

## HOUSE BILL NO. HB0127

Local option revenue-cities.

Sponsored by: Representative Representative(s) Hinckley and  
Senator(s) Ross

A BILL

for

1 AN ACT relating to taxation and revenue; authorizing a  
2 municipality to impose an optional excise tax as specified;  
3 providing for distribution; specifying conditions; amending  
4 related provisions; 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. 39-15-203(a) by creating a new  
9 paragraph (v), 39-15-204(a)(intro) and by creating a new  
10 paragraph (vi), 39-15-211 by creating a new subsection (d),  
11 39-16-203(a) by creating a new paragraph (iv),  
12 39-16-204(a)(intro) by creating a new paragraph (v) and  
13 39-16-211 by creating a new subsection (d) are amended to  
14 read:

15

16       **39-15-203. Imposition.**

1

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

3

4 (v) The following provisions apply to imposition  
5 of the general purpose excise tax under W.S.  
6 39-15-204(a)(vi):

7

8 (A) Except as provided by subparagraph (F)  
9 of this paragraph, no tax shall be imposed under W.S.  
10 39-15-204(a)(vi) until the proposition to impose the taxes  
11 is submitted to the vote of the qualified electors of the  
12 city, and a majority of those casting their ballots vote in  
13 favor of imposing the taxes. As used in this paragraph,  
14 "city" means any incorporated municipality. A city may  
15 impose both taxes authorized in W.S. 39-15-204(a)(ii) and  
16 (vi), but the proposition to impose each tax shall be  
17 individually stated and voted upon. Except as otherwise  
18 provided, excise taxes imposed under this paragraph shall  
19 commence as provided by W.S. 39-15-207 following the  
20 election approving the imposition of the tax;

21

22 (B) The proposition to impose an excise tax  
23 shall be at the expense of the city and be submitted to the  
24 electors of the city upon the receipt by the governing body

1 of the city a petition requesting the election signed by at  
2 least five percent (5%) of the electors of the city or of a  
3 resolution approving the proposition from the governing  
4 body of the city. If proposed by petition by electors, the  
5 number of electors required shall be determined by the  
6 number of votes cast at the last general election. The  
7 election shall be at the direction and under the  
8 supervision of the governing body of the city;

9  
10 (C) The proposition may be submitted at an  
11 election held on a date authorized under W.S. 22-21-103. A  
12 notice of election shall be given in at least one (1)  
13 newspaper of general circulation published in the county in  
14 which the city is located and in which the election is to  
15 be held, and the notice shall specify the object of the  
16 election. The notice shall be published at least once each  
17 week for a thirty (30) day period preceding the election.  
18 At the election the ballots shall contain the words "for  
19 the city sales and use tax" and "against the city sales and  
20 use tax". If the proposition is approved the same  
21 proposition shall be submitted at every other subsequent  
22 general election until the proposition is defeated;

23

1                   (D) If the proposition to impose or  
2 continue the tax is defeated the proposition shall not  
3 again be submitted to the electors of the city for at least  
4 eleven (11) months. If the proposition is defeated at any  
5 general election following initial adoption of the  
6 proposition the tax is repealed and shall not be collected  
7 following June 30 of the year immediately following the  
8 year in which the proposition is defeated;

9  
10                   (E) If the proposition is approved by the  
11 qualified electors or under subparagraph (F) of this  
12 paragraph, the governing body of the city shall by  
13 ordinance impose an excise tax upon retail sales of  
14 tangible personal property, admissions and services. The  
15 governing body of the city shall adopt an ordinance for the  
16 tax authorized by W.S. 39-15-204(a)(vi). The ordinance  
17 shall include the following:

18  
19                   (I) A provision imposing an excise tax  
20 upon every retail sale of tangible personal property,  
21 admissions and services made within the city;

22  
23                   (II) Provisions identical to those  
24 contained in article 1 of this chapter insofar as it

1 relates to sales taxes, except the name of the city as the  
2 taxing agency shall be substituted for that of the state  
3 and an additional license to engage in business shall not  
4 be required if the vendor has been issued a state license  
5 pursuant to law;

6  
7 (III) A provision that any amendments  
8 made to article 1 or to chapter 16 not in conflict with  
9 article 1 of this chapter or to chapter 16 shall  
10 automatically become a part of the sales tax ordinances of  
11 the city;

12  
13 (IV) A provision that the city shall  
14 contract with the department prior to the effective date of  
15 the city sales tax ordinances whereby the department shall  
16 perform all functions incident to the administration of the  
17 sales tax ordinances of the city;

18  
19 (V) A provision that the amount  
20 subject to the sales tax shall not include the amount of  
21 any sales tax imposed by the state of Wyoming.

