

- 1 Delete the Geringer committee of the whole amendment
- 2 (SF0069HW001/AE), the first Harshman
- 3 committee of the whole amendment
- 4 (SF0069HW002/AE) and the second Harshman
- 5 committee of the whole amendment
- 6 (SF0069HW003/AE) entirely and further amend as
- 7 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;"; delete
- 13 "providing".
- 14
- 15 Page 1-line 3 Delete "a sunset date;".
- 16
- 17 Page 1-line 8 Delete "is" and insert ", 39-15-104 by
- 18 creating a new subsection (j),
- 19 39-15-111(b)(intro) and by creating a new
- 20 subsection (r), 39-16-104 by creating a new
- 21 subsection (g) and 39-16-111(b)(intro) are".
- 22
- 23 Page 2-line 8 Delete "one million dollars (\$1,000,000.00)"
- 24 and insert "five hundred thousand dollars
- 25 (\$500,000.00)".
- 26
- 27 Page 2-line 10 After "land." insert "The amount of the
- 28 exemption under this subparagraph shall be
- 29 inflated on an annual basis beginning in tax
- 30 year 2027 from five hundred thousand dollars
- 31 (\$500,000.00) by the rate of inflation
- 32 determined by the department using the
- 33 consumer price index or its successor index of
- 34 the United States department of labor, bureau
- 35 of labor statistics or two percent (2%),
- 36 whichever is less.".
- 37
- 38 Page 2-lines 22 and 23 Delete entirely and renumber as
- 39 necessary.
- 40
- 41 Page 3-line 2 Delete "(D)" and insert "(C)".
- 42
- 43 Page 3-after line 5 Insert:
- 44

1 **"39-15-104. Taxation rate.**

2
3 (j) In addition to the sales tax under subsections (a) and
4 (b) of this section, and subject to the provisions of W.S.
5 39-15-111(r)(ii), beginning July 1, 2025 there is imposed an
6 additional sales tax as provided in this subsection. The additional
7 sales tax imposed under this subsection shall not apply to sales
8 to industrial facilities as defined by W.S. 35-12-102(a)(vii) that
9 are subject to permitting by the industrial siting council under
10 W.S. 35-12-101 through 35-12-119 during the period of permitting
11 and construction of the industrial facility. The revenue from the
12 tax under this subsection shall be distributed as provided in W.S.
13 39-15-111(r). The rate of the sales tax under this subsection shall
14 be determined as follows:

15
16 (i) Except as provided in paragraph (ii) or (iii) of
17 this subsection, the rate of the additional tax shall be seventy-
18 eight hundredths percent (0.78%), which shall be administered as
19 if the sales tax rate under subsections (a) and (b) of this section
20 was increased from four percent (4%) to four and seventy-eight
21 hundredths percent (4.78%);

22
23 (ii) The additional rate specified under paragraph (i)
24 of this subsection may be reduced in intervals of one quarter of
25 one percent (0.25%) if the governor certifies to the department
26 that the amount of the tax together with funds in the property tax
27 reduction and replacement account are sufficient to provide all
28 payments under W.S. 39-15-111(r)(i);

29
30 (iii) The additional rate specified under paragraph (i)
31 of this subsection shall be reduced by the department to zero
32 percent (0%) effective on July 1 if for any reason the exemption
33 under W.S. 39-11-105(a)(xlvi) is unavailable for that tax year.

34
35 **39-15-111. Distribution.**

36
37 (b) Revenues earned under W.S. 39-15-104 during each fiscal
38 year shall be recognized as revenue during that fiscal year for
39 accounting purposes. Except as otherwise provided in ~~subsection~~
40 ~~subsections~~ (p) and (r) of this section, for all revenue collected
41 by the department under W.S. 39-15-104 the department shall:

42
43 (r) An amount equal to the tax revenue collected that is
44 attributable to the tax under W.S. 39-15-104(j) and 39-16-104(g)
45 shall be transferred to the property tax reduction and replacement
46 account, which is hereby created. All funds within the account
47 shall be invested by the state treasurer as provided by law and

1 all investment earnings from the account shall be credited to the
2 account. An amount in the account equal to the tax revenue
3 collected that is attributable to the tax under W.S. 39-15-104(j)
4 and 39-16-104(g) from July 1 of each year through June 30 of the
5 following year shall be distributed as follows:

6
7 (i) An amount determined under this paragraph to each
8 county, to be distributed by county treasurers in the same manner
9 property taxes are distributed as provided in W.S.
10 39-13-111(a)(i). On or before September 1, county treasurers shall
11 certify to the department the exemptions granted under W.S.
12 39-11-105(a)(xlvi). The amount calculated for each county shall be
13 determined and distributed not later than June 30 of each year
14 based on the amount of revenue that the county and each
15 governmental entity within the county lost in the immediately
16 preceding tax year as a result of the property tax exemption under
17 W.S. 39-11-105(a)(xlvi). If the amount available to distribute
18 under this subsection is insufficient to fully reimburse each
19 county and governmental entity in the county as provided in this
20 paragraph, the amount provided to each county shall be
21 proportionally reduced based on the amount of revenue available.
22 Beginning January 1, 2026, the amount calculated for a county under
23 this paragraph shall not include any amount for mills that are
24 assessed for the repayment of bonds;

25
26 (ii) Any amount remaining after the distributions in
27 paragraph (i) of this subsection shall remain in the property tax
28 reduction and replacement account. The legislature shall annually
29 review the amounts in the account and shall consider using any
30 funds in the account for direct distributions to local governments.

31
32 **39-16-104. Taxation rate.**

33
34 (g) In addition to the use tax under subsections (a) and (b)
35 of this section, and subject to the provisions of W.S.
36 39-15-111(r), beginning July 1, 2025 there is imposed an additional
37 use tax as provided in this subsection. The additional use tax
38 imposed under this subsection shall not apply to purchases by
39 industrial facilities as defined by W.S. 35-12-102(a)(vii) that
40 are subject to permitting by the industrial siting council under
41 W.S. 35-12-101 through 35-12-119 during the period of permitting
42 and construction of the industrial facility. The revenue from the
43 tax under this subsection shall be distributed as provided in W.S.
44 39-15-111(r). The rate of the use tax under this subsection shall
45 be determined as follows:

1 (i) Except as provided in paragraph (ii) or (iii) of
2 this subsection, the rate of the additional tax shall be seventy-
3 eight hundredths percent (0.78%), which shall be administered as
4 if the use tax rate under subsections (a) and (b) of this section
5 was increased from four percent (4%) to four and seventy-eight
6 hundredths percent (4.78%);

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

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

19
20 **39-16-111. Distribution.**

21
22 (b) Revenues earned under this article during each fiscal
23 year shall be recognized as revenue during that fiscal year for
24 accounting purposes. Except as provided in W.S. 39-15-111(r) for
25 revenue attributable to the tax under W.S. 39-16-104(g), revenue
26 collected by the department from the taxes imposed by this article
27 shall be transferred to the state treasurer who shall, as specified
28 by the department:". HARSHMAN
29