

HOUSE BILL NO. HB0154

Sales tax on food-exemption.

Sponsored by: Representative(s) McOmie, Gentile, Gingery,
Hallinan, Hammons, Harshman, Illoway,
Jorgensen, Landon and Meyer and Senator(s)
Barrasso, Job, Ross and Sessions

A BILL

for

1 AN ACT relating to taxation and revenue; removing the sales
2 and use tax on food for a specified time period; amending
3 sales and use tax distributions; providing a definition;
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 39-15-101(a) by creating a new
9 paragraph (xxxix), 39-15-105(a)(vi) by creating a new
10 subparagraph (E), 39-15-111(b)(i), (iii)(intro), by
11 creating a new paragraph (iv), (f) and (g), 39-16-101(a) by
12 creating a new paragraph (xvii), 39-16-105(a)(vi) by
13 creating a new subparagraph (E) and 39-16-111(b)(i),
14 (iii)(intro), by creating a new paragraph (iv) and (c) are
15 amended to read:

1

2 **39-15-101. Definitions.**

3

4 (a) As used in this article:

5

6 (xxxix) "Food" means food for domestic home
7 consumption as defined by department rule and regulation.

8

9 **39-15-105. Exemptions.**

10

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

13

14 (vi) For the purpose of exempting sales of
15 services and tangible personal property which are essential
16 human goods and services, the following are exempt:

17

18 (E) Until July 1, 2013, sales of food for
19 domestic home consumption.

20

21 **39-15-111. Distribution.**

22

23 (b) Revenues earned under W.S. 39-15-104 during each
24 fiscal year shall be recognized as revenue during that

1 fiscal year for accounting purposes. Revenue collected by
2 the department under W.S. 39-15-104 shall be transferred to
3 the state treasurer who shall:

4
5 (i) Until June 30, ~~2004~~2008, subject to
6 subsection (g) of this section, credit ~~seventy and one half~~
7 ~~percent (70.5%) and thereafter~~ sixty-nine percent (69%) and
8 thereafter sixty-four percent (64%) to the state general
9 fund except as provided by subsections (c) and (d) of this
10 section. On and after July 1, 2013, subject to subsection
11 (g) of this section, credit sixty-nine percent (69%) to the
12 state general fund except as provided by subsections (c)
13 and (d) of this section;

14
15 (iii) Except as provided by paragraph (iv) of
16 this subsection through June 30, 2013, from the remaining
17 share, ~~until June 30, 2004, deduct an amount equivalent to~~
18 ~~one half percent (0.5%) and thereafter~~ deduct an amount
19 equivalent to one percent (1%) of the tax collected under
20 W.S. 39-15-104. From this amount, the state treasurer shall
21 distribute ~~until June 30, 2004, twenty thousand dollars~~
22 ~~(\$20,000.00) and thereafter~~ forty thousand dollars
23 (\$40,000.00) annually to each county in equal monthly
24 installments and then distribute the remainder to each

1 county in the proportion that the total population of the
2 county bears to the total population of the state. The
3 balance shall then be paid monthly to the treasurers of the
4 counties, cities and towns for payment into their
5 respective general funds. The percentage of the balance
6 that will be distributed to each county and its cities and
7 towns will be determined by computing the percentage that
8 net sales taxes collected attributable to vendors in each
9 county including its cities and towns bear to total net
10 sales taxes collected of vendors in all counties including
11 their cities and towns. Subject to subsection (h) of this
12 section, this percentage of the balance shall be
13 distributed within each county as follows:

14
15 (iv) Until July 1, 2013, before any amounts are
16 distributed under paragraph (iii) of this subsection, an
17 amount equal to two percent (2.0%) of the tax collected
18 under W.S. 39-15-104 shall be distributed to all counties
19 imposing the tax authorized under W.S. 39-15-204(a)(i).
20 The amount shall be paid monthly to the treasurers of the
21 counties, cities and towns for payment into their
22 respective general funds. The amount to be distributed to
23 each county and its cities and towns shall be determined by
24 computing the percentage that net sales taxes collected

1 under W.S. 39-15-204(a)(i) attributable to vendors in each
2 county including its cities and towns bear to total net
3 sales taxes collected under W.S. 39-15-204(a)(i) of vendors
4 in all counties including their cities and towns. Subject
5 to subsection (h) of this section, this amount shall be
6 distributed within each county as follows:

7
8 (A) To each county in the proportion that
9 the population of the county situated outside the corporate
10 limits of its cities and towns bears to the total
11 population of the county including cities and towns;

12
13 (B) To each city and town within the county
14 in the proportion the population of the city or town bears
15 to the population of the county.

16
17 (f) In addition to the distribution specified in
18 subsection (b) of this section, until June 30, ~~2004~~2008,
19 ~~twenty nine and one half percent (29.5%) and thereafter~~
20 ~~thirty-one percent (31%)~~ and thereafter thirty-six percent
21 (36%) of sales taxes collected from out-of-state vendors
22 shall be distributed to counties, cities and towns in the
23 same ~~percentage~~percentages as determined in ~~paragraph~~
24 paragraphs (b)(iii) and (iv) of this section. On and after

July 1, 2013, in addition to the distribution specified in subsection (b) of this section, thirty-one percent (31%) of sales taxes collected from out-of-state vendors shall be distributed to counties, cities and towns in the same percentage as determined in paragraph (b)(iii) of this section.

