

Phillips

92 LSO-0251

SENATE FILE 0048

SENATE FILE

SF0048

AN ACT relating to the capital facilities tax; establishing an optional procedure for imposing a capital facilities tax; authorizing cities and towns to individually impose the tax; and providing for an effective date.

Introduced by:

SENATE ACTION ON SENATE FILE

114 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 7
☐ Failed introduction
Aye ___ No ___ Ex ___ Ab ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Sent to House (No Amendments)
Sent to LSO for Engrossing
ENGROSSED
Sent to House

HOUSE ACTION ON SENATE FILE

Received. Read First Time.
Referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Sent to Senate
Sent for Enrolling
SEA No. ___
Signed by President
Signed by Speaker
Approved by Governor
Chapter No. ___

INTRODUCED

SENATE FILE NO. SF0048

Capital facilities tax-optional procedure.

Sponsored by: Senator(s) Phillips

A BILL

for

1 AN ACT relating to the capital facilities tax; establishing
2 an optional procedure for imposing a capital facilities tax;
3 authorizing cities and towns to individually impose the tax;
4 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. 39-6-412(g)(intro), (i) and (ii) and
9 by creating a new subsection (o) and 39-6-518(e) are amended
10 to read:

11

12 **39-6-412. Imposition of excise taxes by political**
13 **subdivisions.**

14

15 (g) If the proposition is approved by the qualified
16 electors or under subsection (n) or (o) of this section, the
17 board of county commissioners, city council or town council,
18 as appropriate, shall by ordinance impose an excise tax upon

1 retail sales of tangible personal property, admissions and
2 services and upon sales and storage, use and consumption of
3 tangible personal property, or ~~the board of county~~
4 ~~commissioners, city council or town council, as appropriate,~~
5 shall by ordinance impose an excise tax upon the sales price
6 for lodging services, as appropriate. Following approval of
7 a proposition to impose the tax under paragraph (b)(ii) of
8 this section, the county, city or town shall within thirty
9 (30) days following certification of the election results
10 and annually thereafter each year the tax is in effect,
11 notify the department of revenue of the ordinance or
12 resolution imposing the lodging tax and shall submit a list
13 to the department of all persons selling lodging services
14 within their respective jurisdiction. The board of county
15 commissioners or the city or town council shall adopt a
16 separate ordinance for each tax authorized by this section.
17 The ordinance shall include the following:

18

19 (i) A provision imposing an excise tax upon every
20 retail sale of tangible personal property, admissions and
21 services made within the county and upon sales made within
22 the county, city or town and storage, use and consumption of
23 tangible personal property in the county, city or town at
24 the rate approved by the electors or under subsection (n) or
25 (o) of this section, or a provision imposing an excise tax

1 on every sale of lodging services within the county, city or
2 town at the rate approved by the qualified electors,
3 whichever is appropriate;
4

5 (ii) Provisions identical to those contained in
6 this article except for W.S. 39-6-401(a) and 39-6-412,
7 insofar as they relate to sales taxes and in article 5 of
8 this chapter, except for W.S. 39-6-501(a), insofar as they
9 relate to use taxes, except the name of the county, city or
10 town as the taxing agency shall be substituted for that of
11 the state and an additional license to engage in business
12 shall not be required if the vendor has been issued a state
13 license pursuant to law;
14

15 (o) In lieu of the procedure to impose a tax under
16 subsection (k) of this section, any county, city or town may
17 impose an excise tax not to exceed one percent (1%) upon
18 retail sales of tangible personal property, admissions and
19 services made, and upon storage, use and consumption of
20 tangible personal property, within that county, city or
21 town. A county, city or town may adopt a resolution or
22 ordinance necessary to begin the procedure under this
23 subsection only if a proposition to impose a tax under
24 subsection (k) of this section has been defeated by the
25 electors in the county during the eighteen (18) calendar

1 months preceding the month in which the resolution or
2 ordinance is adopted. Any resolution or ordinance so
3 adopted shall be in a specified amount for a specified
4 purpose. Any county, city or town which adopts such an
5 ordinance or resolution shall forward it to the county clerk
6 within five (5) days of its adoption. Within five (5) days
7 of receipt of a copy of the ordinance, the county clerk
8 shall forward a copy of the ordinance or resolution to all
9 other cities or towns within the county and, if an
10 ordinance, to the county commissioners. The county clerk
11 shall schedule an election within the entity that adopted
12 the ordinance or resolution on the issue of imposing the
13 tax. If a county adopts a resolution under this subsection,
14 the election shall be held within the county. A city or
15 town may adopt an ordinance and specify that the tax will be
16 imposed in the city or town. If an ordinance is adopted, the
17 tax shall be imposed within the boundaries of the city or
18 town in which the city or town is located, as appropriate.
19 The election shall be scheduled to be held not less than one
20 hundred twenty (120) days and not more than one hundred
21 eighty (180) days after the date the county clerk received
22 the ordinance or resolution. If any general, primary or
23 other special election is scheduled to be held in the
24 jurisdiction during that time period, the issue shall be
25 placed on the ballot at that election. If within ninety

