

HOUSE BILL NO. HB0136

Optional municipal tax-2.

Sponsored by: Representative(s) Schwartz, Connolly, Dayton,
Furphy and Simpson

A BILL

for

1 AN ACT relating to taxation and revenue; authorizing an
2 optional municipal sales and use tax as specified;
3 providing for adoption of the tax through election;
4 providing procedures; amending related provisions; and
5 providing for an effective date.

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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 (vi), 39-15-204(a)(intro) and by creating a new
11 paragraph (vii), 39-15-211 by creating a new subsection
12 (d), 39-16-203(a) by creating a new paragraph (v),
13 39-16-204(a)(intro) and by creating a new paragraph (vi)
14 and 39-16-211 by creating a new subsection (d) are amended
15 to read:

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2 **39-15-203. Imposition.**

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

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6 (vi) The following provisions shall apply to the
7 imposition of the municipal tax under W.S.
8 39-15-204(a)(vii):

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10 (A) The tax authorized by W.S.
11 39-15-204(a)(vii) shall be in addition to and not in lieu
12 of any tax imposed by a county under W.S. 39-15-204(a)(i),
13 (iii) or (vi) if those taxes are imposed;

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15 (B) Revenue from the tax shall be used for
16 general revenue, in a specified amount for a specific
17 purpose or for economic development, as specified in the
18 proposition. A city or town may impose a portion of the tax
19 for separate purposes provided that the purposes are voted
20 on separately, each proposition specifies the purpose of
21 the tax and the total amount of the tax does not exceed the
22 maximum amount specified in W.S. 39-15-204(a)(vii);

23

1 (C) No tax shall be imposed under this
2 paragraph until the specific proposition to impose the tax
3 is approved by the vote of the majority of the qualified
4 electors voting on the specific proposition. The purpose of
5 the tax and the amount of revenue to be collected, if
6 applicable, shall be specified in the proposition. The
7 election shall be held in accordance with W.S. 22-21-101
8 through 22-21-112. Any excise tax imposed under this
9 paragraph shall commence as provided by W.S. 39-15-207(c)
10 following the election approving the imposition of the tax;

11
12 (D) The proposition may be submitted at an
13 election held on a date authorized under W.S. 22-21-103. A
14 notice of election shall be given in at least one (1)
15 newspaper of general circulation published in the county in
16 which the election is to be held, and the notice shall
17 specify the proposition that will be considered at the
18 election. The notice shall be published at least once each
19 week for a thirty (30) day period preceding the election.
20 At the election for each proposition, the ballots shall
21 contain the words "for the municipal sales and use tax" and
22 "against the municipal sales and use tax". The ballot shall
23 describe if the tax will be for general revenue, in a

1 specified amount for a specific purpose or for economic
2 development in a clear and appropriate manner. If the
3 proposition is approved the same proposition shall be
4 submitted every four (4) years until the proposition is
5 defeated;

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7 (E) If the proposition to impose or
8 continue the tax is defeated the proposition shall not
9 again be submitted to the electors of the municipality for
10 at least eleven (11) months. If the proposition is defeated
11 at any general election following initial adoption of the
12 proposition the tax is repealed and shall not be collected
13 following June 30 of the year immediately following the
14 year in which the proposition is defeated except:

15
16 (I) If the proposition was for less
17 than the full amount authorized in W.S. 39-15-204(a)(vii),
18 this subparagraph shall not prohibit a separate proposition
19 for the remaining authorized amount of the tax as provided
20 in subparagraph (A) of this paragraph;

21
22 (II) If the proposition was to
23 increase the amount of the tax originally adopted by the

1 electors or to impose a tax for a different purpose,
2 subject to the maximum amount of the tax, the defeat of the
3 proposition shall not repeal the proposition originally
4 adopted by the electors.

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6 (F) If the proposition is approved by the
7 qualified electors, the city or town council shall adopt an
8 ordinance for the tax authorized by W.S. 39-15-204(a)(vii).
9 The ordinance shall include the following:

10
11 (I) A provision imposing an excise tax
12 upon retail sales of tangible personal property, admissions
13 and services made within the municipality, whichever is
14 appropriate;

15
16 (II) Provisions identical to those
17 contained in article 1 of this chapter except for W.S.
18 39-15-102(a), insofar as it relates to sales taxes, except
19 the name of the municipality as the taxing agency shall be
20 substituted for that of the state and an additional license
21 to engage in business shall not be required if the vendor
22 has been issued a state license pursuant to law;

23

1 (III) A provision that any amendments
2 made to article 1 of this chapter or to chapter 16 of this
3 title shall automatically become a part of the sales tax
4 ordinances of the city or town;

5
6 (IV) A provision that the city or town
7 shall contract with the department prior to the effective
8 date of the sales tax ordinances whereby the department
9 shall perform all functions incident to the administration
10 of the sales tax ordinances of the city or town;

11
12 (V) A provision that the amount
13 subject to the sales tax shall not include the amount of
14 any sales tax imposed by the state of Wyoming.

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16 **39-15-204. Taxation rate.**

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

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39-15-211. Distribution.

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(vii) An excise tax at a rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%) upon retail sales of tangible personal property, admissions and services made within the city or town, the purpose of which is for general revenue, for a specific purpose or for economic development as specified in the proposition.

