

SENATE FILE NO. SF0114

Sales and use tax payments-large facilities.

Sponsored by: Senator(s) Bebout

A BILL

for

1 AN ACT relating to sales and use taxes; authorizing contracts  
2 for payments of sales and use taxes related to the  
3 construction of specified facilities; providing for  
4 distribution of the payments; providing for a special  
5 property tax assessment; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 39-15-107(b) by creating a new  
10 paragraph (xii), 39-15-111 by creating a new subsection (p),  
11 39-16-107(b) by creating a new paragraph (x) and 39-16-111 by  
12 creating a new subsection (p) are amended to read:

13

14 **39-15-107. Compliance; collection procedures.**

15

16 (b) Payment. The following shall apply:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(xii) If an industrial facility as defined in W.S. 35-12-102(a)(vii) is constructed in a city, town or county, the city, town or county, in consultation with the department, may enter into a contract with the taxpayer to provide for payment over a period of twenty (20) years all sales and use taxes related to construction of the facility, less an initial payment equal to ten percent (10%) of the total sales tax liability being contracted for. If the facility is located in more than one (1) city, town or county, all local government entities shall agree to the contract and to the proportion of payments to be made to each entity based on the location of the facility before the contract is effective. The contract shall specify an interest rate of not less than two percent (2%) for payments of deferred sales and use taxes under this paragraph. If the taxpayer pays pursuant to a contract entered into under this paragraph and is bonded in an amount equal to or greater than the outstanding tax liability, the sales and use taxes shall not be subject to other interest or penalties under this article or article 16 of this title. Payments received under this paragraph shall be distributed as provided in W.S. 39-15-111(p). After twenty (20) years, an amount equal to the annual payment agreed to under this

1 section shall be added as a special assessment under W.S.  
2 39-13-104(f)(iii) for the facility for the remainder of the  
3 life of the facility or for an additional twenty (20) years,  
4 whichever is less.

5

6 **39-15-111. Distribution.**

7

8 (p) Revenues from deferred sales and use tax payments  
9 made pursuant to a contract entered into under W.S.  
10 39-15-107(b)(xii) shall be recognized as revenue during the  
11 fiscal year the payments are made for accounting purposes.  
12 For all revenue collected by the department under W.S.  
13 39-15-107(b)(xii), other than special assessment payments  
14 made pursuant to W.S. 39-13-104(f)(iii), the department shall  
15 distribute the tax in accordance with W.S. 39-15-111(b).

16

17 **39-16-107. Compliance; collection procedures.**

18

19 (b) Payment. The following shall apply:

20

21 (x) Payment of use taxes related to construction  
22 of an industrial facility as defined in W.S.

1 35-12-102(a)(vii) may be made pursuant to a contract entered  
2 into under W.S. 39-15-107(b)(xii).

3

4 **39-16-111. Distribution.**

5

6 (p) Revenues from payments made pursuant to a contract  
7 entered into under W.S. 39-15-107(b)(xii) shall be  
8 distributed as provided in W.S. 39-15-111(p).

9

10 **Section 2.** This act is effective July 1, 2019.

11

12

(END)