

## HOUSE BILL NO. HB0214

Sales tax on food-exemption.

Sponsored by: Representative(s) Robinson, Bagby, Berger, Brechtel, Esquibel, Gay, Gilmore, Goggles, Hastert, Landon, Martin, McOmie, Morgan, Reese, Thompson, Walsh, Warren and Watt and Senator(s) Boggs, Decaria, Jennings, Job, Massie, Mockler, Scott, Sessions and Vasey

A BILL

for

1 AN ACT relating to taxation and revenue; removing the sales  
2 and use tax on food as specified; providing an  
3 appropriation for distribution to local governments as  
4 specified; and providing for an effective date.

5

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

7

8       **Section 1.** [Removes sales and use tax on food] W.S.  
9 39-15-101(a) by creating a new paragraph (xxiii),  
10 39-15-105(a)(vi) by creating a new subparagraph (E),  
11 39-16-101(a) by creating a new paragraph (xvii) and  
12 39-16-105(a)(vi) by creating a new subparagraph (E) are  
13 amended to read:

14

1           **39-15-101. Definitions.**

2

3           (a) As used in this article:

4

5                   (xxiii) "Food" means food for domestic home  
6 consumption as defined by department rule and regulation.

7

8           **39-15-105. Exemptions.**

9

10           (a) The following sales or leases are exempt from the  
11 excise tax imposed by this article:

12

13                   (vi) For the purpose of exempting sales of  
14 services and tangible personal property which are essential  
15 human goods and services, the following are exempt:

16

17                           (E) Sales of food for domestic home  
18 consumption.

19

20           **39-16-101. Definitions.**

21

22           (a) As used in this article:

23

1                   (xvii) "Food" means food for domestic home  
2 consumption as defined by department rule and regulation.

3  
4           **39-16-105. Exemptions.**

5  
6           (a) The following purchases or leases are exempt from  
7 the excise tax imposed by this article:

8  
9           (vi) For the purpose of exempting sales of  
10 services and tangible personal property and services which  
11 are essential human goods and services, the following are  
12 exempt:

13  
14                   (E) Purchases of food for domestic home  
15 consumption.

16  
17           **Section 2.** For the period beginning July 1, 2005 and  
18 ending June 30, 2006, there is appropriated to the  
19 department of revenue from the general fund not to exceed  
20 sixteen million dollars (\$16,000,000.00) for the purpose of  
21 maintaining revenues to local governments that otherwise  
22 would be distributed to local governments under W.S.  
23 39-15-111 and 39-16-111 but for the sales and use tax  
24 exemptions provided under this act. The department of

1 revenue is authorized to distribute monthly to local  
2 governments funds appropriated under this section based  
3 upon historical data on distributions made to local  
4 governments from sales and use tax revenues from food for  
5 domestic consumption. Appropriations under this section  
6 shall not be expended for any purpose other than as stated  
7 in this section, and unobligated funds shall revert to the  
8 budget reserve account on June 30, 2006.

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10       **Section 3.** This act is effective July 1, 2005.

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12

(END)