22  
23 (F) In lieu of the requirements of  
24 subparagraph (C) of this paragraph providing for the

1 submission of the proposition at subsequent elections, the  
2 tax authorized under W.S. 39-15-204(a)(vi) may be continued  
3 subject to the following terms and conditions:

4  
5 (I) The tax shall be initially imposed  
6 following approval of the electorate in accordance with  
7 subparagraphs (B) and (C) of this paragraph;

8  
9 (II) The tax shall be continued if  
10 favorably supported by a resolution adopted by the  
11 governing body of the city;

12  
13 (III) Ordinances under this  
14 subparagraph shall conform with subdivisions (E)(I) through  
15 (V) of this paragraph;

16  
17 (IV) Excise taxes shall be continued  
18 under this subparagraph only if the governing body of the  
19 city has certified that an ordinance to continue the tax  
20 under this subparagraph has been adopted at least ninety  
21 (90) days prior to the election to determine the  
22 continuation of the tax. Within five (5) days of such  
23 certification, the governing body of the city shall notify  
24 the department of revenue of this tax. If the tax is not

1 continued pursuant to this subparagraph it shall be subject  
2 to the provisions of subparagraph (C) of this paragraph for  
3 continuation;

4  
5 (V) The tax may be terminated in the  
6 same manner as it was continued under subdivisions (II) and  
7 (IV) of this subparagraph except that ordinances shall be  
8 for the rescinding of the tax. If the tax is continued  
9 under subdivisions (II) and (IV) of this subparagraph, it  
10 may also be terminated by an election to rescind the tax  
11 conducted subject to subparagraphs (B) through (D) of this  
12 paragraph.

13  
14 **39-15-204. Taxation rate.**

15  
16 (a) In addition to the state tax imposed under W.S.  
17 39-15-101 through 39-15-111 any county of the state may  
18 impose the following excise taxes, ~~and~~ any city or town may  
19 impose the tax authorized by ~~paragraph~~ paragraphs (ii) and  
20 (vi) of this subsection and any resort district may impose  
21 the tax authorized by paragraph (v) of this subsection:

22  
23 (vi) An excise tax at a rate in increments of  
24 one-half of one percent (.5%) not to exceed a rate of one

1 percent (1%) upon retail sales of tangible personal  
2 property, admissions and services made within the city, the  
3 purpose of which is for general revenue.

4  
5 **39-15-211. Distribution.**

6  
7 (d) All revenue collected by the department from the  
8 taxes imposed by W.S. 39-15-203(a)(v) shall be transferred  
9 to the state treasurer who shall:

10  
11 (i) Deduct one percent (1%) to defray the costs  
12 of collecting the tax and administrative expenses incident  
13 thereto which shall be deposited into the general fund;

14  
15 (ii) Deposit the remainder into the trust and  
16 agency fund for monthly distribution to the city or town  
17 treasurer of the entity in which the tax has been imposed  
18 to be deposited into the general fund.

19  
20 **39-16-203. Imposition.**

21  
22 (a) Taxable event. The following shall apply:

23



1           (iv) The following provisions apply to  
2 imposition of the general purpose excise tax under W.S.  
3 39-16-204(a)(v):

4  
5           (A) Except as provided by subparagraph (F)  
6 of this paragraph, no tax shall be imposed under W.S.  
7 39-16-204(a)(v) until the proposition to impose the taxes  
8 is submitted to the vote of the qualified electors of the  
9 city, and a majority of those casting their ballots vote in  
10 favor of imposing the taxes. As used in this paragraph,  
11 "city" means any incorporated municipality. Except as  
12 otherwise provided, excise taxes imposed under this  
13 paragraph shall commence as provided by W.S. 39-16-207  
14 following the election approving the imposition of the tax;

15  
16           (B) The proposition to impose an excise tax  
17 shall be at the expense of the city and be submitted to the  
18 electors of the city upon the receipt by the governing body  
19 of the city a petition requesting the election signed by at  
20 least five percent (5%) of the electors of the city or of a  
21 resolution approving the proposition from the governing  
22 body of the city. If proposed by petition by electors, the  
23 number of electors required shall be determined by the  
24 number of votes cast at the last general election. The

1 election shall be at the direction and under the  
2 supervision of the governing body of the city;

3  
4 (C) The proposition may be submitted at an  
5 election held on a date authorized under W.S. 22-21-103. A  
6 notice of election shall be given in at least one (1)  
7 newspaper of general circulation published in the county in  
8 which the city is located and in which the election is to  
9 be held, and the notice shall specify the object of the  
10 election. The notice shall be published at least once each  
11 week for a thirty (30) day period preceding the election.  
12 At the election the ballots shall contain the words "for  
13 the city sales and use tax" and "against the city sales and  
14 use tax". If the proposition is approved the same  
15 proposition shall be submitted at every other subsequent  
16 general election until the proposition is defeated;

17  
18 (D) If the proposition to impose or  
19 continue the tax is defeated the proposition shall not  
20 again be submitted to the electors of the city for at least  
21 eleven (11) months. If the proposition is defeated at any  
22 general election following initial adoption of the  
23 proposition the tax is repealed and shall not be collected

