

## 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 impose excise taxes for economic development  
3 as specified; providing for distribution, specifying  
4 conditions; amending related provisions; and providing for  
5 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) by creating a new  
10 paragraph (v), 39-15-204(a)(iv) and by creating a new  
11 paragraph (vi), 39-15-211(a) by creating a new paragraph  
12 (iv), 39-16-203(a) by creating a new paragraph (iv),  
13 39-16-204(a)(intro), (iii) and by creating a new paragraph  
14 (v) and 39-16-211(a)(intro) and by creating a new paragraph  
15 (iii) are amended to read:

1

2

3

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

4

5

(a) Taxable event. The following shall apply:

6

7

8

9

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(B) The proposition to impose an excise tax shall be at the expense of the county and be submitted to the electors of the county upon the receipt by the board of county commissioners of a petition requesting the election

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

10  
11 (C) The proposition may be submitted at an  
12 election held on a date authorized under W.S. 22-21-103. A  
13 notice of election shall be given in at least one (1)  
14 newspaper of general circulation published in the county in  
15 which the election is to be held, and the notice shall  
16 specify the object of the election. The notice shall be  
17 published at least once each week for a thirty (30) day  
18 period preceding the election. At the election the ballots  
19 shall contain the words "for the county sales and use tax  
20 for economic development" and "against the county sales and  
21 use tax for economic development". If the tax proposed is  
22 approved, the same proposition shall be submitted at every  
23 other subsequent general election until the proposition is  
24 defeated. However, the county commissioners with the

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

9  
10 (D) If the proposition to impose or  
11 continue the tax is defeated the proposition shall not  
12 again be submitted to the electors of the county for at  
13 least eleven (11) months. If the proposition is defeated at  
14 any general election following initial adoption of the  
15 proposition the tax is repealed and shall not be collected  
16 following June 30 of the year immediately following the  
17 year in which the proposition is defeated;

18  
19 (E) If the proposition is approved by the  
20 qualified electors or under subparagraph (F) of this  
21 paragraph, the board of county commissioners shall by  
22 ordinance impose an excise tax upon retail sales of  
23 tangible personal property, admissions and services. The  
24 board of county commissioners or the city or town council

1 shall adopt an ordinance for the tax authorized by W.S.  
2 39-15-204(a)(vi). The ordinance shall include the  
3 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;

8  
9 (II) Provisions identical to those  
10 contained in article 1 of this chapter except for W.S.  
11 39-15-102(a), insofar as it relates to sales taxes, except  
12 the name of the county as the taxing agency shall be  
13 substituted for that of the state and an additional license  
14 to engage in business shall not be required if the vendor  
15 has been issued a state license pursuant to law;

16  
17 (III) A provision that any amendments  
18 made to article 1 or to chapter 16 not in conflict with  
19 article 1 of this chapter or to chapter 16 shall  
20 automatically become a part of the sales tax ordinances of  
21 the county, city or town;

22  
23 (IV) A provision that the county, city  
24 or town, as appropriate, shall contract with the department

1 prior to the effective date of the county sales tax  
2 ordinances whereby the department shall perform all  
3 functions incident to the administration of the sales tax  
4 ordinances of the county, city or town;

5  
6 (V) A provision that the amount  
7 subject to the sales tax shall not include the amount of  
8 any sales imposed by the state of Wyoming.

9  
10 (F) In lieu of the requirements of  
11 subparagraph (C) of this paragraph providing for the  
12 submission of the proposition at subsequent elections, the  
13 tax authorized under W.S. 39-15-204(a)(vi) may be continued  
14 subject to the following terms and conditions:

15  
16 (I) The tax shall be initially imposed  
17 following approval of the electorate in accordance with  
18 subparagraphs (B) and (C) of this paragraph;

19  
20 (II) The tax shall be continued if  
21 favorably supported by a resolution adopted by the  
22 governing body of the county and by ordinances adopted by  
23 the governing bodies of at least a majority of the  
24 incorporated municipalities within the county;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

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

(V) The tax may be terminated in the same manner as it was continued under subdivisions (II) and (IV) of this subparagraph except that ordinances and resolutions shall be for the rescinding of the tax. If the tax is continued under subdivisions (II) and (IV) of this subparagraph, it may also be terminated by an election to

1 rescind the tax conducted subject to subparagraphs (B)  
2 through (D) of this paragraph.

3

4 **39-15-204. Taxation rate.**

5

6 (a) In addition to the state tax imposed under W.S.  
7 39-15-101 through 39-15-111 any county of the state may  
8 impose the following excise taxes and any city or town may  
9 impose the tax authorized by paragraph (ii) of this  
10 subsection and any resort district may impose the tax  
11 authorized by paragraph (v) of this subsection:

12

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

17

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

23

24 **39-15-211. Distribution.**



1

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

5

6 (iv) For revenues collected under W.S.  
7 39-15-204(a)(vi):

8

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

13

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

21

22 (I) To the county for deposit into its  
23 general fund in the proportion the population of the county

1 situated outside the corporate limits of its cities and  
2 towns bears to the total population of the county;

3  
4 (II) To the incorporated cities and  
5 towns within the county for deposit into their treasuries  
6 in the proportion the population of each city or town bears  
7 to the total population of the county.

