

HOUSE BILL NO. HB0027

Specific purpose excise tax.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to taxation and revenue; increasing the
2 specific purpose excise tax rate as specified; imposing
3 limits on combined rates of certain optional excise tax
4 rates imposed by a county; amending, clarifying and
5 conforming related provisions; providing for applicability
6 of the act; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-4-604(g)(i)(A) and (h)(i)(A),
11 39-15-111(c), 39-15-204(a)(iii) and by creating a new
12 paragraph (iv), 39-16-111(d) and 39-16-204(a)(ii) and by
13 creating a new paragraph (iii) are amended to read:

14

15 **9-4-604. Distribution and use; capital construction**
16 **projects and bonds; municipal, county and special district**
17 **purposes.**

1

2 (g) Not to exceed forty million dollars
3 (\$40,000,000.00) of the total proceeds of all bonds issued
4 under subsection (b) of this section may be loaned or
5 granted to incorporated cities and towns. Loans or grants
6 shall be made only under the following conditions:

7

8 (i) Loans may be made for municipal purposes
9 with or without interest. If the state loan and investment
10 board deems it necessary to secure the loan, no security
11 other than pledges of specified revenue to repay a loan
12 shall be required. Before a loan application is approved
13 the board shall determine by proper investigation that:

14

15 (A) The applicant will fully utilize all
16 local revenue sources reasonably and legally available for
17 repaying the loan for which an application is made
18 excluding the ~~one-cent (\$.01)~~ local optional sales tax
19 authorized by W.S. 39-15-204(a)(i) or (iii) and
20 39-16-204(a)(i) or (ii);

21

22 (h) Not to exceed twenty million dollars
23 (\$20,000,000.00) of the total proceeds of all bonds issued
24 under subsection (b) of this section may be loaned or

1 granted to counties or special districts. As used in this
2 subsection "special districts" means hospital districts,
3 fire protection districts, sanitary and improvement
4 districts, solid waste disposal districts, service and
5 improvement districts and water and sewer districts.
6 Notwithstanding any other provision of law, no special
7 district, either standing alone or as a member of a joint
8 powers board, shall receive any grant or loan under this
9 section until the special district's grant or loan
10 application has received a written review from the board of
11 county commissioners in any county in which the special
12 district is located. The board of county commissioners
13 shall review: (1) the ability of the special district to
14 fund the project through bonds, (2) whether the project is
15 adverse to the needs, plans or general welfare of the
16 county, (3) whether the special district has utilized local
17 funding resources, and (4) whether the special district has
18 met county standards. If any part of the special district
19 lies within five (5) miles of the corporate limits of any
20 city or town, the special district's grant or loan
21 application shall also receive a written review from the
22 governing body of the city or town. The written review
23 shall be submitted to the state loan and investment board
24 by the special district with its grant or loan application.

1 Loans or grants shall be made only under the following
2 conditions:

3

4 (i) Loans, with or without interest, may only be
5 made for county or special district purposes which are
6 permitted by law. If the state loan and investment board
7 deems it necessary to secure the loan, no security other
8 than pledges of specified revenue to repay a loan shall be
9 required. Before a loan application is approved the board
10 shall determine by proper investigation that:

11

12 (A) The applicant will fully utilize all
13 local revenue sources reasonably and legally available for
14 repaying the loan excluding the ~~one cent (\$.01)~~ local
15 optional sales tax under W.S. 39-15-204(a)(i) or (iii) and
16 39-16-204(a)(i) or (ii);

17

18 **39-15-111. Distribution.**

19

20 (c) If any person commences after the effective date
21 of this act to construct an industrial facility, as that
22 term is defined in W.S. 35-12-102, under a permit issued
23 pursuant to W.S. 35-12-106, or if the federal or state
24 government commences to construct any project within this

1 state with an estimated construction cost as specified in
2 the definition of industrial facility in W.S. 35-12-102 the
3 state treasurer shall thereafter pay to the county
4 treasurer and the county treasurer will distribute to the
5 county, cities and towns of that county in which the
6 industrial facility or project is located, impact
7 assistance payments from the monies available under
8 paragraph (b)(i) of this section. Each payment to the
9 county treasurer shall be equal to the excess of each
10 monthly payment made under paragraph (b)(iii) of this
11 section during the period of construction over the base
12 period amount and shall continue during the period of
13 construction except that in the case of an industrial
14 facility or a federal or state government project which is
15 expected to continue in phases for an indefinite period of
16 time, the state treasurer shall discontinue payments under
17 this section and establish a new base period when
18 construction of any phase has ceased or been substantially
19 completed for twelve (12) consecutive months. The impact
20 assistance payments shall be distributed to the county
21 treasurer and the county treasurer will distribute to the
22 county and to the cities and towns therein based on a ratio
23 established by the industrial siting council during a
24 public hearing held in accordance with W.S. 35-12-110. The

