

HOUSE BILL NO. HB0132

Specific purpose tax-optional procedure.

Sponsored by: Representative(s) Simpson and Childers and
Senator(s) Coe

A BILL

for

1 AN ACT relating to taxation and revenue; providing an
2 optional procedure for imposing a specific purpose excise
3 tax; authorizing cities, towns and school districts to
4 individually impose the tax; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 39-15-203(a) by creating a new
10 paragraph (v), 39-15-211 by creating a new subsection (d),
11 39-16-202(e), 39-16-203(a) by creating a new paragraph (iv)
12 and 39-16-211 by creating a new subsection (d) are amended
13 to read:

14

15 **39-15-203. Imposition.**

16

1 (a) Taxable event. The following shall apply:

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3 (v) In lieu of the procedure to impose a tax
4 under paragraph (iii) of this subsection, any county, city,
5 town or school district may impose an excise tax not to
6 exceed the rate specified in W.S. 39-15-204(a)(iii) upon
7 retail sales of tangible personal property, admissions and
8 services made, and upon storage, use and consumption of
9 tangible personal property, within that county, city, town
10 or school district. A county, city, town or a school
11 district board of trustees may adopt a resolution or
12 ordinance necessary to begin the procedure under this
13 paragraph only if a proposition to impose a tax under
14 paragraph (iii) of this subsection for the purposes
15 specified under the resolution or ordinance has been
16 defeated by the electors in the county during the eighteen
17 (18) calendar months preceding the month in which the
18 resolution or ordinance is adopted. Any resolution or
19 ordinance adopted under this paragraph shall be in a
20 specified amount for a specified purpose. Any county, city,
21 town or school district board of trustees which adopts an
22 ordinance or resolution under this paragraph shall forward
23 it to the county clerk within five (5) days of its
24 adoption. Within five (5) days of receipt of a copy of the

1 ordinance or resolution, the county clerk shall forward a
2 copy of the ordinance or resolution to all other cities or
3 towns or school districts within the county and, if an
4 ordinance, to the county commissioners. The county clerk
5 shall schedule an election within the area in which the tax
6 will be imposed under the adopted ordinance or resolution.
7 The election shall be on the question of tax imposition. If
8 a county adopts a resolution under this paragraph, the
9 election shall be held within the county. A city or town
10 may adopt an ordinance and specify that the tax will be
11 imposed in the city or town. A school district board of
12 trustees may adopt an ordinance and specify that the tax
13 will be imposed in the school district. If an ordinance is
14 adopted, the tax shall be imposed within the boundaries of
15 the city or town or the school district in which the city
16 or town is located, as appropriate. The election shall be
17 scheduled in accordance with the election date specified
18 under W.S. 22-21-103 which is held not less than one
19 hundred twenty (120) days after the date the county clerk
20 received the ordinance or resolution. If within sixty (60)
21 days after receipt of a copy of an ordinance or resolution
22 from the county clerk under this paragraph, the county
23 commissioners, in the case of an ordinance, or another
24 city, town or school district board of trustees adopts an

1 ordinance or resolution to impose a tax in a specified
2 amount for a specified purpose and which is forwarded to
3 and received by the county clerk, that proposition shall be
4 consolidated with the original proposition in the initial
5 resolution or ordinance and shall be submitted as a single
6 proposition to the electors in the affected jurisdictions
7 at the election. If a majority of those voting on the
8 proposition vote in favor of the proposition, it shall
9 pass. If the election is held in a school district on the
10 issue of the tax being imposed, and the proposition passes,
11 the tax shall be imposed only within that school district.
12 The total excise tax imposed within any county, city, town
13 or school district under this paragraph shall not exceed
14 the rate specified by W.S. 39-15-204(a)(iii). The revenue
15 from the tax shall be used in a specified amount for
16 specific purposes authorized by the qualified electors.
17 Specific purposes shall not include ordinary operations of
18 local government except those operations related to a
19 specific project. The following provisions shall also
20 apply:

21
22 (A) No tax shall be imposed under this
23 paragraph until the proposition to impose the tax for
24 specific purposes in specific amounts is approved by the

