

HOUSE BILL NO. HB0170

Industrial facilities.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; creating a sales
2 and use tax exemption for industrial facilities for the
3 state's share of the tax; providing for annual reports;
4 providing for a sunset; and providing for an effective
5 date.

6

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

8

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

12

13 **39-15-105. Exemptions.**

14

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

1

2 (viii) For the purpose of exempting sales of
3 services and tangible personal property as an economic
4 incentive, the following are exempt:

5

6 (S) The sale of equipment used to construct
7 upgrades or retrofits to existing industrial facilities to
8 protect the environment and to meet applicable
9 environmental standards. The exemption provided by this
10 subparagraph shall be limited to the acquisition of
11 equipment used in an upgrade or retrofit project to make it
12 operational. The exemption shall not apply to tools and
13 other equipment used in construction of an upgrade or
14 retrofit project, contracted services required for
15 construction, or routine maintenance activities. This
16 exemption shall only apply to the state's share of the
17 statewide sales tax imposed under W.S. 39-15-104(a) and (b)
18 as computed by multiplying the tax rates in W.S.
19 39-15-104(a) and (b) by the portion directed to the state
20 general fund under W.S. 39-15-111(b)(i) as modified by W.S.
21 39-15-111(g). This exemption shall not apply to any excise
22 taxes imposed under W.S. 39-15-204(a). This subparagraph
23 is repealed effective June 30, 2015.

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 (H) The purchase of equipment used to
11 construct upgrades or retrofits to existing industrial
12 facilities to protect the environment and to meet
13 applicable environmental standards. The exemption provided
14 by this subparagraph shall be limited to the acquisition of
15 equipment used in an upgrade or retrofit project to make it
16 operational. The exemption shall not apply to tools and
17 other equipment used in construction of an upgrade or
18 retrofit project, contracted services required for
19 construction, or routine maintenance activities. This
20 exemption shall only apply to the state's share of the
21 statewide use tax imposed under W.S. 39-16-104(a) and (b)
22 as computed by multiplying the tax rates in W.S.
23 39-16-104(a) and (b) by the portion directed to the state
24 general fund under W.S. 39-16-111(b) (i) as modified by W.S.

1 39-16-111(g). This exemption shall not apply to any excise
2 taxes imposed under W.S. 39-16-204(a). This subparagraph
3 is repealed effective June 30, 2015.
4

5 **Section 2.**
6

7 (a) On or before November 1 of each year the
8 exemption provided by this act is in effect, the Wyoming
9 business council, the department of revenue and the public
10 service commission shall jointly report to the joint
11 minerals, business and economic development interim
12 committee. The report shall evaluate the cumulative
13 effects of the exemption from initiation of the exemption
14 and shall include:
15

16 (i) A history of employment in industrial
17 facilities in terms of numbers of employees, full-time and
18 part-time employees and rate of turnover;
19

20 (ii) A history of wages and benefits
21 disaggregated by gender for each job category;
22

1 (iii) A history of taxes paid or owed to the
2 state of Wyoming by companies owning industrial facilities;
3 and

4
5 (iv) A review by the public service commission
6 of the impact of the exemption on existing retail public
7 utility rates in the state and an estimate of possible
8 impacts reasonably expected in the future.

9
10 (b) Public utilities serving in the state shall
11 provide such information as the public service commission
12 may require to assist it in making the report provided for
13 in subsection (a) of this section.

14
15 **Section 3.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19

20

(END)