1 industrial siting council shall review the distribution
2 ratio for construction projects on a regular basis and make
3 appropriate adjustments. A governing body which is
4 primarily affected by the facility, or any person issued a
5 permit pursuant to W.S. 35-12-106, may petition the
6 industrial siting council for review and adjustment of the
7 distribution ratio upon a showing of good cause. The impact
8 assistance payment shall be in addition to all other
9 distributions under this section, but no impact assistance
10 payment shall be made for any period in which the county or
11 counties are not imposing the ~~full one percent (1%) maximum~~
12 tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i)
13 as restricted by W.S. 39-15-204(a)(iv) and
14 39-16-204(a)(iii). For purposes of this subsection, the
15 industrial facility or federal or state government project
16 will be deemed to be located in the county in which a
17 majority of the construction costs will be expended,
18 provided that upon a request from the county commissioners
19 of any adjoining county to the industrial siting council,
20 the council may determine that the social and economic
21 impacts from construction of the industrial facility or
22 federal or state government project upon the adjoining
23 county are significant and establish the ratio of impacts
24 between the counties and certify that ratio to the state

1 treasurer who will thereafter distribute the impact
2 assistance payment to the counties pursuant to that ratio.

3

4 **39-15-204. Taxation rate.**

5

6 (a) In addition to the state tax imposed under W.S.
7 39-15-101 through 39-15-111 any county of the state may
8 impose the following excise taxes and any city or town may
9 impose the tax authorized by paragraph (ii) of this
10 subsection:

11

12 (iii) An excise tax not to exceed ~~one percent~~
13 ~~(1%)~~ two percent (2%) upon retail sales of tangible
14 personal property, admissions and services made within the
15 county. The total excise tax imposed within any county
16 under this paragraph shall not exceed ~~one percent (1%)~~ two
17 percent (2%). The revenue from the tax shall be used in a
18 specified amount for specific purposes authorized by the
19 qualified electors. Specific purposes shall not include
20 ordinary operations of local government except those
21 operations related to a specific project; ~~:-~~

22

23 (iv) In no event shall the total excise tax
24 imposed within any county under the provisions of

1 paragraphs (i) and (iii) of this subsection exceed two
2 percent (2%).

3

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

5

6 (d) If any person commences after the effective date
7 of this act to construct an industrial facility, as that
8 term is defined in W.S. 35-12-102, under a permit issued
9 pursuant to W.S. 35-12-106, or if the federal or state
10 government commences to construct any project within this
11 state with an estimated construction cost as specified in
12 the definition of industrial facility in W.S. 35-12-102 the
13 state treasurer shall thereafter pay to the county
14 treasurer and the county treasurer will distribute to the
15 county, cities and towns of that county in which the
16 industrial facility or project is located, impact
17 assistance payments from the monies available under
18 paragraph (b)(i) of this section. Each payment to the
19 county treasurer shall be equal to the excess of each
20 monthly payment made under paragraph (b)(iii) of this
21 section during the period of construction over the base
22 period amount and shall continue during the period of
23 construction except that in the case of an industrial
24 facility or a federal or state government project which is

1 expected to continue in phases for an indefinite period of
2 time, the state treasurer shall discontinue payments under
3 this section and establish a new base period when
4 construction of any phase has ceased or been substantially
5 completed for twelve (12) consecutive months. The impact
6 assistance payments shall be distributed to the county
7 treasurer and the county treasurer will distribute to the
8 county and to the cities and towns therein based on a ratio
9 established by the industrial siting council during a
10 public hearing held in accordance with W.S. 35-12-110. The
11 impact assistance payment shall be in addition to all other
12 distributions under this section, but no impact assistance
13 payment shall be made for any period in which the county or
14 counties are not imposing the ~~full one percent (1%) maximum~~
15 tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i)
16 as restricted by W.S. 39-15-204(a)(iv) and
17 39-16-204(a)(iii). For purposes of this subsection, the
18 industrial facility or federal or state government project
19 will be deemed to be located in the county in which a
20 majority of the construction costs will be expended,
21 provided that upon a request from the county commissioners
22 of an adjoining county to the industrial siting council,
23 the council may determine that the social and economic
24 impacts from construction of the industrial facility or

1 federal or state government project upon the adjoining
2 county are significant and establish the ratio of impacts
3 between the counties and certify that ratio to the state
4 treasurer who will thereafter distribute the impact
5 assistance payment to the counties pursuant to that ratio.

6

7 **39-16-204. Taxation rate.**

8

9 (a) In addition to the state tax imposed under W.S.
10 39-16-101 through 39-16-111 any county of the state may
11 impose the following excise taxes authorized by paragraph
12 (ii) of this subsection:

13

14 (ii) An excise tax not to exceed ~~one percent~~
15 ~~(1%)~~ two percent (2%) upon sales and storage, use and
16 consumption of tangible personal property, within the
17 county. The total excise tax imposed within any county
18 under this paragraph shall not exceed ~~one percent (1%)~~ two
19 percent (2%). The revenue from the tax shall be used in a
20 specified amount for specific purposes authorized by the
21 qualified electors. Specific purposes shall not include
22 ordinary operations of local government except those
23 operations related to a specific project; ~~;~~

24

1 (iii) In no event shall the total excise tax
2 imposed within any county under the provisions of
3 paragraphs (i) and (ii) of this subsection exceed two
4 percent (2%).

5

6 **Section 2.** This act shall apply to any specific
7 purpose excise tax imposed on or after the effective date
8 of this act.

9

10 **Section 3.** This act is effective July 1, 2003.

11

12

(END)