

SENATE FILE NO. SF0114

Sales and use tax payments-large facilities.

Sponsored by: Senator(s) Bebout

A BILL

for

1 AN ACT relating to sales and use taxes; authorizing contracts
2 for payments of sales and use taxes related to the
3 construction of specified facilities; providing for
4 distribution of the payments; providing for a special
5 property tax assessment; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 39-15-107(b) by creating a new
10 paragraph (xii), 39-15-111 by creating a new subsection (p),
11 39-16-107(b) by creating a new paragraph (x) and 39-16-111 by
12 creating a new subsection (p) are amended to read:

13

14 **39-15-107. Compliance; collection procedures.**

15

16 (b) Payment. The following shall apply:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

(xii) If an industrial facility as defined in W.S. 35-12-102(a)(vii) is constructed in a city, town or county, the city, town or county, in consultation with the department, may enter into a contract with the taxpayer to provide for payment over a period of twenty (20) years all sales and use taxes related to construction of the facility. If the facility is located in more than one (1) city, town or county, all local government entities shall agree to the contract and to the proportion of payments to be made to each entity based on the location of the facility before the contract is effective. The contract shall specify an interest rate of one percent (1%) to three percent (3%) for payments of deferred sales and use taxes under this paragraph. If the taxpayer pays pursuant to a contract entered into under this paragraph, the sales and use taxes shall not be subject to other interest or penalties under this article or article 16 of this title. Payments received under this paragraph shall be distributed as provided in W.S. 39-15-111(p). After twenty (20) years, an amount equal to the annual payment agreed to under this section shall be added as a special assessment under W.S. 39-13-104(f)(iii) for the facility for the remainder of the

1 life of the facility or for an additional twenty (20) years,
2 whichever is less.

3

4 **39-15-111. Distribution.**

5

6 (p) Revenues from deferred sales and use tax payments
7 made pursuant to a contract entered into under W.S.
8 39-15-107(b)(xii) shall be recognized as revenue during the
9 fiscal year the payments are made for accounting purposes.
10 For all revenue collected by the department under W.S.
11 39-15-107(b)(xii), other than special assessment payments
12 made pursuant to W.S. 39-13-104(f)(iii), the department
13 shall:

14

15 (i) Credit sixty-nine percent (69%) to the state
16 general fund for deposit by the state treasurer except as
17 provided by subsections (c) and (d) of this section;

18

19 (ii) Deduct one percent (1%) from the remaining
20 share to cover all administrative expenses and costs
21 attributable to the remaining share and credit for deposit by
22 the state treasurer into the general fund for that amount;

23

1 (iii) The balance shall then be paid to the
2 treasurers of the city, town or county where the facility is
3 located for payment into the general fund of the city, town
4 or county. If the facility is located in more than one (1)
5 city, town or county, the payment shall be paid to each city,
6 town or county in the amount specified in the contract entered
7 into under W.S. 39-15-107(b)(xii).

8
9 **39-16-107. Compliance; collection procedures.**

10
11 (b) Payment. The following shall apply:

12
13 (x) Payment of use taxes related to construction
14 of an industrial facility as defined in W.S.
15 35-12-102(a)(vii) may be made pursuant to a contract entered
16 into under W.S. 39-15-107(b)(xii).

17
18 **39-16-111. Distribution.**

19
20 (p) Revenues from payments made pursuant to a contract
21 entered into under W.S. 39-15-107(b)(xii) shall be
22 distributed as provided in W.S. 39-15-111(p).

23

1 **Section 2.** This act is effective July 1, 2019.

2

3

(END)