

## HOUSE BILL NO. HB0344

Optional liquor tax-limited time period.

Sponsored by: Representative(s) Semlek and Petersen and  
Senator(s) Townsend

A BILL

for

1 AN ACT relating to taxation and revenue; authorizing a  
2 county or municipality to impose an optional excise tax on  
3 the sale of alcoholic beverages for a limited time period  
4 as specified; providing for distribution; specifying  
5 conditions; amending related provisions; and providing for  
6 an effective date.

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

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10 **Section 1.** W.S. 39-15-203(a) by creating a new  
11 paragraph (v), 39-15-204(a)(intro) and by creating a new  
12 paragraph (vi), 39-15-211 by creating a new subsection (d),  
13 39-16-203(a) by creating a new paragraph (iv),  
14 39-16-204(a)(intro) by creating a new paragraph (v) and  
15 39-16-211 by creating a new subsection (d) are amended to  
16 read:

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

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(a) Taxable event. The following shall apply:

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(v) The following provisions apply to imposition of the alcoholic beverage excise tax under W.S. 39-15-204(a)(vi):

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(A) Any county or city may impose an excise tax not to exceed the rate specified in W.S. 39-15-201(a)(vi) upon the retail sale of alcoholic beverages for a specified period of time. In no event shall the time period exceed three (3) months in any one (1) calendar year. Except as provided by subparagraph (F) of this paragraph, no tax shall be imposed under W.S. 39-15-204(a)(vi) until the proposition to impose the taxes is submitted to the vote of the qualified electors of the county or city, and a majority of those casting their ballots vote in favor of imposing the tax. As used in this paragraph, "city" means any incorporated municipality. Except as otherwise provided, an excise tax imposed under this paragraph shall commence as provided by W.S. 39-15-207 following the election approving the imposition of the tax;

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(B) The proposition to impose an excise tax shall be at the expense of the county or city and be submitted to the electors of the county or city upon the receipt by the governing body of the county or city a petition requesting the election signed by at least five percent (5%) of the electors of the county or city or of a resolution approving the proposition from the governing body of the county or city. If proposed by petition by electors, the number of electors required shall be determined by the number of votes cast at the last general election. The election shall be at the direction and under the supervision of the governing body of the county or city;

(C) The proposition may be submitted at an election held on a date authorized under W.S. 22-21-103. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county, or in the city if only a city wide tax is proposed, and the notice shall specify the object of the election and the term of the tax to be imposed. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots

1 shall contain the words "for the alcoholic beverage sales  
2 and use tax" and "against the alcoholic beverage sales and  
3 use tax". The ballot shall also contain the proposed length  
4 of time for the imposition of the tax;

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6 (D) If the proposition to impose or  
7 continue the tax is defeated the proposition shall not  
8 again be submitted to the electors of the county or city  
9 for at least eleven (11) months;

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11 (E) If the proposition is approved by the  
12 qualified electors or under subparagraph (F) of this  
13 paragraph, the governing body of the county or city shall  
14 by ordinance impose an excise tax upon retail sales of  
15 alcoholic beverages. The governing body of the county or  
16 city shall adopt an ordinance for the tax authorized by  
17 W.S. 39-15-204(a)(vi). The ordinance shall include the  
18 following:

19  
20 (I) A provision imposing an excise tax  
21 upon every retail sale of alcoholic beverages made within  
22 the county or city;

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1                   (II) Provisions identical to those  
2 contained in article 1 of this chapter insofar as it  
3 relates to sales taxes, except the name of the county or  
4 city as the taxing agency shall be substituted for that of  
5 the state and an additional license to engage in business  
6 shall not be required if the vendor has been issued a state  
7 license pursuant to law;

8  
9                   (III) A provision that any amendments  
10 made to article 1 or to chapter 16 not in conflict with  
11 article 1 of this chapter or to chapter 16 shall  
12 automatically become a part of the sales tax ordinances of  
13 the county or city;

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15                   (IV) A provision that the county or  
16 city shall contract with the department prior to the  
17 effective date of the county or city sales tax ordinances  
18 whereby the department shall perform all functions incident  
19 to the administration of the sales tax ordinances of the  
20 county or city;

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22                   (V) A provision that the amount  
23 subject to the sales tax shall not include the amount of  
24 any sales tax imposed by the state of Wyoming.

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

(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 for subsequent years for the same time period if favorably supported by a resolution adopted by the governing body of the county or city;

(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 governing body of the county or city has certified that an ordinance to continue the tax under this subparagraph has been adopted within ninety (90) days following the termination of the tax. Within five (5) days of such certification, the governing

1 body of the county or city shall notify the department of  
2 revenue of this tax;

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

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13 **39-15-204. Taxation rate.**

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

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22 (vi) An excise tax at a rate in increments of  
23 one percent (1%) not to exceed a rate of four percent (4%)

1 upon retail sales of alcoholic beverages made within the  
2 county or city.

