

Sponsored By: Joint Revenue Interim Committee

AN ACT relating to excise taxes; specifying audit procedures to assess credits and deficiencies against excise taxpayers and vendors; providing that an audit tolls the statute of limitations during the pendency of the audit; and providing for an effective date.

12/29/2017 Bill Number Assigned
 2/9/2018 S Received for Introduction
 2/12/2018 S Introduced and Referred to S03 - Revenue 29-0-1-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Christensen

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/16/2018 S03 - Revenue:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Case, Ellis, Peterson, Wasserburger

Nays: Senator Kinskey

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/16/2018 S Placed on General File

SF0027SS001/ADOPTED**(CORRECTED COPY)**

Page 1-line 3 Delete "tax payers and vendors" insert "taxpayers and vendors".

Page 1-line 9 Delete "is" insert "and 39-16-108(a)(intro)(i) and by creating new paragraphs (ii) through (vi) are".

Page 2-line 10 After "subsection" insert ". The audit shall be completed by the department of audit with final findings issued to the taxpayer or vendor within one (1) year of the date of the notice of engagement. This time limit may be extended only upon mutual agreement between the taxpayer or vendor and the department".

Page 3-lines 10 through 22 Delete entirely.

Page 4-line 1 Delete "(vi)" and insert "(v)".

Page 4-after line 2 Insert:

"39-16-108. Enforcement.

(a) Audits. ~~The following shall apply~~ To assess credits and deficiencies against taxpayers and vendors, the department is authorized to rely on final audit findings made by the department of audit, taxpayer information, vendor information or department review subject to the following conditions:

(i) ~~If the department believes any return and the taxes paid are incorrect it shall recompute the return and the tax based upon the best information available. Audits shall commence when the taxpayer or vendor receives written notice of the engagement of the audit. The~~

issuance of the written notice of the audit shall toll the statute of limitations provided in W.S. 39-16-110 for the audit period specified in this subsection. The audit shall be completed by the department of audit with final findings issued to the taxpayer or vendor within one (1) year of the date of the notice of engagement. This time limit may be extended only upon mutual agreement between the taxpayer or vendor and the department;

(ii) After receiving notice of an audit under this subsection, the taxpayer or vendor shall preserve all records and books necessary to determine the amount of tax due for the time period that is being audited;

(iii) Except as otherwise provided in this paragraph, audits shall encompass a time period not to exceed three (3) years immediately preceding the reporting period when the audit is engaged. The three (3) year limit shall not apply to an audit if:

(A) There is evidence of a violation of paragraph (c)(iv) of this section by the taxpayer or vendor for the reporting period being audited; or

(B) There is evidence of gross negligence by the taxpayer or vendor in reporting or remitting taxes for the reporting period being audited.

(iv) If a taxpayer is not willing or able to produce adequate records to demonstrate taxes due, the department or the department of audit may project taxes based on the best information available. If a vendor is not willing or able to comply with the record requirements of W.S 39-15-108(c)(xi), the department or the department of audit may project taxes based on the best information available;

(v) Audits under this subsection are subject to the authority and procedures provided in W.S. 9-2-2003." PETERSON, CHAIRMAN

2/19/2018 S COW:Passed

SF0027S2001/ADOPTED

Page 3-lines 10 through 22 Delete the Senate standing committee amendment (SF0027SS001/AC) to these lines.

Page 3-lines 19 through 22 Delete entirely. PETERSON

2/20/2018 S 2nd Reading:Passed

2/21/2018 S 3rd Reading:Passed 29-0-1-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Christensen, Coe, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Excused: Senator Dockstader

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2018 H Received for Introduction

2/23/2018 H Introduced and Referred to H03 - Revenue

2/28/2018 H03 - Revenue:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Connolly, Dayton, Furphy, Hallinan, Kinner, Laursen, Madden, Obermueller, Paxton

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2018 H Placed on General File
3/1/2018 H COW:Passed
3/2/2018 H 2nd Reading:Passed
3/5/2018 H 3rd Reading:Laid Back

SF0027H3001/WITHDRAWN

SF0027H3002/FAILED

(TO ENGROSSED COPY)

Page 2-line 19 Delete "all" and insert "suitable".
Page 3-line 7 Delete "a" and insert "an intentional".
Page 3-line 19 After "available" insert ", including from information provided by a willing taxpayer".
Page 3-line 23 After "available" insert ", including from information provided by a willing vendor".
Page 5-line 6 Delete "all" and insert "suitable".
Page 5-line 16 Delete "a" and insert "an intentional".
Page 6-line 4 After "available" insert ", including from information provided by a willing taxpayer".
Page 6-line 8 After "available" insert ", including from information provided by a willing vendor".
STEINMETZ, GIERAU

3/6/2018 H 3rd Reading:Passed 43-17-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blake, Bovee, Brown, Burkhart, Byrd, Clausen, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Greear, Haley, Hallinan, Harshman, Henderson, Kinner, Kirkbride, Larsen, Laursen, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Paxton, Pelkey, Schwartz, Simpson, Sommers, Stith, Sweeney, Walters, Wilson, Zwonitzer

Nays: Representative(s) Allen, Biteman, Blackburn, Clem, Edwards, Gray, Halverson, Hunt, Jennings, Lindholm, Lone, Olsen, Piiparinen, Pownall, Salazar, Steinmetz, Winters

Ayes 43 **Nays** 17 **Excused** 0 **Absent** 0 **Conflicts** 0

3/6/2018 Assigned Number SEA No. 0023
3/7/2018 S President Signed SEA No. 0023
3/8/2018 H Speaker Signed SEA No. 0023
3/12/2018 Governor Signed SEA No. 0023
3/12/2018 Assigned Chapter Number 53

Chapter No. 53 Session Laws of Wyoming 2018