

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO.

Sales and use tax amortization.

Sponsored by: Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to sales and use taxes; providing for  
2 amortized payments of sales and use taxes for projects with  
3 specified expenditures; providing for distribution of the  
4 payments; and providing for an effective date.

5

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

7

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

13

1           **39-15-107. Compliance; collection procedures.**

2

3           (b) Payment. The following shall apply:

4

5                   (xii) If on or after July 1, 2021 any taxpayer  
6 develops a project to be completed in Wyoming that is  
7 reasonably anticipated to have expenditures subject to  
8 Wyoming sales and use tax over the first two (2) years of  
9 construction and operation of the project in excess of one  
10 million dollars (\$1,000,000.00), the taxpayer may apply to  
11 the department to amortize the sales and use taxes due over  
12 the expected life of the project not to exceed a period of  
13 twenty (20) years. The department shall establish  
14 amortization schedules, terms and conditions for each  
15 project that is approved for amortization under this  
16 paragraph. A failure to pay pursuant to the terms and  
17 conditions established by the department shall subject the  
18 taxpayer to all enforcement provisions under this article.  
19 The department shall adopt rules necessary to administer  
20 the amortization program under this paragraph including  
21 requiring full payment of any outstanding amount of  
22 payments within thirty (30) days if the taxpayer  
23 discontinues his business or discontinues the project. If a

1 taxpayer is approved for amortization of sales and use tax  
2 payments under this paragraph, no vendor shall be liable  
3 for returns, reports or payment of taxes related to the  
4 applicable project under this section. As used in this  
5 paragraph, "project" means any land, building or other  
6 improvement and all real and personal property including  
7 machinery and equipment suitable for:

8

9 (A) Manufacturing, processing or assembling  
10 agricultural or manufactured products;

11

12 (B) Storing, warehousing, distributing or  
13 selling agricultural, mining or industrial products or any  
14 related processes including research and development;

15

16 (C) Health care including any facility used  
17 or occupied by any person for providing services in any  
18 home for the elderly, any nursing home, rest home or  
19 facility providing living space for the developmentally  
20 disabled or any person sixty (60) years of age or older;

21

1                   (D) Airports, parking facilities or storage  
2 or training facilities directly related to any other  
3 facility specified under this paragraph;

4  
5                   (E) Industrial park facilities;

6  
7                   (F) Sewage or solid waste disposal  
8 facilities;

9  
10                  (G) Facilities furnishing electric energy,  
11 gas or water;

12  
13                  (H) Any other project which could be  
14 financed by a municipality or county pursuant to the  
15 definition of project under W.S. 15-1-701(a)(ii);

16  
17                  (J) Secondary, tertiary and enhanced  
18 mineral recovery projects.

19  
20           **39-15-111. Distribution.**

21  
22                  (r) Revenues from amortized payments made for a  
23 project that is approved for amortized payments under W.S.

1 39-15-107(b)(xii) shall be recognized as revenue during the  
2 fiscal year the payments are made for accounting purposes.  
3 Revenue collected from amortization payments shall be  
4 distributed in accordance with subsection (b) of this  
5 section.

6

7 **39-16-107. Compliance; collection procedures.**

8

9 (b) Payment. The following shall apply:

10

11 (x) Payments of use taxes that are for a project  
12 that has been approved for amortized payments under W.S.  
13 39-15-107(b)(xii) shall be made in accordance with the  
14 amortization schedule, terms and conditions established for  
15 the project by the department pursuant to W.S.  
16 39-15-107(b)(xii).

17

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

19

20 (p) Revenues from amortized payments made for a  
21 project that is approved for amortized payments as provided  
22 in W.S. 39-16-107(b)(x) shall be recognized as revenue  
23 during the fiscal year the payments are made for accounting

1 purposes. Revenue collected from amortization payments  
2 shall be distributed in accordance with subsection (b) of  
3 this section.

4

5       **Section 2.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

9

10

(END)