



TAXING ISSUES

WYOMING DEPARTMENT OF REVENUE

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Excise Tax Division

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Excise Tax Division Newsletter
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This publication is not an “official taxability ruling.” It contains general information. Your specific facts must be reviewed in detail before we can make official taxability rulings. Please direct your written inquiries for such rulings to Robert Tompkins at the address listed above. Be sure to include all pertinent facts in your inquiry. Or if you prefer, E-mail your inquiry to: rtompk@state.wy.us

We will respond with written guidance for your particular business transactions.

Legislative Summary:

The General Session of the 57th Wyoming Legislature adjourned on March 6, 2003. The following is a list of bills that became law in the 2003 session and impact sales/use taxes.

HB 16 (Enrolled Act 22)
HB 17 (Enrolled Act 12)
HB 21 (Enrolled Act 13)
HB 27 (Enrolled Act 23)
HB 89 (Enrolled Act 49)
HB 91 (Enrolled Act 91)
HB 110 (Enrolled Act 37)
HB 161 (Enrolled Act 29)
HB 188 (Enrolled Act 121)
HB 207 (Enrolled Act 77)
HB 211 (Enrolled Act 44)
HB 225 (Enrolled Act 88)
HB 254 (Enrolled Act 115)
HB 255 (Enrolled Act 122)

For copies go to “Chaptered Bills” at:

<http://legisweb.state.wy.us/2003/billsInfo.htm>

House Bill 16 (Enrolled Act 22) – Effective February 21, 2003

This law clarifies that the one penny fuel LUST tax is not considered when determining if sales/use tax exemptions apply for alternative taxation purposes.

House Bill 17 (Enrolled Act 12) – Effective July 1, 2003

This law will require the department to send a vendor who reports no gross sales for three (3) consecutive years a form to show cause why the vendor’s license should not be revoked. The vendor must file a report with the department. The department will review the report and either permit the vendor to retain their license or the department could revoke the vendor’s license. A license revocation may be appealed to the state board of equalization.

House Bill 21 (Enrolled Act 13) – Effective July 1, 2003

This law will simplify the language of the intrastate transportation exemption. The **taxability** of intrastate transportation of passengers at W.S. 39-15-103(a)(i)(D) and the **exempt categories** at W.S. 39-15-105(a)(viii)(A)(I) and (II) remain unchanged.

House Bill 27 (Enrolled Act 23) – Effective July 1, 2003

This law will permit a county to use the full two percent (2%) optional sales taxes for **specific** purposes. Currently, counties are limited to using one percent (1%) optional sales taxes for **specific** purposes. Counties that opt for using two percent (2%) for **specific** purposes will be prohibited from enacting a one percent (1%) optional sales tax for **general** purposes.

House Bill 89 (Enrolled Act 49) Effective July 1, 2003

This law will expand the definition of “aircraft” for purposes of the sales tax exemption found at W.S. 39-15-105(a)(viii)(J). To qualify for this exemption, “aircraft” must be “used in a scheduled interstate federal aviation administration air carrier operation or aircraft maintained at a federal aviation administration certified repair station.”

House Bill 91 (Enrolled Act 91) Effective July 1, 2003

This law will create a full sales/use tax exemption for the **sale** of farm

implements where currently a partial exemption exists. W.S. 39-15-105(a)(viii)(H) and W.S. 39-16-105(a)(vii)(B). Repair services and parts are excluded from the exemption and remain taxable.

**House Bill 110 (Enrolled Act 37)
Effective July 1, 2003**

This law will increase the cigarette tax on a pack of twenty (20) cigarettes from twelve (12) cents to sixty (60) cents. The tax on a pack of twenty-five (25) cigarettes increases to seventy-five (75) cents.

**House Bill 161 (Enrolled Act 29)
Effective July 1, 2003**

This law will exempt from sales tax the following school fundraising activities.

“Sales of goods or services made for the purpose of raising money or charges for admission to any amusement, entertainment, recreation, game or athletic event for any kindergarten through grade twelve (12) public school located in this state.”

**House Bill 188 (Enrolled Act 121)
Effective July 1, 2003**

This law will exempt from sales tax equipment used to generate electricity from renewable resources. This includes wind generation, solar, biomass, landfill gas, hydro, hydrogen and geothermal energy. This exemption is limited to the acquisition of equipment used in a project to make it operational up to the point of interconnection with an existing transmission grid.

**House Bill 207 (Enrolled Act 77)
Effective July 1, 2003**

This law will redefine a “911 emergency **surcharge**” as a “911 emergency **tax**.” As a result, this tax will be excluded from the sales price of intrastate telephone and telegraph services. A separately stated intrastate

billing for a 911 emergency **tax** will not be subject to sales tax.

Our statutory definition of “Sales price” does not include “Any tax legally imposed directly on the consumer which is separately stated on the invoice, bill of sale or similar document given to the purchaser.” W.S. 39-15-101(a)(viii)(B)(III).

**House Bill 211 (Enrolled Act 44)
Effective July 1, 2003**

This law will create a new special district known as a “resort district.” Where a resort district excise tax is authorized, it is collected only by vendors within the district and only for sales made within the district. Vendors within the district must also remit the resort district tax on their purchases that are subject to use tax. The tax dollars generated by this tax are earmarked for infrastructure development within the resort district.

**House Bill 225 (Enrolled Act 88)
Effective March 6, 2003**

This complimentary legislation empowers the Attorney General and the department to restrict those selling cigarettes to wholesalers in Wyoming.

**House Bill 254 (Enrolled Act 115)
Effective July 1, 2003**

This law will expand the exemptions for “essential human goods and services” found at W.S. 39-15-105(a)(vi)(B) and W.S. 39-16-105(a)(vi)(A). To the existing language the new law will add an exemption for “any assistive device.”

For purposes of this exemption an “assistive device” means “any item, piece of equipment or product system, as defined by department rule, which is used to increase, maintain or improve the functional capabilities of an individual with a permanent disability, excluding any medical device, surgical device or organ implanted or

transplanted into or attached directly to an individual.”

**House Bill 255 (Enrolled Act 122)
Effective July 1, 2003**

This law will require vendors to report on their sales tax returns if they make sales of cigarettes, cigars, snuff or other tobacco products into Wyoming. We will modify our existing sales/use tax returns to obtain the required information.

4/1/03 Rate Changes:

Effective April 1, 2003 five rates change. The sales/use tax rate for Park County increases to five percent (5%). The county-wide lodging tax rates in Albany, Converse and Laramie counties each increase by one percent (1%). The lodging tax rate for the city of Evanston in Uinta County increases by one percent (1%).

For a current sales/use and lodging tax rate chart go to:

http://revenue.state.wy.us/contentroot/MapsPubs/salestax/MASTERRATE/CHART_4-1-03_2ndRevision.pdf

Field Offices:

The area code prefix is (307) for all field offices.

Casper	266-3621
Cheyenne	777-5211
Gillette	682-6061
Lander	332-3370
Laramie	742-4207
Powell	754-2686
Rock Springs	382-4531
Sheridan	674-8559
Thayne	883-2934
Torrington	532-5566