

HOUSE BILL NO. HB0025

County reserve accounts.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to local sales and use tax; authorizing the
2 deposit of certain specific purpose excise taxes into
3 reserve accounts as specified; requiring approval from the
4 governing body and qualified electors of a county;
5 specifying the use of funds in reserve accounts; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 39-15-203(a)(iii)(B) and by creating
11 a new subparagraph (H), 39-15-204(a)(iii),
12 39-15-211(b)(iv), 39-16-203(a)(ii)(B) and by creating a new
13 subparagraph (H), 39-16-204(a)(ii) and 39-16-211(b)(iv) are
14 amended to read:

15

1 **39-15-203. Imposition.**

2

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

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5 (iii) The following provisions apply to
6 imposition of the specific purpose excise tax under W.S.
7 39-15-204(a)(iii):

8

9 (B) The revenue from the tax shall be used
10 in a specified amount for specific purposes authorized by
11 the qualified electors. Specific purposes may include one
12 (1) time major maintenance, renovation or reconstruction of
13 a specifically defined section of a public roadway and may
14 include, in conjunction with another specific purpose,
15 funding a reserve account as provided in subparagraph (H)
16 of this paragraph. Specific purposes shall not include
17 ordinary operations of local government except those
18 operations related to a specific project or as authorized
19 by subparagraph (H) of this paragraph;

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21 (H) If approved in the resolution adopted
22 pursuant to subparagraph (A) of this paragraph and approved
23 by the qualified electors pursuant to subparagraph (C) of

1 this paragraph, a specified amount of revenue from the tax
2 or the tax revenue from a specified period not to exceed
3 the specified amount may be deposited into a reserve
4 account. Funds in the reserve account may be invested as
5 provided in W.S. 9-4-831 and may be expended for specific
6 purposes previously authorized under this paragraph and for
7 the ordinary operations of local government.

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9 **39-15-204. Taxation rate.**

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11 (a) In addition to the state tax imposed under W.S.
12 39-15-101 through 39-15-111 any county of the state may
13 impose the following excise taxes and any city or town may
14 impose the tax authorized by paragraph (ii) of this
15 subsection and any resort district may impose the tax
16 authorized by paragraph (v) of this subsection:

17
18 (iii) An excise tax not to exceed two percent
19 (2%) upon retail sales of tangible personal property,
20 admissions and services made within the county. The total
21 excise tax imposed within any county under this paragraph
22 shall not exceed two percent (2%). The revenue from the tax
23 shall be used in a specified amount for specific purposes

1 authorized by the qualified electors and as provided in
2 W.S. 39-15-211(b)(iv). Specific purposes shall not include
3 ordinary operations of local government except those
4 operations related to a specific project or as authorized
5 by W.S. 39-15-203(a)(iii)(H);

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7 **39-15-211. Distribution.**

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9 (b) For all revenue collected by the department from
10 the taxes imposed by W.S. 39-15-204(a)(iii) the department
11 shall:

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13 (iv) If taxes collected exceed the amount
14 necessary for the approved purpose, the excess funds shall
15 be retained by the county treasurer for one (1) year for
16 refund of overpayments of the tax imposed pursuant to this
17 act upon order of the department. After one (1) year any
18 interest earned on the excess funds and the excess funds
19 less any refunds ordered shall be deposited in the
20 applicable reserve account authorized by W.S.
21 39-15-203(a)(iii)(H) or transferred to the county or
22 municipality as specified in the resolution adopted
23 pursuant to W.S. 39-15-203(a)(iii)(A). If the resolution

1 fails to specify how excess funds will be expended and
2 after all approved purposes have been completed, the county
3 treasurer shall transfer the excess funds less any refunds
4 ordered to each city and town within the county in the
5 proportion the population of the city or town bears to the
6 population of the county and to the county in the
7 proportion that the population of the unincorporated areas
8 of the county bears to the population of the county. After
9 a public hearing, with notice of the public hearing
10 published in a newspaper of general circulation in the
11 county at least thirty (30) days before the public hearing,
12 the governing body of the county and each municipality may
13 appropriate its proportion of excess funds for other
14 specific purposes authorized by a majority vote of the
15 governing body, which shall not include the ordinary
16 operations of local government. Excess funds collected on
17 the propositions approved prior to January 1, 1989, and any
18 interest earned shall be retained by the county treasurer
19 for use in any purposes approved by the electors in
20 accordance with procedures set forth in this section and
21 for refunds of overpayment of taxes imposed pursuant to
22 this act upon the order of the department, except that,
23 with the approval of the governing bodies adopting the

1 initial resolution, the excess funds and any interest
2 earned may be used for the needs of the project for which
3 the tax was approved.

