

SENATE FILE NO. SF0031

Intangible property-definitions.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; providing for the
2 taxation of intangible property as specified; providing
3 definitions; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 39-11-101(a)(vii), 39-11-105(a)(xxix)
8 and 39-13-105 by creating a new subsection (j) are amended
9 to read:

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11 **39-11-101. Definitions.**

12

13 (a) As used in this act unless otherwise specifically
14 provided:

15

16 (vii) "Intangible personal property" ~~includes:~~

17

1 ~~(A) Money and cash on hand including~~
2 ~~currency, gold, silver and other coin, bank drafts,~~
3 ~~certified checks and cashier's checks;~~

4
5 ~~(B) Money on deposit;~~

6
7 ~~(C) Accounts receivable and other credits;~~

8
9 ~~(D) Bonds, promissory notes, debentures and~~
10 ~~other evidences of debt;~~

11
12 ~~(E) Shares of stock or other written~~
13 ~~evidence of ownership;~~

14
15 ~~(F) Judgments for the payment of money;~~

16
17 ~~(G) Annuities and annuity contracts~~ means
18 personal property that lacks mass and cannot be seen, felt,
19 weighed, measured or otherwise perceived by the senses;
20 property that has no physical existence beyond merely
21 representational. Intangible property's value lies chiefly
22 in what it represents, and its existence may be evidenced
23 by a document.

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1 (xvi) "Tangible personal property" means
2 personal property ~~which is neither intangible personal~~
3 ~~property nor real property~~ that, by its nature, is
4 perceptible to the senses; property that has a physical
5 presence beyond merely representational and that is capable
6 of being touched; property that is able to be perceived as
7 materially existent; property that is not intangible;

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9 **39-11-105. Exemptions.**

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11 (a) The following property is exempt from property
12 taxation:

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14 (xxix) Intangible personal property as provided
15 by W.S. 39-13-105(j), and except as specified in W.S.
16 39-13-103(b) (xi);

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18 **39-13-105. Exemptions.**

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20 (j) The following shall be exempt from property
21 taxation:

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1 (i) Goodwill if established and separately
2 identified on a company's books and records, or affirmed by
3 generally accepted accounting, or appraisal, principles;

4
5 (ii) Any of the following intangible items:

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7 (A) Workforce in place including its
8 composition and terms and condition, contractual or
9 otherwise, of its employment;

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11 (B) Business books and records, operating
12 systems or any other information base including lists or
13 other information with respect to current or prospective
14 customers;

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16 (C) Any patent, copyright, formula,
17 process, design, pattern, know-how, format, proprietary
18 computer software or other similar items;

19
20 (D) Any customer-based intangible. As used
21 in this subparagraph, "customer-based intangible" means
22 composition of market, market share and any other value
23 resulting from future provision of goods or services
24 pursuant to relationships, contractual or otherwise, in the

1 ordinary course of business with customers. In the case of
2 a financial institution, "customer-based intangible"
3 includes deposit base and similar items;

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5 (E) Any supplier-based intangible. As used
6 in this subparagraph, "supplier-based intangible" means any
7 value resulting from future acquisitions of goods or
8 services pursuant to relationships, contractual or
9 otherwise, in the ordinary course of business with
10 suppliers of goods or services to be used or sold by the
11 taxpayer.

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13 (iii) Any license, permit or other right granted
14 by a person, or by a governmental unit or an agency or
15 instrumentality thereof;

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17 (iv) Any covenant not to compete, or other
18 arrangement to the extent such arrangement has
19 substantially the same effect as a covenant not to compete,
20 entered into in connection with an acquisition directly or
21 indirectly of an interest in a trade or business or
22 substantial portion thereof;

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24 (v) Any franchise, trademark or trade name;

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(vi) Any of the following intangible items:

(A) Money and cash on hand including
currency, gold, silver and other coin, bank drafts,
certified checks and cashier's checks;

(B) Money on deposit;

(C) Accounts receivable and other credits;

(D) Bonds, promissory notes, debentures and
other evidences of debt;

(E) Shares of stock or other written
evidence of ownership;

(F) Judgments for the payment of money;

(G) Annuities and annuity contracts.

Section 2. This act is effective January 1, 2006.

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(END)