(g) If the tax imposed under W.S. 39-15-104(b) is reduced to one-half of one percent (.5%) under W.S. 39-15-104(d), on and after September 1 of the year in which the reduction occurs, the distributions to the state general fund under paragraph (b)(i) of this section shall be reduced until June 30, ~~2004-2008, from seventy and one half percent (70.5%) to sixty eight and one half percent (68.5%) and thereafter~~ from sixty-nine percent (69%) to sixty-five percent (65%), and on and after July 1, 2008 through June 30, 2013, from sixty-four percent (64%) to sixty percent (60%), and on and after July 1, 2013, from sixty-nine percent (69%) to sixty-five percent (65%).

39-16-101. Definitions.

(a) As used in this article:

1 (xvii) "Food" means food for domestic home
2 consumption as defined by department rule and regulation.

3
4 **39-16-105. Exemptions.**

5
6 (a) The following purchases or leases are exempt from
7 the excise tax imposed by this article:

8
9 (vi) For the purpose of exempting sales of
10 services and tangible personal property and services which
11 are essential human goods and services, the following are
12 exempt:

13
14 (E) Until July 1, 2013, purchases of food
15 for domestic home consumption.

16
17 **39-16-111. Distribution.**

18
19 (b) Revenues earned under this article during each
20 fiscal year shall be recognized as revenue during that
21 fiscal year for accounting purposes. Revenue collected by
22 the department from the taxes imposed by this article shall
23 be transferred to the state treasurer who shall:

1 (i) Until June 30, ~~2004—2008~~, subject to
2 subsection (g) of this section, credit ~~seventy and one half~~
3 ~~percent (70.5%) and thereafter~~ sixty-nine percent (69%) and
4 thereafter sixty-four percent (64%) to the general fund
5 except as provided by subsections (d) and (e) of this
6 section. On and after July 1, 2013, subject to subsection
7 (g) of this section, credit sixty-nine percent (69%) to the
8 state general fund except as provided by subsections (d)
9 and (e) of this section;

10

11 (iii) Except as provided by paragraph (iv) of
12 this subsection through June 30, 2013, from the remaining
13 share, ~~until June 30, 2004, deduct an amount equivalent to~~
14 ~~one half percent (0.5%) and thereafter~~ deduct an amount
15 equivalent to one percent (1%) of the tax collected under
16 W.S. 39-16-104. From this amount, the state treasurer shall
17 distribute ~~until June 30, 2004, five thousand dollars~~
18 ~~(\$5,000.00) and thereafter~~ ten thousand dollars
19 (\$10,000.00) annually to each county in equal monthly
20 installments and then distribute the remainder to each
21 county in the proportion that the total population of the
22 county bears to the total population of the state. The
23 remainder shall then be paid monthly to the treasurers of
24 the counties, cities and towns for payment into their

1 respective general funds. The percentage of the remainder
2 that will be distributed to each county and its cities and
3 towns will be determined by computing the percentage that
4 net use taxes collected attributable to vendors in each
5 county including its cities and towns bear to total net use
6 taxes collected of vendors in all counties including their
7 cities and towns. The distribution shall be as follows:

8
9 (iv) Until July 1, 2013, before any amounts are
10 distributed under paragraph (iii) of this subsection, an
11 amount equal to two percent (2.0%) of the tax collected
12 under W.S. 39-16-104 shall be distributed to all counties
13 imposing the tax authorized under W.S. 39-16-204(a)(i).
14 The amount shall be paid monthly to the treasurers of the
15 counties, cities and towns for payment into their
16 respective general funds. The amount to be distributed to
17 each county and its cities and towns shall be determined by
18 computing the percentage that net use taxes collected under
19 W.S. 39-16-204(a)(i) attributable to vendors in each county
20 including its cities and towns bear to total net use taxes
21 collected under W.S. 39-16-204(a)(i) of vendors in all
22 counties including their cities and towns. This amount
23 shall be distributed within each county as follows:

24

1 (A) To each county in the proportion that
2 the population of the county situated outside the corporate
3 limits of its cities and towns bears to the total
4 population of the county including cities and towns;

5
6 (B) To each city and town within the county
7 in the proportion the population of the city or town bears
8 to the population of the county.

9
10 (c) In addition to the distribution in subsection (b)
11 of this section, until June 30, ~~2004~~2008, ~~twenty-nine and~~
12 ~~one half percent (29.5%) and thereafter~~ thirty-one percent
13 (31%) and thereafter thirty-six percent (36%) of use taxes
14 accruing from out-of-state vendors shall be distributed to
15 counties, cities and towns in the same ~~percentage~~
16 percentages as determined in ~~paragraph~~paragraphs (b)(iii)
17 and (iv) of this section. On and after July 1, 2013, in
18 addition to the distribution specified in subsection (b) of
19 this section, thirty-one percent (31%) of use taxes
20 collected from out-of-state vendors shall be distributed to
21 counties, cities and towns in the same percentage as
22 determined in paragraph (b)(iii) of this section.

23