1 (90) days after receipt of a copy of an ordinance or
2 resolution from the county clerk under this subsection, the
3 county commissioners, in the case of an ordinance, or
4 another city or town adopts an ordinance or resolution to
5 impose a tax in a specified amount for a specified purpose
6 and which is forwarded to and received by the county clerk,
7 that proposition shall be consolidated with the original
8 proposition in the initial resolution or ordinance and shall
9 be submitted as a single proposition to the electors in the
10 affected jurisdictions at the election. If a majority of
11 those voting on the proposition vote in favor of it, it
12 shall pass. The total excise tax imposed within any county,
13 city or town under this subsection shall not exceed one
14 percent (1%). The revenue from the tax shall be used in a
15 specified amount for specific purposes authorized by the
16 qualified electors. Specific purposes shall not include
17 ordinary operations of local government except those
18 operations related to a specific project. The following
19 provisions also apply:

20
21 (i) No tax shall be imposed under this subsection
22 until the proposition to impose the tax for specific
23 purposes in specific amounts is approved by the vote of the
24 majority of the qualified electors voting on the proposition
25 in the specified jurisdictions. The amount of revenue to be

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

20
21 (ii) Upon certification of the election results,
22 the county, city or town clerk shall, within thirty (30)
23 days, notify the department of revenue of the requirement
24 for imposition of any tax under this subsection and shall,
25 upon the receipt of all tax funds in the amount approved,

1 notify the department of revenue that the special sales tax
2 levy is terminated. If a tax is imposed only within a city
3 or town, that city or town shall assist the department in
4 identifying all persons who hold sales and use tax licenses
5 within that city or town. The department of revenue shall
6 inform all holders of sales and use tax licenses within the
7 county, city or town of the requirement for the collection
8 and payment of the additional tax. After receipt of notice
9 that the amount has been collected or that the sponsoring
10 entities have terminated the tax pursuant to paragraph (xi)
11 of this subsection, the department shall notify the license
12 holders of the termination of the tax;

13

14 (iii) All revenue collected by the department
15 from the taxes imposed by this subsection shall be
16 transferred to the state treasurer who shall first make any
17 transfer required under W.S. 39-6-409(d) and shall then:

18

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

23

24 (B) Deposit the remainder into the trust and
25 agency fund for monthly distribution to the county, city or

1 town treasurer of the entity in which the tax has been
2 imposed to be distributed immediately by the treasurer to
3 the sponsoring entity, as necessary.

4

5 (iv) Paragraphs (k)(iv), (v), (vi) and (viii)
6 through (xi) of this section apply to any tax imposed under
7 this subsection and the sponsoring entities.

8

9 **39-6-518. Political subdivisions prohibited from**
10 **imposing use tax except as provided.**

11

12 (e) A county, city or town imposing a sales tax
13 pursuant to W.S. 39-6-412(k) or (o) is authorized and
14 required to impose a corresponding use tax at the same rate
15 and for the same period of time as for the sales tax.

16

17 **Section 2.** This act is effective July 1, 1997.

18

19

(END)

FISCAL NOTE

The fiscal impact is indeterminable. There would be a small increase to the State General Fund attributable to the 1% administrative fee. It is difficult to estimate how many and which political subdivisions would take advantage of the program. Therefore, revenue increases cannot be accurately estimated at this time.

In addition, this bill has administrative impact which appears to increase (or decrease) duties or responsibilities of one or more state agencies and may impact agency spending or staffing requirements. As introduced, the bill does not modify any state agency budget or current personnel authorizations. The following state agencies may be affected administratively:

The Department of Revenue.
State Treasurer's Office.

Prepared by: Stan Smith, State Treasurer
Johnnie Burton, Director Dept. of Revenue

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777-5287

SF 48

FISCAL NOTE FORM

SF 48FISCAL IMPACT - ADMINISTRATIVE.Will passage of this bill require/reduce expenditures? Yes X No Will passage of this bill require/reduce personnel? Yes X No Description:

The Treasurer's Office would require an additional personnel position to track the activity. Additionally, the Department of Revenue's present computer system cannot accommodate a tax below county level. There would be significant impact on vendors who would have to segregate this tax on their reports for distribution purposes. The costs to modify the new software as well as reprinting forms to include the new municipalities would be significant.

Expenditure detail: No specific costs have been provided.

	FY 1998	FY 1999	FY 2000
Personnel/Benefit costs:	_____	_____	_____
Supportive service and equipment costs:	_____	_____	_____
Computer charges cost:	_____	_____	_____
Space rental costs:	_____	_____	_____
Capital expenditures:	_____	_____	_____
Contractual services costs:	_____	_____	_____
Other costs:	_____	_____	_____
Total costs:	_____	_____	_____
Funding			
General:	_____	_____	_____
Federal:	_____	_____	_____
Other:	_____	_____	_____

Assumptions:

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