

HOUSE BILL NO. HB0087

Interest rate for produced minerals.

Sponsored by: Representative(s) Madden and Senator(s)
Hines

A BILL

for

1 AN ACT relating to mineral taxes; revising the interest
2 rate for delinquent severance and gross product taxes as
3 specified; and providing for an effective date.

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

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7 **Section 1.** W.S. 39-14-108(c)(iii) and (iv),
8 39-14-208(c)(iii) and (iv), 39-14-308(c)(iii) and (iv),
9 39-14-408(c)(iii) and (iv), 39-14-508(c)(iii) and (iv),
10 39-14-608(c)(iii) and (iv) and 39-14-708(c)(iii) and (iv)
11 are amended to read:

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13 **39-14-108. Enforcement.**

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15 (c) Interest. The following shall apply:

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1 (iii) The balance of any ad valorem tax,
2 excluding gross products tax on minerals produced after
3 December 31, 2012, not paid as provided by W.S.
4 39-14-107(b)(ii) is delinquent after the day on which it is
5 payable and shall bear interest at eighteen percent (18%)
6 per annum until paid or collected;

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8 (iv) Effective January 1, ~~1994~~2013, interest at
9 an annual rate equal to the average short term rate plus
10 two percent (2%) as determined by the state treasurer
11 during the preceding fiscal year shall be added to all
12 delinquent severance and gross product taxes on any mineral
13 produced on or after January 1, 2013. To determine the
14 short term rate, the state treasurer shall use the short
15 term rate as determined by the secretary of treasury under
16 26 U.S.C. § 6621 for December of the preceding fiscal year.
17 The interest rate on delinquent severance taxes shall be
18 adjusted on January 1 of each year following the year in
19 which the taxes first became delinquent. For any mineral
20 produced from January 1, 1994 to December 31, 2012,
21 interest at an annual rate equal to the average prime
22 interest rate as determined by the state treasurer during
23 the preceding fiscal year plus four percent (4%) shall be
24 added to all delinquent severance taxes on any mineral

1 produced on or after January 1, 1994 and before January 1,
2 2013. To determine the average prime interest rate, the
3 state treasurer shall average the prime interest rate for
4 at least seventy-five percent (75%) of the thirty (30)
5 largest banks in the United States. The interest rate on
6 delinquent severance taxes shall be adjusted on January 1
7 of each year following the year in which the taxes first
8 became delinquent. In no instance shall the delinquent tax
9 rate be less than twelve percent (12%) nor greater than
10 eighteen percent (18%) from any mineral produced on or
11 after January 1, 1994 and before January 1, 2013. The
12 interest rate on any delinquent mineral tax from any
13 mineral produced before January 1, 1994, shall be eighteen
14 percent (18%) per annum.

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16 **39-14-208. Enforcement.**

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18 (c) Interest. The following shall apply:

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20 (iii) The balance of any ad valorem tax,
21 excluding gross products tax on minerals produced after
22 December 31, 2012, not paid as provided by W.S.
23 39-14-207(b)(ii) is delinquent after the day on which it is

1 payable and shall bear interest at eighteen percent (18%)
2 per annum until paid or collected;

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4 (iv) Effective January 1, ~~1994~~2013, interest at
5 an annual rate equal to the average short term rate plus
6 two percent (2%) as determined by the state treasurer
7 during the preceding fiscal year shall be added to all
8 delinquent severance and gross product taxes on any mineral
9 produced on or after January 1, 2013. To determine the
10 short term rate, the state treasurer shall use the short
11 term rate as determined by the secretary of treasury under
12 26 U.S.C. § 6621 for December of the preceding fiscal year.
13 The interest rate on delinquent severance taxes shall be
14 adjusted on January 1 of each year following the year in
15 which the taxes first became delinquent. For any mineral
16 produced from January 1, 1994 to December 31, 2012,
17 interest at an annual rate equal to the average prime
18 interest rate as determined by the state treasurer during
19 the preceding fiscal year plus four percent (4%) shall be
20 added to all delinquent severance taxes on any mineral
21 produced on or after January 1, 1994 and before January 1,
22 2013. To determine the average prime interest rate, the
23 state treasurer shall average the prime interest rate for
24 at least seventy-five percent (75%) of the thirty (30)

1 largest banks in the United States. The interest rate on
2 delinquent taxes shall be adjusted on January 1 of each
3 year following the year in which the taxes first became
4 delinquent. In no instance shall the delinquent tax rate be
5 less than twelve percent (12%) nor greater than eighteen
6 percent (18%) from any mineral produced on or after January
7 1, 1994 and before January 1, 2013. The interest rate on
8 any delinquent crude oil, lease condensate or natural gas
9 severance tax from any crude oil, lease condensate or
10 natural gas produced before January 1, 1994, shall be
11 eighteen percent (18%) per annum.