1 following June 30 of the year immediately following the  
2 year in which the proposition is defeated;

3  
4 (E) If the proposition is approved by the  
5 qualified electors or under subparagraph (F) of this  
6 paragraph, the governing body of the city shall by  
7 ordinance impose an excise tax upon retail sales of  
8 tangible personal property, admissions and services. The  
9 governing body of the city shall adopt an ordinance for the  
10 tax authorized by W.S. 39-16-204(a)(v). The ordinance shall  
11 include the following:

12  
13 (I) A provision imposing an excise tax  
14 upon every retail sale of tangible personal property,  
15 admissions and services made within the city and upon sales  
16 made within the city and storage, use and consumption of  
17 tangible personal property in the city at the rate approved  
18 by the electors or under subparagraph (F) of this  
19 paragraph, whichever is appropriate;

20  
21 (II) Provisions identical to those  
22 contained in article 1 of this chapter insofar as it  
23 relates to use taxes, except the name of the city as the  
24 taxing agency shall be substituted for that of the state

1 and an additional license to engage in business shall not  
2 be required if the vendor has been issued a state license  
3 pursuant to law;

4  
5 (III) A provision that any amendments  
6 made to article 1 or to chapter 15 not in conflict with  
7 article 1 of this chapter or to chapter 15 shall  
8 automatically become a part of the sales tax ordinances of  
9 the city;

10  
11 (IV) A provision that the city shall  
12 contract with the department prior to the effective date of  
13 the city sales tax ordinances whereby the department shall  
14 perform all functions incident to the administration of the  
15 use tax ordinances of the city;

16  
17 (V) A provision that the amount  
18 subject to the tax shall not include the amount of any  
19 sales or use tax imposed by the state of Wyoming.

20  
21 (F) In lieu of the requirements of  
22 subparagraph (C) of this paragraph providing for the  
23 submission of the proposition at subsequent elections, the

1 tax authorized under W.S. 39-16-204(a) (v) may be continued  
2 subject to the following terms and conditions:

3  
4 (I) The tax shall be initially imposed  
5 following approval of the electorate in accordance with  
6 subparagraphs (B) and (C) of this paragraph;

7  
8 (II) The tax shall be continued if  
9 favorably supported by a resolution adopted by the  
10 governing body of the city;

11  
12 (III) Ordinances under this  
13 subparagraph shall conform with subdivisions (E) (I) through  
14 (V) of this paragraph;

15  
16 (IV) Excise taxes shall be continued  
17 under this subparagraph only if the governing body of the  
18 city has certified that an ordinance to continue the tax  
19 under this subparagraph has been adopted at least ninety  
20 (90) days prior to the election to determine the  
21 continuation of the tax. Within five (5) days of such  
22 certification, the governing body of the city shall notify  
23 the department of revenue of this tax. If the tax is not  
24 continued pursuant to this subparagraph it shall be subject

1 to the provisions of subparagraph (C) of this paragraph for  
2 continuation;

3  
4 (V) The tax may be terminated in the  
5 same manner as it was continued under subdivisions (II) and  
6 (IV) of this subparagraph except that ordinances shall be  
7 for the rescinding of the tax. If the tax is continued  
8 under subdivisions (II) and (IV) of this subparagraph, it  
9 may also be terminated by an election to rescind the tax  
10 conducted subject to subparagraphs (B) through (D) of this  
11 paragraph.

12  
13 **39-16-204. Taxation rate.**

14  
15 (a) In addition to the state tax imposed under W.S.  
16 39-16-101 through 39-16-111 any county of the state may  
17 impose the following excise taxes authorized by paragraph  
18 (ii) of this subsection, any city or town may impose the  
19 tax authorized by paragraph (v) of this subsection and any  
20 resort district may impose the tax authorized by paragraph  
21 (iv) of this subsection:

22  
23 (v) An excise tax at a rate in increments of  
24 one-half of one percent (.5%) not to exceed a rate of one

1 percent (1%) upon sales and storage, use and consumption of  
2 tangible personal property as provided by this article made  
3 within the city, the purpose of which is for general  
4 revenue;

5  
6 **39-16-211. Distribution.**

7  
8 (d) All revenue collected by the department from the  
9 taxes imposed by W.S. 39-16-203(a)(iv) shall be transferred  
10 to the state treasurer who shall:

11  
12 (i) Deduct one percent (1%) to defray the costs  
13 of collecting the tax and administrative expenses incident  
14 thereto which shall be deposited into the general fund;

15  
16 (ii) Deposit the remainder into the trust and  
17 agency fund for monthly distribution to the city or town  
18 treasurer of the entity in which the tax has been imposed  
19 to be deposited into the general fund.

20  
21 **Section 2.** This act is effective July 1, 2005.

22  
23 (END)