

**HB0169H3003**

- 1 Page 1-line 2 After "exemption;" insert "providing a sales  
2 and use tax to provide funding to local  
3 governments due to the decrease in revenue  
4 from the property tax exemption;"; delete  
5 "providing;".  
6
- 7 Page 1-line 3 Delete "a sunset date;"; delete "providing".  
8
- 9 Page 1-line 4 Delete "appropriations;".  
10
- 11 Page 1-line 9 Delete "and" and insert ","; after "39-13-  
12 102(k)" insert ", 39-15-104 by creating a new  
13 subsection (j), 39-15-111(b)(intro) and by  
14 creating a new subsection (r), 39-16-104 by  
15 creating a new subsection (g) and  
16 39-16-111(b)(intro)".  
17
- 18 Page 2-lines 21 through 23 Delete entirely and renumber as  
19 necessary.  
20
- 21 Page 3 Delete entirely.  
22
- 23 Page 4-lines 1 through 14 Delete entirely.  
24
- 25 Page 5-after line 4 Insert:  
26  
27 **"39-15-104. Taxation rate.**  
28
- 29 (j) In addition to the sales tax under subsections (a) and  
30 (b) of this section, and subject to the provisions of W.S.  
31 39-15-111(r)(ii), beginning July 1, 2025 there is imposed an  
32 additional sales tax as provided in this subsection. The additional  
33 sales tax imposed under this subsection shall not apply to sales  
34 to industrial facilities as defined by W.S. 35-12-102(a)(vii) that  
35 are subject to permitting by the industrial siting council under  
36 W.S. 35-12-101 through 35-12-119 during the period of permitting  
37 and construction of the industrial facility. The revenue from the  
38 tax under this subsection shall be distributed as provided in W.S.  
39 39-15-111(r). The rate of the sales tax under this subsection shall  
40 be determined as follows:  
41
- 42 (i) Except as provided in paragraph (ii) or (iii) of  
43 this subsection, the rate of the additional tax shall be seventy-  
44 five hundredths percent (0.75%), which shall be administered as if

1 the sales tax rate under subsections (a) and (b) of this section  
2 was increased from four percent (4%) to four and seventy-five  
3 hundredths percent (4.75%);

4  
5 (ii) The additional rate specified under paragraph (i)  
6 of this subsection may be reduced in intervals of one quarter of  
7 one percent (0.25%) if the governor certifies to the department  
8 that the amount of the tax together with funds in the property tax  
9 reduction and replacement account are sufficient to provide all  
10 payments under W.S. 39-15-111(r)(i);

11  
12 (iii) The additional rate specified under paragraph (i)  
13 of this subsection shall be reduced by the department to zero  
14 percent (0%) effective on July 1 if for any reason the exemption  
15 under W.S. 39-11-105(a)(xlvi) is unavailable for that tax year.

16  
17 **39-15-111. Distribution.**

18  
19 (b) Revenues earned under W.S. 39-15-104 during each fiscal  
20 year shall be recognized as revenue during that fiscal year for  
21 accounting purposes. Except as otherwise provided in subsection  
22 subsections (p) and (r) of this section, for all revenue collected  
23 by the department under W.S. 39-15-104 the department shall:

24  
25 (r) An amount equal to the tax revenue collected that is  
26 attributable to the tax under W.S. 39-15-104(j) and 39-16-104(g)  
27 shall be transferred to the property tax reduction and replacement  
28 account, which is hereby created. All funds within the account  
29 shall be invested by the state treasurer as provided by law and  
30 all investment earnings from the account shall be credited to the  
31 account. An amount in the account equal to the tax revenue  
32 collected that is attributable to the tax under W.S. 39-15-104(j)  
33 and 39-16-104(g) from July 1 of each year through June 30 of the  
34 following year shall be distributed as follows:

35  
36 (i) An amount determined under this paragraph to each  
37 county, to be distributed by county treasurers in the same manner  
38 property taxes are distributed as provided in W.S.  
39 39-13-111(a)(i). On or before September 1, county treasurers shall  
40 certify to the department the exemptions granted under W.S.  
41 39-11-105(a)(xlvi). The amount calculated for each county shall be  
42 determined and distributed not later than June 30 of each year  
43 based on the amount of revenue that the county and each  
44 governmental entity within the county lost in the immediately  
45 preceding tax year as a result of the property tax exemption under  
46 W.S. 39-11-105(a)(xlvi). If the amount available to distribute  
47 under this subsection is insufficient to fully reimburse each

1 county and governmental entity in the county as provided in this  
2 paragraph, the amount provided to each county shall be  
3 proportionally reduced based on the amount of revenue available.  
4 Beginning January 1, 2026, the amount calculated for a county under  
5 this paragraph shall not include any amount for mills that are  
6 assessed for the repayment of bonds;

7  
8 (ii) Any amount remaining after the distributions in  
9 paragraph (i) of this subsection shall remain in the property tax  
10 reduction and replacement account. The legislature shall annually  
11 review the amounts in the account and shall consider using any  
12 funds in the account for direct distributions to local governments.

13  
14 **39-16-104. Taxation rate.**

15  
16 (g) In addition to the use tax under subsections (a) and (b)  
17 of this section, and subject to the provisions of W.S.  
18 39-15-111(r), beginning July 1, 2025 there is imposed an additional  
19 use tax as provided in this subsection. The additional use tax  
20 imposed under this subsection shall not apply to purchases by  
21 industrial facilities as defined by W.S. 35-12-102(a)(vii) that  
22 are subject to permitting by the industrial siting council under  
23 W.S. 35-12-101 through 35-12-119 during the period of permitting  
24 and construction of the industrial facility. The revenue from the  
25 tax under this subsection shall be distributed as provided in W.S.  
26 39-15-111(r). The rate of the use tax under this subsection shall  
27 be determined as follows:

28  
29 (i) Except as provided in paragraph (ii) or (iii) of  
30 this subsection, the rate of the additional tax shall be seventy-  
31 five hundredths percent (0.75%), which shall be administered as if  
32 the use tax rate under subsections (a) and (b) of this section was  
33 increased from four percent (4%) to four and seventy-five  
34 hundredths percent (4.75%);

35  
36 (ii) The additional rate specified under paragraph (i)  
37 of this subsection may be reduced in intervals of one quarter of  
38 one percent (0.25%) if the governor certifies to the department  
39 that the amount of the tax together with funds in the property tax  
40 reduction and replacement account are sufficient to provide all  
41 payments under W.S. 39-15-111(r)(i);

42  
43 (iii) The additional rate specified under paragraph (i)  
44 of this subsection shall be reduced by the department to zero  
45 percent (0%) effective on July 1 if for any reason the exemption  
46 under W.S. 39-11-105(a)(xlvi) is unavailable for that tax year.

1           **39-16-111. Distribution.**

2  
3           (b) Revenues earned under this article during each fiscal  
4 year shall be recognized as revenue during that fiscal year for  
5 accounting purposes. Except as provided in W.S. 39-15-111(r) for  
6 revenue attributable to the tax under W.S. 39-16-104(g), revenue  
7 collected by the department from the taxes imposed by this article  
8 shall be transferred to the state treasurer who shall, as specified  
9 by the department:".

10  
11 Page 5-line 11           Delete ":".

12  
13 Page 5-lines 13 through 15   Delete entirely.

14  
15 Page 5-line 17           Delete "(ii) Nothing" and insert "nothing".

16  
17 Page 6-lines 1 through 15   Delete entirely.

18  
19 Page 6-line 17           Delete "**Section 5.**" and insert "**Section 4.**".  
20                           HARSHMAN  
21