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13 **39-14-308. Enforcement.**

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15 (c) Interest. The following shall apply:

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17 (iii) The balance of any ad valorem tax,
18 excluding gross products tax on minerals produced after
19 December 31, 2012, not paid as provided by W.S.
20 39-14-307(b)(ii) is delinquent after the day on which it is
21 payable and shall bear interest at eighteen percent (18%)
22 per annum until paid or collected;

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1 (iv) Effective January 1, ~~1994~~2013, interest at
2 an annual rate equal to the average short term rate plus
3 two percent (2%) as determined by the state treasurer
4 during the preceding fiscal year shall be added to all
5 delinquent severance and gross product taxes on any mineral
6 produced on or after January 1, 2013. To determine the
7 short term rate, the state treasurer shall use the short
8 term rate as determined by the secretary of treasury under
9 26 U.S.C. § 6621 for December of the preceding fiscal year.
10 The interest rate on delinquent severance taxes shall be
11 adjusted on January 1 of each year following the year in
12 which the taxes first became delinquent. For any mineral
13 produced from January 1, 1994 to December 31, 2012,
14 interest at an annual rate equal to the average prime
15 interest rate as determined by the state treasurer during
16 the preceding fiscal year plus four percent (4%) shall be
17 added to all delinquent severance taxes on any mineral
18 produced on or after January 1, 1994 and before January 1,
19 2013. To determine the average prime interest rate, the
20 state treasurer shall average the prime interest rate for
21 at least seventy-five percent (75%) of the thirty (30)
22 largest banks in the United States. The interest rate on
23 delinquent taxes shall be adjusted on January 1 of each
24 year following the year in which the taxes first became

1 delinquent. In no instance shall the delinquent tax rate be
2 less than twelve percent (12%) nor greater than eighteen
3 percent (18%) from any mineral produced on or after January
4 1, 1994 and before January 1, 2013. The interest rate on
5 any delinquent mineral tax from any mineral produced before
6 January 1, 1994, shall be eighteen percent (18%) per annum.

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8 **39-14-408. Enforcement.**

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10 (c) Interest. The following shall apply:

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12 (iii) The balance of any ad valorem tax,
13 excluding gross products tax on minerals produced after
14 December 31, 2012, not paid as provided by W.S.
15 39-14-407(b)(ii) is delinquent after the day on which it is
16 payable and shall bear interest at eighteen percent (18%)
17 per annum until paid or collected;

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19 (iv) Effective January 1, ~~1994-2013~~, interest at
20 an annual rate equal to the average short term rate plus
21 two percent (2%) as determined by the state treasurer
22 during the preceding fiscal year shall be added to all
23 delinquent severance and gross product taxes on any mineral
24 produced on or after January 1, 2013. To determine the

1 short term rate, the state treasurer shall use the short
2 term rate as determined by the secretary of treasury under
3 26 U.S.C. § 6621 for December of the preceding fiscal year.
4 The interest rate on delinquent severance taxes shall be
5 adjusted on January 1 of each year following the year in
6 which the taxes first became delinquent. For any mineral
7 produced from January 1, 1994 to December 31, 2012,
8 interest at an annual rate equal to the average prime
9 interest rate as determined by the state treasurer during
10 the preceding fiscal year plus four percent (4%) shall be
11 added to all delinquent severance taxes on any mineral
12 produced on or after January 1, 1994 and before January 1,
13 2013. To determine the average prime interest rate, the
14 state treasurer shall average the prime interest rate for
15 at least seventy-five percent (75%) of the thirty (30)
16 largest banks in the United States. The interest rate on
17 delinquent taxes shall be adjusted on January 1 of each
18 year following the year in which the taxes first became
19 delinquent. In no instance shall the delinquent tax rate be
20 less than twelve percent (12%) nor greater than eighteen
21 percent (18%) from any mineral produced on or after January
22 1, 1994 and before January 1, 2013. The interest rate on
23 any delinquent mineral tax from any mineral produced before
24 January 1, 1994, shall be eighteen percent (18%) per annum.

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39-14-508. Enforcement.

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(c) Interest. The following shall apply:

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(iii) The balance of any ad valorem tax, excluding gross products tax on minerals produced after December 31, 2012, not paid as provided by W.S. 39-14-507(b)(ii) is delinquent after the day on which it is payable and shall bear interest at eighteen percent (18%) per annum until paid or collected;

(iv) Effective January 1, ~~1994~~2013, interest at an annual rate equal to the average short term rate plus two percent (2%) as determined by the state treasurer during the preceding fiscal year shall be added to all delinquent severance and gross product taxes on any mineral produced on or after January 1, 2013. To determine the short term rate, the state treasurer shall use the short term rate as determined by the secretary of treasury under 26 U.S.C. § 6621 for December of the preceding fiscal year. The interest rate on delinquent severance taxes shall be adjusted on January 1 of each year following the year in which the taxes first became delinquent. For any mineral