(d) For all revenue collected by the department from the taxes imposed by W.S. 39-15-204(a)(vii) the department shall:

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

(ii) Deposit the remainder into an account for monthly distribution to the municipality in which the tax has been imposed to be distributed immediately by the treasurer to the sponsoring entity which shall only be used

1 by the municipality for costs related to the purposes
2 approved on the ballot.

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

5

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

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8 (v) The following provisions shall apply to the
9 imposition of the municipal tax under W.S.
10 39-16-204(a)(vi):

11

12 (A) The tax authorized by W.S.
13 39-16-204(a)(vi) shall be in addition to and not in lieu of
14 any tax imposed by a county under W.S. 39-16-204(a)(i),
15 (ii) or (v) if those taxes are imposed;

16

17 (B) Revenue from the tax shall be used for
18 general revenue, in a specified amount for a specific
19 purpose or for economic development, as specified in the
20 proposition. A city or town may impose a portion of the tax
21 for separate purposes provided that the purposes are voted
22 on separately, each proposition specifies the purpose of

1 the tax and the total amount of the tax does not exceed the
2 maximum amount specified in W.S. 39-16-204(a)(vi);

3
4 (C) No tax shall be imposed under this
5 paragraph until the specific proposition to impose the tax
6 is approved by the vote of the majority of the qualified
7 electors voting on the specific proposition. The purpose of
8 the tax and the amount of revenue to be collected, if
9 applicable, shall be specified in the proposition. The
10 election shall be held in accordance with W.S. 22-21-101
11 through 22-21-112. Any excise tax imposed under this
12 paragraph shall commence as provided by W.S. 39-16-207(c)
13 following the election approving the imposition of the tax;

14
15 (D) The proposition may be submitted at an
16 election held on a date authorized under W.S. 22-21-103. A
17 notice of election shall be given in at least one (1)
18 newspaper of general circulation published in the county in
19 which the election is to be held, and the notice shall
20 specify the proposition that will be considered at the
21 election. The notice shall be published at least once each
22 week for a thirty (30) day period preceding the election.
23 At the election for each proposition, the ballots shall

1 contain the words "for the municipal sales and use tax" and
2 "against the municipal sales and use tax". The ballot shall
3 describe if the tax will be for general revenue, in a
4 specified amount for a specific purpose or for economic
5 development in a clear and appropriate manner. If the
6 proposition is approved the same proposition shall be
7 submitted every four (4) years until the proposition is
8 defeated;

9
10 (E) If the proposition to impose or
11 continue the tax is defeated the proposition shall not
12 again be submitted to the electors of the municipality for
13 at least eleven (11) months. If the proposition is defeated
14 at any general election following initial adoption of the
15 proposition the tax is repealed and shall not be collected
16 following June 30 of the year immediately following the
17 year in which the proposition is defeated except:

18
19 (I) If the proposition was for less
20 than the full amount authorized in W.S. 39-16-204(a)(vi),
21 this subparagraph shall not prohibit a separate proposition
22 for the remaining authorized amount of the tax as provided
23 in subparagraph (A) of this paragraph;

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(II) If the proposition was to increase the amount of the tax originally adopted by the electors or to impose a tax for a different purpose, subject to the maximum amount of the tax, the defeat of the proposition shall not repeal the proposition originally adopted by the electors.

(F) If the proposition is approved by the qualified electors, the city or town council shall adopt an ordinance for the tax authorized by W.S. 39-16-204(a)(vi). The ordinance shall include the following:

(I) A provision imposing an excise tax upon sales and storage, use and consumption of tangible personal property made within the municipality, whichever is appropriate;

(II) Provisions identical to those contained in article 1 of this chapter, insofar as it relates to sales taxes, except the name of the municipality as the taxing agency shall be substituted for that of the state and an additional license to engage in business shall

1 not be required if the vendor has been issued a state
2 license pursuant to law;

3
4 (III) A provision that any amendments
5 made to article 1 of this chapter or to chapter 15 of this
6 title shall automatically become a part of the use tax
7 ordinances of the city or town;

8
9 (IV) A provision that the city or town
10 shall contract with the department prior to the effective
11 date of the use tax ordinances whereby the department shall
12 perform all functions incident to the administration of the
13 use tax ordinances of the city or town;

14
15 (V) A provision that the amount
16 subject to the use tax shall not include the amount of any
17 use tax imposed by the state of Wyoming.

18
19 **39-16-204. Taxation rate.**

20
21 (a) In addition to the state tax imposed under W.S.
22 39-16-101 through 39-16-111 any county of the state may
23 impose the following excise taxes, any city or town may

1 impose the tax authorized by paragraph (vi) of this
2 subsection and any resort district may impose the tax
3 authorized by paragraph (iv) of this subsection:
4

5 (vi) An excise tax at a rate in increments of
6 one-quarter of one percent (.25%) not to exceed a rate of
7 one percent (1%) upon sales and storage, use and
8 consumption of tangible personal property made within the
9 city or town, the purpose of which is for general revenue,
10 for a specific purpose or for economic development as
11 specified in the proposition.
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13 **39-16-211. Distribution.**
14

15 (d) For all revenue collected by the department from
16 the taxes imposed by W.S. 39-16-204(a)(vi) the department
17 shall:
18

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