

HOUSE BILL NO. HB0219

Utilities-sales tax exemption.

Sponsored by: Representative(s) Reese, Goggles, Hinckley, McOmie, Robinson, Warren and Zwonitzer and Senator(s) Boggs, Hanes and Sessions

A BILL

for

1 AN ACT relating to taxation and revenue; providing for a  
2 sales and use tax exemption on the sale of public utilities  
3 as specified; providing an appropriation; requiring a  
4 report; and providing for an effective date.

5

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

7

8 **Section** 1. W.S. 39-15-103(a) (i) (E),  
9 39-15-105(a) (viii) by creating a new subparagraph (P) and  
10 39-16-105(a) (viii) by creating a new subparagraph (E) are  
11 amended to read:

12

13 **39-15-103. Imposition.**

14

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

16

1           (i) Except as provided by W.S. 39-15-105, there  
2 is levied an excise tax upon:

3

4           (E) The sales price paid to public  
5 utilities as defined in W.S. 37-1-101 through 37-3-114 and  
6 to persons furnishing gas, electricity or heat for  
7 ~~domestic,~~ industrial or commercial consumption;

8

9           **39-15-105. Exemptions.**

10

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

13

14           (viii) For the purpose of exempting sales of  
15 services and tangible personal property as an economic  
16 incentive, the following are exempt:

17

18           (P) For the period beginning July 1, 2005  
19 and ending June 30, 2007, the sale of gas, electricity or  
20 heat for domestic consumption from public utilities as  
21 defined in W.S. 37-1-101 through 37-3-114 and from persons  
22 furnishing gas, electricity or heat for domestic  
23 consumption.

24

1           **39-16-105. Exemptions.**

2

3           (a) The following purchases or leases are exempt from  
4 the excise tax imposed by this article:

5

6           (viii) For the purpose of exempting sales of  
7 services and tangible personal property as an economic  
8 incentive, the following are exempt:

9

10                           (E) For the period beginning July 1, 2005  
11 and ending June 30, 2007, the sale of gas, electricity or  
12 heat for domestic consumption from public utilities as  
13 defined in W.S. 37-1-101 through 37-3-114 and from persons  
14 furnishing gas, electricity or heat for domestic  
15 consumption.

16

17           **Section 2.** For the period beginning July 1, 2005 and  
18 ending June 30, 2007, there is appropriated to the  
19 department of revenue from the general fund fourteen  
20 million dollars (\$14,000,000.00), or as much thereof as is  
21 necessary, for the purpose of maintaining revenues to local  
22 governments that otherwise would be distributed to local  
23 governments under W.S. 39-15-111 and 39-16-111 but for the  
24 sales and use tax exemptions provided under this act. The

1 department of revenue is authorized to distribute monthly  
2 to local governments funds appropriated under this section  
3 based upon historical data on distributions made to local  
4 governments from sales and use tax revenues from utilities  
5 as provided by W.S. 39-15-105(a)(viii)(P) and  
6 39-16-105(a)(viii)(E). Appropriations under this section  
7 shall not be expended for any purpose other than as stated  
8 in this section, and unobligated funds shall revert to the  
9 budget reserve account on June 30, 2007.

10

11 **Section 3.** The department of revenue shall report to  
12 the governor and the joint revenue interim committee on the  
13 total fiscal impact of the exemption granted by this act on  
14 or before September 1, 2007. The report shall include any  
15 recommendations for statutory changes.

16

17 **Section 4.** This act is effective July 1, 2005.

18

19

(END)