1 produced from January 1, 1994 to December 31, 2012,
2 interest at an annual rate equal to the average prime
3 interest rate as determined by the state treasurer during
4 the preceding fiscal year plus four percent (4%) shall be
5 added to all delinquent severance taxes on any mineral
6 produced on or after January 1, 1994 and before January 1,
7 2013. To determine the average prime interest rate, the
8 state treasurer shall average the prime interest rate for
9 at least seventy-five percent (75%) of the thirty (30)
10 largest banks in the United States. The interest rate on
11 delinquent taxes shall be adjusted on January 1 of each
12 year following the year in which the taxes first became
13 delinquent. In no instance shall the delinquent tax rate be
14 less than twelve percent (12%) nor greater than eighteen
15 percent (18%) from any mineral produced on or after January
16 1, 1994 and before January 1, 2013. The interest rate on
17 any delinquent mineral tax from any mineral produced before
18 January 1, 1994, shall be eighteen percent (18%) per annum.

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20 **39-14-608. Enforcement.**

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22 (c) Interest. The following shall apply:

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1 (iii) The balance of any ad valorem tax,
2 excluding gross products tax on minerals produced after
3 December 31, 2012, not paid as provided by W.S.
4 39-14-607(b)(ii) is delinquent after the day on which it is
5 payable and shall bear interest at eighteen percent (18%)
6 per annum until paid or collected;

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8 (iv) Effective January 1, ~~1994~~2013, interest at
9 an annual rate equal to the average short term rate plus
10 two percent (2%) as determined by the state treasurer
11 during the preceding fiscal year shall be added to all
12 delinquent severance and gross product taxes on any mineral
13 produced on or after January 1, 2013. To determine the
14 short term rate, the state treasurer shall use the short
15 term rate as determined by the secretary of treasury under
16 26 U.S.C. § 6621 for December of the preceding fiscal year.
17 The interest rate on delinquent severance taxes shall be
18 adjusted on January 1 of each year following the year in
19 which the taxes first became delinquent. For any mineral
20 produced from January 1, 1994 to December 31, 2012,
21 interest at an annual rate equal to the average prime
22 interest rate as determined by the state treasurer during
23 the preceding fiscal year plus four percent (4%) shall be
24 added to all delinquent severance taxes on any mineral

1 produced on or after January 1, 1994 and before January 1,
2 2013. To determine the average prime interest rate, the
3 state treasurer shall average the prime interest rate for
4 at least seventy-five percent (75%) of the thirty (30)
5 largest banks in the United States. The interest rate on
6 delinquent taxes shall be adjusted on January 1 of each
7 year following the year in which the taxes first became
8 delinquent. In no instance shall the delinquent tax rate be
9 less than twelve percent (12%) nor greater than eighteen
10 percent (18%) from any mineral produced on or after January
11 1, 1994 and before January 1, 2013. The interest rate on
12 any delinquent mineral tax from any mineral produced before
13 January 1, 1994, shall be eighteen percent (18%) per annum.

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15 **39-14-708. Enforcement.**

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17 (c) Interest. The following shall apply:

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19 (iii) The balance of any ad valorem tax,
20 excluding gross products tax on minerals produced after
21 December 31, 2012, not paid as provided by W.S.
22 39-14-707(b)(ii) is delinquent after the day on which it is
23 payable and shall bear interest at eighteen percent (18%)
24 per annum until paid or collected;

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(iv) Effective January 1, ~~1994~~2013, interest at an annual rate equal to the average short term rate plus two percent (2%) as determined by the state treasurer during the preceding fiscal year shall be added to all delinquent severance and gross product taxes on any mineral produced on or after January 1, 2013. To determine the short term rate, the state treasurer shall use the short term rate as determined by the secretary of treasury under 26 U.S.C. § 6621 for December of the preceding fiscal year. The interest rate on delinquent severance taxes shall be adjusted on January 1 of each year following the year in which the taxes first became delinquent. For any mineral produced from January 1, 1994 to December 31, 2012, interest at an annual rate equal to the average prime interest rate as determined by the state treasurer during the preceding fiscal year plus four percent (4%) shall be added to all delinquent severance taxes on any mineral produced on or after January 1, 1994 and before January 1, 2013. To determine the average prime interest rate, the state treasurer shall average the prime interest rate for at least seventy-five percent (75%) of the thirty (30) largest banks in the United States. The interest rate on delinquent taxes shall be adjusted on January 1 of each

1 year following the year in which the taxes first became
2 delinquent. In no instance shall the delinquent tax rate be
3 less than twelve percent (12%) nor greater than eighteen
4 percent (18%) from any mineral produced on or after January
5 1, 1994 and before January 1, 2013. The interest rate on
6 any delinquent mineral tax from any mineral produced before
7 January 1, 1994, shall be eighteen percent (18%) per annum.

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9 **Section 2.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

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(END)