1 vote of the majority of the qualified electors voting on
2 the proposition in the specified jurisdictions. The amount
3 of revenue to be collected and the purpose or purposes for
4 which it is proposed to be used shall be specified in the
5 proposition. The election shall be held in accordance with
6 W.S. 22-21-101 through 22-21-112. Any debt created may also
7 be repaid, in whole or in part, by a property tax levy if
8 general obligation bonds are authorized by the electors in
9 the case of a county. Except as otherwise provided, any
10 excise tax imposed under this paragraph shall commence on
11 the first day of the second month following the election
12 approving the imposition of the tax. Unless terminated
13 earlier by the sponsoring entities pursuant to subparagraph
14 (iii)(G) of this subsection, the tax shall terminate on the
15 last day of the month following the month in which the
16 amount approved by the electors is collected. Unless an
17 earlier date is authorized by the department of revenue,
18 the first city, town or school district imposing the tax
19 under this paragraph shall commence collection on the first
20 day of the seventh month following the date of the election
21 approving the imposition of the tax;

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23 (B) Upon certification of the election
24 results, the county, city or town clerk, or the school

1 district board, shall, within thirty (30) days, notify the
2 department of revenue of the requirement for imposition of
3 any tax under this paragraph and shall, upon the receipt of
4 all tax funds in the amount approved, notify the department
5 of revenue that the special sales tax levy is terminated.
6 If a tax is imposed only within a city, town or school
7 district, that city, town or school district shall assist
8 the department in identifying all persons who hold sales
9 and use tax licenses within that city, town or school
10 district. The department of revenue shall inform all
11 holders of sales and use tax licenses within the county,
12 city, town or school district of the requirement for the
13 collection and payment of the additional tax. After receipt
14 of notice that the amount has been collected or that the
15 sponsoring entities have terminated the tax pursuant to
16 subparagraph (iii)(G) of this subsection, the department
17 shall notify the license holders of the termination of the
18 tax.

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20 **39-15-211. Distribution.**

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22 (d) All revenue collected by the department from the
23 taxes imposed by W.S. 39-15-203(a)(v) shall be transferred

1 to the state treasurer who shall first make any transfer
2 required under subsection (c) of this section and:

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

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8 (ii) Deposit the remainder into the trust and
9 agency fund for monthly distribution to the county, city or
10 town treasurer, or the school district board of trustees,
11 of the entity in which the tax has been imposed to be
12 distributed immediately by the treasurer to the sponsoring
13 entity, as necessary;

14
15 (iii) W.S. 39-15-202(c) and (d),
16 39-15-203(a)(iii)(D), (F) and (G) and paragraphs (b)(iii)
17 and (iv) of this section apply to any tax imposed under
18 W.S. 39-15-203(a)(v) and the sponsoring entities.

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20 **39-16-202. Administration.**

21
22 (e) A county imposing a sales tax pursuant to W.S.
23 39-15-203(a)(iii) or (v), or a resort district imposing a
24 sales tax pursuant to W.S. 39-15-203(a)(iv), is authorized

1 and required to impose a corresponding use tax at the same
2 rate and for the same period of time as for the sales tax.

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4 **39-16-203. Imposition.**

5

6 (a) Taxable event. The following shall apply:

7

8 (iv) In lieu of the procedure to impose a tax
9 under paragraph (iii) of this subsection, any county, city,
10 town or school district may impose an excise tax not to
11 exceed the rate specified in W.S. 39-16-204(a)(ii) upon
12 retail sales of tangible personal property, admissions and
13 services made, and upon storage, use and consumption of
14 tangible personal property, within that county, city, town
15 or school district. A county, city, town or a school
16 district board of trustees may adopt a resolution or
17 ordinance necessary to begin the procedure under this
18 paragraph only if a proposition to impose a tax under
19 paragraph (ii) of this subsection for the purposes
20 specified under the resolution or ordinance has been
21 defeated by the electors in the county during the eighteen
22 (18) calendar months preceding the month in which the
23 resolution or ordinance is adopted. Any resolution or
24 ordinance adopted under this paragraph shall be in a

