

1 Delete the fourth Locke second reading amendment
2 (SF0069H2004.02/ACE), the Locke third reading amendment
3 (SF0069H3011/AE), the second Harshman third reading amendment
4 (SF0069H3013/AE), the third Harshman third reading amendment
5 (SF0069H3014/AE), the fourth Harshman third reading amendment
6 (SF0069H3015/AE) and the fifth Harshman third reading amendment
7 (SF0069H3016/AE) entirely and further amend as follows:

8
9 Page 1-line 2 After "exemption;" insert "providing a sales
10 and use tax to provide funding to local
11 governments due to the decrease in revenue
12 from the property tax exemption;".

13
14 Page 1-line 8 Delete "is" and insert ", 39-15-104 by
15 creating a new subsection (j), 39-15-
16 111(b)(intro) and by creating a new subsection
17 (r), 39-16-104 by creating a new subsection
18 (g) and 39-16-111(b)(intro) are".

19
20 Page 3-after line 5 Insert:
21
22 **"39-15-104. Taxation rate.**

23
24 (j) In addition to the sales tax under subsections (a) and
25 (b) of this section, and subject to the provisions of W.S.
26 39-15-111(r)(ii), beginning July 1, 2025 there is imposed an
27 additional sales tax as provided in this subsection. The additional
28 sales tax imposed under this subsection shall not apply to sales
29 to industrial facilities as defined by W.S. 35-12-102(a)(vii) that
30 are subject to permitting by the industrial siting council under
31 W.S. 35-12-101 through 35-12-119 during the period of permitting
32 and construction of the industrial facility. The revenue from the
33 tax under this subsection shall be distributed as provided in W.S.
34 39-15-111(r). The rate of the sales tax under this subsection shall
35 be determined as follows:

36
37 (i) Except as provided in paragraph (ii) or (iii) of
38 this subsection, the rate of the additional tax shall be forty-
39 five hundredths percent (0.45%), which shall be administered as if
40 the sales tax rate under subsections (a) and (b) of this section
41 was increased from four percent (4%) to four and forty-five
42 hundredths percent (4.45%);

43

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

7
8 (iii) The additional rate specified under paragraph (i)
9 of this subsection shall be reduced by the department to zero
10 percent (0%) effective on July 1 if for any reason the exemption
11 under W.S. 39-11-105(a)(xlvi) is unavailable for that tax year.

12
13 **39-15-111. Distribution.**

14
15 (b) Revenues earned under W.S. 39-15-104 during each fiscal
16 year shall be recognized as revenue during that fiscal year for
17 accounting purposes. Except as otherwise provided in subsection
18 subsections (p) and (r) of this section, for all revenue collected
19 by the department under W.S. 39-15-104 the department shall:

20
21 (r) An amount equal to the tax revenue collected that is
22 attributable to the tax under W.S. 39-15-104(j) and 39-16-104(g)
23 shall be transferred to the property tax reduction and replacement
24 account, which is hereby created. All funds within the account
25 shall be invested by the state treasurer as provided by law and
26 all investment earnings from the account shall be credited to the
27 account. An amount in the account equal to the tax revenue
28 collected that is attributable to the tax under W.S. 39-15-104(j)
29 and 39-16-104(g) from July 1 of each year through June 30 of the
30 following year shall be distributed as follows:

31
32 (i) An amount determined under this paragraph to each
33 county, to be distributed by county treasurers in the same manner
34 property taxes are distributed as provided in W.S.
35 39-13-111(a)(i). On or before September 1, county treasurers shall
36 certify to the department the exemptions granted under W.S.
37 39-11-105(a)(xlvi). The amount calculated for each county shall be
38 determined and distributed not later than June 30 of each year
39 based on the amount of revenue that the county and each
40 governmental entity within the county lost in the immediately
41 preceding tax year as a result of the property tax exemption under
42 W.S. 39-11-105(a)(xlvi). If the amount available to distribute
43 under this subsection is insufficient to fully reimburse each
44 county and governmental entity in the county as provided in this
45 paragraph, the amount provided to each county shall be
46 proportionally reduced based on the amount of revenue available.
47 Beginning January 1, 2026, the amount calculated for a county under

1 this paragraph shall not include any amount for mills that are
2 assessed for the repayment of bonds;

3
4 (ii) Any amount remaining after the distributions in
5 paragraph (i) of this subsection shall remain in the property tax
6 reduction and replacement account. The legislature shall annually
7 review the amounts in the account and shall consider using any
8 funds in the account for direct distributions to local governments.

9
10 **39-16-104. Taxation rate.**

11
12 (g) In addition to the use tax under subsections (a) and (b)
13 of this section, and subject to the provisions of W.S.
14 39-15-111(r), beginning July 1, 2025 there is imposed an additional
15 use tax as provided in this subsection. The additional use tax
16 imposed under this subsection shall not apply to purchases by
17 industrial facilities as defined by W.S. 35-12-102(a)(vii) that
18 are subject to permitting by the industrial siting council under
19 W.S. 35-12-101 through 35-12-119 during the period of permitting
20 and construction of the industrial facility. The revenue from the
21 tax under this subsection shall be distributed as provided in W.S.
22 39-15-111(r). The rate of the use tax under this subsection shall
23 be determined as follows:

24
25 (i) Except as provided in paragraph (ii) or (iii) of
26 this subsection, the rate of the additional tax shall be forty-
27 five hundredths percent (0.45%), which shall be administered as if
28 the use tax rate under subsections (a) and (b) of this section was
29 increased from four percent (4%) to four and forty-five hundredths
30 percent (4.45%);

31
32 (ii) The additional rate specified under paragraph (i)
33 of this subsection may be reduced in intervals of one quarter of
34 one percent (0.25%) if the governor certifies to the department
35 that the amount of the tax together with funds in the property tax
36 reduction and replacement account are sufficient to provide all
37 payments under W.S. 39-15-111(r)(i);

38
39 (iii) The additional rate specified under paragraph (i)
40 of this subsection shall be reduced by the department to zero
41 percent (0%) effective on July 1 if for any reason the exemption
42 under W.S. 39-11-105(a)(xlvi) is unavailable for that tax year.

43
44 **39-16-111. Distribution.**

45
46 (b) Revenues earned under this article during each fiscal
47 year shall be recognized as revenue during that fiscal year for

1 accounting purposes. Except as provided in W.S. 39-15-111(r) for
2 revenue attributable to the tax under W.S. 39-16-104(g), revenue
3 collected by the department from the taxes imposed by this article
4 shall be transferred to the state treasurer who shall, as specified
5 by the department:". HARSHMAN