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5 **39-16-203. Imposition.**

6

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

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9 (ii) The following provisions apply to
10 imposition of the specific purpose excise tax under W.S.
11 39-16-204(a)(ii):

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13 (B) The revenue from the tax shall be used
14 in a specified amount for specific purposes authorized by
15 the qualified electors. Specific purposes may include one
16 (1) time major maintenance, renovation or reconstruction of
17 a specifically defined section of a public roadway and may
18 include, in conjunction with another specific purpose,
19 funding a reserve account as provided in subparagraph (H)
20 of this paragraph. Specific purposes shall not include
21 ordinary operations of local government except those
22 operations related to a specific project or as authorized
23 by subparagraph (H) of this paragraph;

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39-16-204. Taxation rate.

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(H) If approved in the resolution adopted pursuant to subparagraph (A) of this paragraph and approved by the qualified electors pursuant to subparagraph (C) of this paragraph, a specified amount of revenue from the tax or the tax revenue from a specified period not to exceed the specified amount may be deposited into a reserve account. Funds in the reserve account may be invested as provided in W.S. 9-4-831 and may be expended for specific purposes previously authorized under this paragraph and for the ordinary operations of local government.

(a) In addition to the state tax imposed under W.S. 39-16-101 through 39-16-111 any county of the state may impose the following excise taxes and any resort district may impose the tax authorized by paragraph (iv) of this subsection:

(ii) An excise tax not to exceed two percent (2%) upon sales and storage, use and consumption of tangible personal property, within the county. The total

1 excise tax imposed within any county under this paragraph
2 shall not exceed two percent (2%). The revenue from the tax
3 shall be used in a specified amount for specific purposes
4 authorized by the qualified electors and as provided in
5 W.S. 39-16-211(b)(iv). Specific purposes shall not include
6 ordinary operations of local government except those
7 operations related to a specific project or as authorized
8 by W.S. 39-16-203(a)(ii)(H);

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10 **39-16-211. Distribution.**

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12 (b) For all revenue collected by the department from
13 the taxes imposed by W.S. 39-16-204(a)(ii), the department
14 shall:

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16 (iv) If taxes collected exceed the amount
17 necessary for the approved purpose, the excess funds shall
18 be retained by the county treasurer for one (1) year for
19 refund of overpayments of the tax imposed pursuant to this
20 act upon order of the department. After one (1) year any
21 interest earned on the excess funds and the excess funds
22 less any refunds ordered shall be deposited in the
23 applicable reserve account authorized by W.S.

1 39-16-203(a)(ii)(H) or transferred to the county or
2 municipality as specified in the resolution adopted
3 pursuant to W.S. 39-16-203(a)(ii)(A). If the resolution
4 fails to specify how excess funds will be expended and
5 after all approved purposes have been completed, the county
6 treasurer shall transfer the excess funds less any refunds
7 ordered to each city and town within the county in the
8 proportion the population of the city or town bears to the
9 population of the county and to the county in the
10 proportion that the population of the unincorporated areas
11 of the county bears to the population of the county. After
12 a public hearing, with notice of the public hearing
13 published in a newspaper of general circulation in the
14 county at least thirty (30) days before the public hearing,
15 the governing body of the county and each municipality may
16 appropriate its proportion of excess funds for other
17 specific purposes authorized by a majority vote of the
18 governing body, which shall not include the ordinary
19 operations of local government. Excess funds collected on
20 the propositions approved prior to January 1, 1989, and any
21 interest earned shall be retained by the county treasurer
22 for use in any purposes approved by the electors in
23 accordance with procedures set forth in this section and

1 for refunds of overpayment of taxes imposed pursuant to
2 this act upon the order of the department, except that,
3 with the approval of the governing bodies adopting the
4 initial resolution, the excess funds and any interest
5 earned may be used for the needs of the project for which
6 the tax was approved.

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8 **Section 2.**

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10 (a) If a county imposed an excise tax under W.S.
11 39-15-204(a)(iii) or 39-16-204(a)(ii) prior to the
12 effective date of this act, the governing body of the
13 county may submit to the qualified electors of the county
14 the question of whether to allow a specified amount of
15 revenue from the tax or the tax revenue from a specified
16 period not to exceed the specified amount to be deposited
17 into a reserve account and expended as authorized by W.S.
18 39-15-203(a)(iii)(H) or 39-16-203(a)(ii)(H), as created by
19 this act. The election shall be held in accordance with
20 W.S. 22-21-101 through 22-21-112. No revenue from a tax
21 imposed under W.S. 39-15-204(a)(iii) or 39-16-204(a)(ii)
22 prior to the effective date of this act shall be deposited
23 into a reserve account until the proposition authorizing

1 such use is submitted in accordance with this section and
2 approved by the vote of the majority of the qualified
3 electors voting on the proposition.

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5 (b) Before any proposition under this section shall
6 be placed before the electors, a resolution approving the
7 proposition and setting forth a procedure for qualification
8 of a ballot question for placement on the ballot shall be
9 adopted in the same manner as provided in W.S.
10 39-15-203(a)(iii)(A) and 39-16-203(a)(ii)(A).

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12 (c) This section shall be repealed effective January
13 1, 2022.

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15 **Section 3.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

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(END)