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4 **39-15-211. Distribution.**

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6 (d) All revenue collected by the department from the  
7 taxes imposed by W.S. 39-15-203(a)(v) shall be transferred  
8 to the state treasurer who shall:

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

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14 (ii) Deposit the remainder into the trust and  
15 agency fund for monthly distribution to the county or city  
16 treasurer of the entity in which the tax has been imposed  
17 to be deposited into the general fund.

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19 **39-16-203. Imposition.**

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

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1           (iv) The following provisions apply to  
2 imposition of the alcoholic beverage excise under W.S.  
3 39-16-204(a)(v):

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5           (A) Any city or county may impose an excise  
6 tax not to exceed the rate specified in W.S.  
7 39-16-204(a)(v) upon the retail sale of alcoholic beverages  
8 for a specified period of time. In no event shall the time  
9 period exceed three (3) months in any one (1) calendar  
10 year. Except as provided by subparagraph (F) of this  
11 paragraph, no tax shall be imposed under W.S.  
12 39-16-204(a)(v) until the proposition to impose the taxes  
13 is submitted to the vote of the qualified electors of the  
14 county or city, and a majority of those casting their  
15 ballots vote in favor of imposing the taxes. As used in  
16 this paragraph, "city" means any incorporated municipality.  
17 Except as otherwise provided, excise taxes imposed under  
18 this paragraph shall commence as provided by W.S. 39-16-207  
19 following the election approving the imposition of the tax;

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21           (B) The proposition to impose an excise tax  
22 shall be at the expense of the county or city and be  
23 submitted to the electors of the county or city upon the  
24 receipt by the governing body of the county or city a

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

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,  
15 or in the city if only a city wide tax is proposed, and the  
16 notice shall specify the object of the election and the  
17 term of the tax to be imposed. 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 alcoholic beverage sales  
21 and use tax" and "against the alcoholic beverage sales and  
22 use tax". The ballot shall also contain the proposed length  
23 of time for the imposition of the tax;

24

1                   (D) If the proposition to impose or  
2 continue the tax is defeated the proposition shall not  
3 again be submitted to the electors of the county or city  
4 for at least eleven (11) months;

5  
6                   (E) If the proposition is approved by the  
7 qualified electors or under subparagraph (F) of this  
8 paragraph, the governing body of the county or city shall  
9 by ordinance impose an excise tax upon the retail sale of  
10 alcoholic beverages. The governing body of the county or  
11 city shall adopt an ordinance for the tax authorized by  
12 W.S. 39-16-204(a)(v). The ordinance shall include the  
13 following:

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15                   (I) A provision imposing an excise tax  
16 upon every retail sale of alcoholic beverages made within  
17 the city and upon sales made within the city and storage,  
18 use and consumption of tangible personal property in the  
19 city at the rate approved by the electors or under  
20 subparagraph (F) of this paragraph, whichever is  
21 appropriate;

22  
23                   (II) Provisions identical to those  
24 contained in article 1 of this chapter insofar as it

1 relates to use taxes, except the name of the county or city  
2 as the taxing agency shall be substituted for that of the  
3 state and an additional license to engage in business shall  
4 not be required if the vendor has been issued a state  
5 license pursuant to law;

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

12  
13 (IV) A provision that the city shall  
14 contract with the department prior to the effective date of  
15 the county or city sales tax ordinances whereby the  
16 department shall perform all functions incident to the  
17 administration of the use tax ordinances of the county or  
18 city;

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

23

1                   (F) The tax authorized under W.S.  
2 39-16-204(a)(v) may be continued subject to the following  
3 terms and conditions:

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

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9                   (II) The tax shall be continued if  
10 favorably supported by a resolution adopted by the  
11 governing body of the county or city;

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

16  
17                   (IV) Excise taxes shall be continued  
18 under this subparagraph only if the governing body of the  
19 county or city has certified that an ordinance to continue  
20 the tax under this subparagraph has been adopted within  
21 ninety (90) days following the termination of the tax.  
22 Within five (5) days of such certification, the governing  
23 body of the county or city shall notify the department of  
24 revenue of this tax;

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

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

(a) In addition to the state tax imposed under W.S. 39-16-101 through 39-16-111 any county of the state may impose the following excise taxes authorized by paragraph (ii) of this subsection, any city or town may impose the tax authorized by paragraph (v) of this subsection and any resort district may impose the tax authorized by paragraph (iv) of this subsection:

(v) An excise tax at a rate in increments of one percent (1%) not to exceed a rate of four percent (4%) upon sales and storage, use and consumption of alcoholic

1 beverages made within the city, the purpose of which is for  
2 general revenue;

3  
4 **39-16-211. Distribution.**

5  
6 (d) All revenue collected by the department from the  
7 taxes imposed by W.S. 39-16-203(a)(iv) shall be transferred  
8 to the state treasurer who shall:

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

13  
14 (ii) Deposit the remainder into the trust and  
15 agency fund for monthly distribution to the county or city  
16 treasurer of the entity in which the tax has been imposed  
17 to be deposited into the general fund.

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

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21 (END)