

HOUSE BILL NO. HB0175

Optional liquor tax-limited time period.

Sponsored by: Representative(s) Semlek, Davison 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 (vi), 39-15-204(a)(intro) and by creating a new
12 paragraph (vii), 39-15-211 by creating a new subsection
13 (d), 39-16-203(a) by creating a new paragraph (v),
14 39-16-204(a)(intro) and by creating a new paragraph (vi)
15 and 39-16-211 by creating a new subsection (d) are amended
16 to read:

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39-15-203. Imposition.

(a) Taxable event. The following shall apply:

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

(A) Any county or city may impose an excise
tax not to exceed the rate specified in W.S.
39-15-204(a)(vii) 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)(vii) until the proposition to impose the tax
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)(vii). 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;

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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)(vii) 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;

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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 (vii) of this subsection and any resort district may impose
20 the tax authorized by paragraph (v) of this subsection:

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22 (vii) 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)(vi) 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:

22

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

4
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)(vi) upon the retail sale of alcoholic
8 beverages for a specified period of time. In no event
9 shall the time period exceed three (3) months in any one
10 (1) calendar year. Except as provided by subparagraph (F)
11 of this paragraph, no tax shall be imposed under W.S.
12 39-16-204(a)(vi) until the proposition to impose the tax is
13 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 tax. As used in this
16 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

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

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;

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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)(vi). The ordinance shall include the
13 following:

14
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;

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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;

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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)(vi) 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;

8
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;

12
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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2 (V) The tax may be terminated in the
3 same manner as it was continued under subdivisions (II) and
4 (IV) of this subparagraph except that ordinances shall be
5 for the rescinding of the tax. If the tax is continued
6 under subdivisions (II) and (IV) of this subparagraph, it
7 may also be terminated by an election to rescind the tax
8 conducted subject to subparagraphs (B) through (D) of this
9 paragraph.

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11 **39-16-204. Taxation rate.**

12
13 (a) In addition to the state tax imposed under W.S.
14 39-16-101 through 39-16-111 any county of the state may
15 impose the following excise taxes, any city or town may
16 impose the tax authorized by paragraph (vi) of this
17 subsection and any resort district may impose the tax
18 authorized by paragraph (iv) of this subsection:

19
20 (vi) An excise tax at a rate in increments of
21 one percent (1%) not to exceed a rate of four percent (4%)
22 upon sales and storage, use and consumption of alcoholic
23 beverages made within the city, the purpose of which is for
24 general revenue.

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39-16-211. Distribution.

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

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

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

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

(END)