1 specified amount for a specified purpose. Any county, city,
2 town or school district board of trustees which adopts an
3 ordinance or resolution under this paragraph shall forward
4 it to the county clerk within five (5) days of its
5 adoption. Within five (5) days of receipt of a copy of the
6 ordinance or resolution, the county clerk shall forward a
7 copy of the ordinance or resolution to all other cities or
8 towns or school districts within the county and, if an
9 ordinance, to the county commissioners. The county clerk
10 shall schedule an election within the area in which the tax
11 will be imposed under the adopted ordinance or resolution.
12 The election shall be on the question of tax imposition. If
13 a county adopts a resolution under this paragraph, the
14 election shall be held within the county. A city, town or
15 school district board of trustees may adopt an ordinance
16 and specify either that the tax will be imposed in the city
17 or town or in the school district in which the city or town
18 is located. If an ordinance is adopted, the tax shall be
19 imposed within the boundaries of the city or town or the
20 school district in which the city or town is located, as
21 appropriate. The election shall be scheduled in accordance
22 with the election date specified under W.S. 22-21-103 which
23 is held not less than one hundred twenty (120) days after
24 the date the county clerk received the ordinance or

1 resolution. If within sixty (60) days after receipt of a
2 copy of an ordinance or resolution from the county clerk
3 under this paragraph, the county commissioners, in the case
4 of an ordinance, or another city, town or school district
5 board of trustees adopts an ordinance or resolution to
6 impose a tax in a specified amount for a specified purpose
7 and which is forwarded to and received by the county clerk,
8 that proposition shall be consolidated with the original
9 proposition in the initial resolution or ordinance and
10 shall be submitted as a single proposition to the electors
11 in the affected jurisdictions at the election. If a
12 majority of those voting on the proposition vote in favor
13 of the proposition, it shall pass. If the election is held
14 in a school district on the issue of the tax being imposed,
15 and the proposition passes, the tax shall be imposed only
16 within that school district. The total excise tax imposed
17 within any county, city, town or school district under this
18 paragraph shall not exceed the rate specified by W.S.
19 39-16-204(a) (ii). The revenue from the tax shall be used in
20 a 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. The following
24 provisions shall also apply:

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(A) No tax shall be imposed under this paragraph until the proposition to impose the tax for specific purposes in specific amounts is approved by the vote of the majority of the qualified electors voting on the proposition in the specified jurisdictions. The amount of revenue to be collected and the purpose or purposes for which it is proposed to be used shall be specified in the proposition. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. Any debt created may also be repaid, in whole or in part, by a property tax levy if general obligation bonds are authorized by the electors in the case of a county. Except as otherwise provided, any excise tax imposed under this paragraph shall commence on the first day of the second month following the election approving the imposition of the tax. Unless terminated earlier by the sponsoring entities pursuant to subparagraph (ii)(G) of this subsection, the tax shall terminate on the last day of the month following the month in which the amount approved by the electors is collected. Unless an earlier date is authorized by the department of revenue, the first city, town or school district imposing the tax under this paragraph shall commence collection on the first

1 day of the seventh month following the date of the election
2 approving the imposition of the tax;

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4 (B) Upon certification of the election
5 results, the county, city or town clerk shall, within
6 thirty (30) days, notify the department of revenue of the
7 requirement for imposition of any tax under this paragraph
8 and shall, upon the receipt of all tax funds in the amount
9 approved, notify the department of revenue that the special
10 sales tax levy is terminated. If a tax is imposed only
11 within a city, town or school district, that city, town or
12 school district shall assist the department in identifying
13 all persons who hold sales and use tax licenses within that
14 city, town or school district. The department of revenue
15 shall inform all holders of sales and use tax licenses
16 within the county, city, town or school district of the
17 requirement for the collection and payment of the
18 additional tax. After receipt of notice that the amount has
19 been collected or that the sponsoring entities have
20 terminated the tax pursuant to subparagraph (ii)(G) of this
21 subsection, the department shall notify the license holders
22 of the termination of the tax.

23
24 **39-16-211. Distribution.**

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2 (d) All revenue collected by the department from the
3 taxes imposed by W.S. 39-16-203(a)(iv) shall be transferred
4 to the state treasurer who shall first make any transfer
5 required under subsection (c) of this section and:

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

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11 (ii) Deposit the remainder into the trust and
12 agency fund for monthly distribution to the county, city or
13 town treasurer of the entity in which the tax has been
14 imposed to be distributed immediately by the treasurer to
15 the sponsoring entity, as necessary;

16

17 (iii) W.S. 39-16-202(f) and (g),
18 39-16-203(a)(iii)(D), (F) and (G) and paragraphs (b)(iii)
19 and (iv) of this section apply to any tax imposed under
20 W.S. 39-16-203(a)(iii) and the sponsoring entities.

21

22 **Section 2.** This act is effective July 1, 2004.

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(END)