8  
9 **39-16-203. Imposition.**

10  
11 (a) Taxable event. The following shall apply:

12  
13 (iv) The following provisions apply to  
14 imposition of the excise tax under W.S. 39-16-204(a)(v) the  
15 purpose of which is economic development:

16  
17 (A) Except as provided by subparagraph (F)  
18 of this paragraph, no tax shall be imposed under W.S.  
19 39-16-204(a)(v) until the proposition to impose the tax is  
20 submitted to the vote of the qualified electors of the  
21 county, and a majority of those casting their ballots vote  
22 in favor of imposing the taxes. Except as otherwise  
23 provided, excise taxes imposed under this paragraph shall

1 commence as provided by W.S. 39-16-207 following the  
2 election approving the imposition of the tax;

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

17  
18 (C) The proposition may be submitted at an  
19 election held on a date authorized under W.S. 22-21-103. A  
20 notice of election shall be given in at least one (1)  
21 newspaper of general circulation published in the county in  
22 which the election is to be held, and the notice shall  
23 specify the object of the election. The notice shall be  
24 published at least once each week for a thirty (30) day

1 period preceding the election. At the election the ballots  
2 shall contain the words "for the county sales and use tax  
3 for economic development" and "against the county sales and  
4 use tax for economic development". If the tax proposed is  
5 approved the same proposition shall be submitted at every  
6 other subsequent general election until the proposition is  
7 defeated. However, the county commissioners with the  
8 concurrence of the governing bodies of two-thirds (2/3) of  
9 the municipalities may establish the initial term of the  
10 tax at two (2) years. If the term of the tax is limited to  
11 two (2) years, the term of the tax shall be stated in the  
12 proposition submitted to the voters. If approved, the  
13 proposition shall be submitted at the next general election  
14 and at every other subsequent general election thereafter  
15 until the proposition is defeated;

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(E) If the proposition is approved by the qualified electors or under subparagraph (F) of this paragraph, the board of county commissioners shall by ordinance impose an excise tax upon services and upon sales and storage, use and consumption of tangible personal property. The board of county commissioners shall adopt an ordinance for the tax authorized by W.S. 39-16-204(a)(v). The ordinance shall include the following:

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

(II) Provisions identical to those contained in article 1 of this chapter, insofar as it relates to use taxes, except the name of the county as the taxing agency shall be substituted for that of the state and an additional license to engage in business shall not

1 be required if the vendor has been issued a state license  
2 pursuant to law;

3  
4 (III) A provision that any amendments  
5 made to article 1 or to chapter 15 not in conflict with  
6 article 1 of this chapter or to chapter 15 shall  
7 automatically become a part of the sales tax ordinances of  
8 the county;

9  
10 (IV) A provision that the county shall  
11 contract with the department prior to the effective date of  
12 the county use tax ordinances whereby the department shall  
13 perform all functions incident to the administration of the  
14 use tax ordinances of the county, city or town;

15  
16 (V) A provision that the amount  
17 subject to the tax shall not include the amount of any  
18 sales or use tax imposed by the state of Wyoming.

19  
20 (F) In lieu of the requirements of  
21 subparagraph (C) of this paragraph providing for the  
22 submission of the proposition at subsequent elections, the  
23 tax authorized under W.S. 39-16-204(a)(v) may be continued  
24 subject to the following terms and conditions:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

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

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

(IV) Excise taxes shall be continued under this subparagraph only if the county clerk has certified to the county treasurer that a sufficient number of ordinances or resolutions to continue the tax under this subparagraph have been adopted at least ninety (90) days prior to the election to determine the continuation of the tax. Within five (5) days of receipt of such certification from the county clerk, the county treasurer shall notify the department of revenue of this tax. If the tax is not

1 continued pursuant to this subparagraph it shall be subject  
2 to the provisions of subparagraph (C) of this paragraph for  
3 continuation;

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

13  
14 **39-16-204. Taxation rate.**

15  
16 (a) In addition to the state tax imposed under W.S.  
17 39-16-101 through 39-16-111 any county of the state may  
18 impose the following excise taxes ~~authorized by paragraph~~  
19 ~~(ii) of this subsection~~ and any resort district may impose  
20 the tax authorized by paragraph (iv) of this subsection:

21  
22 (iii) In no event shall the total excise tax  
23 imposed within any county under the provisions of



1 paragraphs (i), ~~and~~ (ii) and (v) of this subsection exceed  
2 two percent (2%);

3  
4 (v) An excise tax at a rate in increments of  
5 one-half of one percent (.5%) not to exceed a rate of one  
6 percent (1%) upon sales and storage, use and consumption of  
7 tangible personal property as provided by this article made  
8 within the county, the purpose of which is for economic  
9 development;

10  
11 **39-16-211. Distribution.**

12  
13 (a) All revenue collected by the department from the  
14 taxes imposed under W.S. 39-16-204(a) (i), (iv) and ~~(iii)~~  
15 (v) shall be transferred to the state treasurer who shall:

16  
17 (iii) For revenues collected under W.S.  
18 39-16-204(a) (v):

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

1                   (B) Deposit the remainder into the trust  
2 and agency fund for monthly distribution to counties  
3 imposing the tax and its cities and towns. The distribution  
4 to the county and its cities and towns shall be equal to  
5 the amount collected in each county less the costs of  
6 collection as provided by subparagraph (A) of this  
7 paragraph. The distribution shall be as follows:

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

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

18  
19       **Section 2.** This act is effective July 1, 2005.

20  
21                   (END)