (E) If the proposition is approved by the
21 qualified electors or under subparagraph (F) of this
22 paragraph, the board of county commissioners shall by
23 ordinance impose an excise tax upon services and upon sales
24 and storage, use and consumption of tangible personal

1 property. The board of county commissioners shall adopt an
2 ordinance for the tax authorized by W.S. 39-16-204(a)(v).
3 The ordinance shall include the following:

4
5 (I) A provision imposing an excise tax
6 upon every retail sale of tangible personal property,
7 admissions and services made within the county and upon
8 sales made within the county and storage, use and
9 consumption of tangible personal property in the county at
10 the rate approved by the electors or under subparagraph (F)
11 of this paragraph, whichever is appropriate;

12
13 (II) Provisions identical to those
14 contained in article 1 of this chapter, insofar as it
15 relates to use taxes, except the name of the county as the
16 taxing agency shall be substituted for that of the state
17 and an additional license to engage in business shall not
18 be required if the vendor has been issued a state license
19 pursuant to law;

20
21 (III) A provision that any amendments
22 made to article 1 or to chapter 15 not in conflict with
23 article 1 of this chapter or to chapter 15 shall

1 automatically become a part of the sales tax ordinances of
2 the county;

3

4 (IV) A provision that the county shall
5 contract with the department prior to the effective date of
6 the county use tax ordinances whereby the department shall
7 perform all functions incident to the administration of the
8 use tax ordinances of the county, city or town;

9

10 (V) A provision that the amount
11 subject to the tax shall not include the amount of any
12 sales or use tax imposed by the state of Wyoming.

13

14 (F) In lieu of the requirements of
15 subparagraph (C) of this paragraph providing for the
16 submission of the proposition at subsequent elections, the
17 tax authorized under W.S. 39-16-204(a)(v) may be continued
18 subject to the following terms and conditions:

19

20 (I) The tax shall be initially imposed
21 following approval of the electorate in accordance with
22 subparagraphs (B) and (C) of this paragraph;

23

1 (II) The tax shall be continued if
2 favorably supported by a resolution adopted by the
3 governing body of the county and by ordinances adopted by
4 the governing bodies of at least a majority of the
5 incorporated municipalities within the county;

6
7 (III) Ordinances under this
8 subparagraph shall conform with subdivisions (E)(I) through
9 (V) of this paragraph;

10
11 (IV) Excise taxes shall be continued
12 under this subparagraph only if the county clerk has
13 certified to the county treasurer that a sufficient number
14 of ordinances or resolutions to continue the tax under this
15 subparagraph have been adopted at least ninety (90) days
16 prior to the election to determine the continuation of the
17 tax. Within five (5) days of receipt of such certification
18 from the county clerk, the county treasurer shall notify
19 the department of revenue of this tax. If the tax is not
20 continued pursuant to this subparagraph it shall be subject
21 to the provisions of subparagraph (C) of this paragraph for
22 continuation;

23

1 (V) The tax may be terminated in the
2 same manner as it was continued under subdivisions (II) and
3 (IV) of this subparagraph except that ordinances and
4 resolutions shall be for the rescinding of the tax. If the
5 tax is continued under subdivisions (II) and (IV) of this
6 subparagraph, it may also be terminated by an election to
7 rescind the tax conducted subject to subparagraphs (B)
8 through (D) of this paragraph.

9
10 **39-16-204. Taxation rate.**

11
12 (a) In addition to the state tax imposed under W.S.
13 39-16-101 through 39-16-111 any county of the state may
14 impose the following excise taxes ~~authorized by paragraph~~
15 ~~(ii) of this subsection~~ and any resort district may impose
16 the tax authorized by paragraph (iv) of this subsection:

17
18 (iii) In no event shall the total excise tax
19 imposed within any county under the provisions of
20 paragraphs (i), ~~and~~ (ii) and (v) of this subsection exceed
21 two percent (2%);

22
23 (v) An excise tax at a rate in increments of
24 one-half of one percent (.5%) not to exceed a rate of one

1 percent (1%) upon sales and storage, use and consumption of
2 tangible personal property as provided by this article made
3 within the county, the purpose of which is for economic
4 development;

5
6 **39-16-211. Distribution.**

7
8 (a) All revenue collected by the department from the
9 taxes imposed under W.S. 39-16-204(a) (i), (iv) and ~~(iii)~~
10 (v) shall be transferred to the state treasurer who shall:

11
12 (i) For revenues collected under W.S.
13 39-16-204(a) (i):

14
15 (C) Notwithstanding subparagraph (B) of
16 this paragraph, a county, city or town receiving
17 distributions under this paragraph may expend not to exceed
18 twenty-five percent (25%) of the amount received under
19 subparagraph (B) of this paragraph for the purposes of
20 economic development provided:

21
22 (I) The intent to use a portion of the
23 amount distributed for economic development was indicated
24 by specific language on the ballot as provided by W.S.

1 39-16-203(a)(i)(C) or the enactment of a resolution or
2 ordinance stating that a portion of the proceeds would be
3 used for "economic development";

4
5 (II) The county has not imposed a tax
6 under W.S. 39-16-204(a)(v).

7
8 (iii) For revenues collected under W.S.
9 39-16-204(a)(v):

10
11 (A) Deduct one percent (1%) to defray the
12 costs of collecting the tax and administrative expenses
13 incident thereto which shall be deposited into the general
14 fund;

15
16 (B) Deposit the remainder into the trust
17 and agency fund for monthly distribution to counties
18 imposing the tax and its cities and towns. The distribution
19 to the county and its cities and towns shall be equal to
20 the amount collected in each county less the costs of
21 collection as provided by subparagraph (A) of this
22 paragraph. The distribution shall be as follows:

23

1 (I) To the county for deposit into its
2 general fund in the proportion the population of the county
3 situated outside the corporate limits of its cities and
4 towns bears to the total population of the county;

5

6 (II) To the incorporated cities and
7 towns within the county for deposit into their treasuries
8 in the proportion the population of each city or town bears
9 to the total population of the county.

10

11 **Section 2.** This act is effective July 1, 2005.

12

13

(END)