

HOUSE BILL NO. HB0212

Sales tax on food exemption-sales tax increase.

Sponsored by: Representative(s) Robinson, Johnson, L.,
Landon, Meyer and Thompson and Senator(s)
Massie and Scott

A BILL

for

1 AN ACT relating to taxation and revenue; removing the sales
2 and use tax on food as specified; providing an increase in
3 sales and use tax as specified; and providing for an
4 effective date.

5

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

7

8 **Section 1.** [Removes sales and use tax on food] W.S.
9 39-15-101(a) by creating a new paragraph (xix),
10 39-15-105(a)(vi) by creating a new subparagraph (E),
11 39-16-101(a) by creating a new paragraph (xiii) and
12 39-16-105(a)(vi) by creating a new subparagraph (E) are
13 amended to read:

14

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

16

1 (a) As used in this article:

2

3 (xix) "Food" means food for domestic home
4 consumption as defined by department rule and regulation.

5

6 **39-15-105. Exemptions.**

7

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

10

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

14

15 (E) Sales of food for domestic home
16 consumption.

17

18 **39-16-101. Definitions.**

19

20 (a) As used in this article:

21

22 (xiii) "Food" means food for domestic home
23 consumption as defined by department rule and regulation.

24

1 **39-16-105. Exemptions.**

2

3 (a) The following purchases or leases are exempt from
4 the excise tax imposed by this article:

5

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

10

11 (E) Purchases of food for domestic home
12 consumption.

13

14 **Section 2.** [Increases statewide sales and use tax by
15 1/2%] W.S. 39-15-104(b) and (d) and 39-16-104(b) and (d)
16 are amended to read:

17

18 **39-15-104. Taxation rate.**

19

20 (b) Effective July 1, ~~1993~~2003, in addition to the
21 sales tax under subsection (a) of this section, except for
22 sales under W.S. 39-15-105(a)(viii)(H), there is imposed an
23 additional sales tax of ~~one percent (1%)~~one and one-half
24 percent (1.5%) which shall be administered as if the sales

1 tax rate under subsection (a) of this section was increased
2 from three percent (3%) to ~~four percent (4%)~~ four and one-
3 half percent (4.5%). The revenue from these increases
4 shall be distributed in the same manner as other sales tax
5 revenue under those sections.

6
7 (d) The tax imposed under subsection (b) of this
8 section shall be indexed in accordance with the formula in
9 this subsection. The tax shall be reduced to ~~one-half of~~
10 ~~one percent (.5%)~~ one percent (1%) effective July 1, if,
11 not later than March 31, of the same year, it is determined
12 that the unappropriated general fund balance at the end of
13 the current budget period minus any expected shortfall in
14 revenue to fully fund the school foundation program for the
15 following school year will exceed thirty-five million
16 dollars (\$35,000,000.00). The governor shall make this
17 determination using actual revenues received during the
18 current fiscal year, revenue estimates of the consensus
19 revenue estimating group (CREG), actual appropriations and
20 expenditure estimates for the foundation program determined
21 by the department of education. If the determination made
22 by the governor under this formula results in a reduction
23 of the tax, the governor shall so certify to the department

1 of revenue which shall order the rate reduced to ~~one-half~~
2 ~~of one percent (.5%)~~ one percent (1%).

3

4 **39-16-104. Taxation rate.**

5

6 (b) Effective July 1, ~~1993~~ 2003, in addition to the
7 use tax under subsection (a) of this section, there is
8 imposed an additional use tax of ~~one percent (1%)~~ one and
9 one-half percent (1.5%) which shall be administered as if
10 the use tax rates under subsection (a) of this section were
11 increased from three percent (3%) to ~~four percent (4%)~~ four
12 and one-half percent (4.5%). The revenue from these
13 increases shall be distributed in the same manner as other
14 use tax revenue under that subsection.

15

16 (d) The tax imposed under subsection (b) of this
17 section shall be indexed in accordance with the formula in
18 this subsection. The tax shall be reduced to ~~one-half of~~
19 ~~one percent (.5%)~~ one percent (1%) effective July 1, if,
20 not later than March 31 of the same year, it is determined
21 that the unappropriated general fund balance at the end of
22 the current budget period minus any expected shortfall in
23 revenue to fully fund the school foundation program for the
24 following school year will exceed thirty-five million

1 dollars (\$35,000,000.00). The governor shall make this
2 determination using actual revenues received during the
3 current fiscal year, revenue estimates of the consensus
4 revenue estimating group (CREG), actual appropriations and
5 expenditure estimates for the foundation program determined
6 by the department of education. If the determination made
7 by the governor under this formula results in a reduction
8 of the tax, the governor shall so certify to the department
9 of revenue which shall order the rate reduced to ~~one-half~~
10 ~~of one percent (.5%)~~ one percent (1%).

11

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

13

14

(END)