

The upcoming specific purposes sales tax ballot

by Dave FEATHERLY

As the old saying goes, "Two things you never want to watch being made are sausage and law." Add to that a specific purposes sales tax ballot. It can no longer be called the 6th Penny tax because, by recent statute revision, the additional sales tax can go to seven (7) pennies if the local "Deciders" so decide.

Every meeting of Buffy's "Decider Committee" sees significant changes being made. Their tossing around projects for millions of dollars is like your deciding whether you go to McDonald's or the Plains for lunch.

This might be the proper place to insert that voters may have a little trouble supporting one of the spending items being proposed when there is no such street in Cheyenne or Laramie County.

The extension of a road from Lowe's Distribution Center to the Edwards/Volk subdivision known as Saddle Ridge is not "Christiansen." It is "Christensen Road."

Maybe if one of the County Commissioners deigned to sit on the committee handling the preliminary work, it would have been caught. I wonder what would happen if voters approved a project of over ten million dollars (\$10,000,000) for a street or road that did not exist. HmMMM.

It also doesn't help voters understand the immediate ballot when the local daily newspaper's editor is unfamiliar with both the law and this ballot.

In his Saturday, November 10th column, Reed Eckhardt wrote: "For example, money from the sixth penny of optional sales tax, also known as the specific purpose tax, cannot be used to build roads or pay police or firefighters."

As they also say, ignorance is bliss.

If he truly believed that the specific purposes sales tax cannot be used "to build roads," why did he not oppose the Norris Viaduct project? Why did he allow the erroneous reporting that the viaduct was "on its last legs?" He cannot argue that a viaduct is not a road because that project also includes extensive work on Alexander, Fifth and Morrie coming off the southside of the viaduct.

While technically he may be right about not using the specific purposes tax to "pay police or firefighters," the tax indirectly does exactly that. Can you imagine if this City (and County) had to build, maintain and repair streets and road without the aid of the additional pennies of sales tax voters repeatedly approve? Or build and extend the Greenway, the Library, jail and expansion, new county building, Cox parking garage, etc., without the additional pennies of sales tax? If this City, as some around the state must do, had to live within its means of recurring revenue, either pay raises or job growth would have been greatly constrained or projects would not have been accomplished.

So, in effect, the availability of both pennies of additional sales tax (above the State's four pennies) has provided the funds for police and firefighters pay, added benefits and raises. And for more of them.

When you sit in a windowless interior office and write things that are simply not true, you're not doing your readers any favors. And, incredible as it may be, there are still readers of the advertising-controlled newspaper who believe what they're presented as news.

There is a belief that the specific purposes sales tax (which can be up to two percent [2%], cannot be used for employee pay, raises, health insurance premiums, electricity, etc. but this group is creative enough to find a way around any restriction.

Any group that can claim a 400' elevated tunnel is "economic development" and that the former UP depot and the goofy "coupler building" are both economic development and that the property sits in a "blighted area" - they can find a way around the following description for use of the specific purposes sales tax:

"Specific purposes shall not include ordinary operations of local government except those operations related to a specific project; ..."

Below (in the box) is the Section of Wyoming Statutes on excise (sales) and lodging taxes available to local municipalities or counties, upon voter approval --

What W.S. § 39-15-204 allows, basically, is that municipalities and counties can seek voter approval for up to three percent (3%) of additional sales tax; up to four percent (4%) of lodging tax; and up to three percent (3%) on sales by vendors within resort districts.

The three percent (3%) of additional sales tax can come from: Up to two percent (2%), in one-half of one percent (.5%) increments for general revenue purposes; up to two percent (2%), in unstated increments, for specific purposes; and, up to one percent (1%) percent, in one-quarter of one percent (.25%) increments for economic development.

Laramie County's lodging tax is now maxed out at four percent (4%) so unless the law is changed, there is no way to soak those staying in local motels and hotels more than is already being done. The use of that revenue, according to state statute, is supposed to benefit local travel and tourism promotion. Nowhere does it say that using over \$40,000 a year to help defray costs of an unused downtown parking garage complies with the law.

Because there is a provision that allows voters to approve up to one percent (1%) sales tax for economical development - and Laramie County has that "slop" in the available maximum sales tax voters can approve - why aren't voters asked to approve a sales tax for that purpose? Why does the City bury a specific amount for economic development in the Fifth Penny

(called the "Optional One Cent Sales Tax," in spite of that term appearing nowhere in the statute) instead of confirming their belief that a majority of residents want the economic development they propose for them? They wouldn't have to rely on an illegitimate Citizen Survey - they could go right to the voters for validation.

Back to this year's ballot and Reed Eckhardt's misguided take on it.

When he writes that money from the Specific Purposes sales tax cannot be used to build roads, it is evident that he has not seen or read the use of funds currently being considered.

Had he bothered, he would have seen that not only is Christensen Road being considered for a fluctuating amount between \$11,500,000 and \$23,632,000 but there are other projects involving streets as well.

For example, Albin is asking for a ballot slot for \$500,000 for "Street Repairs." Pine Bluffs is asking \$250,000 for "Chip Seal," which is street repair.

A cursory look at the listing would have provided Reed with information he should have had before writing erroneously that the specific purposes sales tax cannot be used to build roads.

The only restriction on its use (and that can be ignored by this lawless group) is that the money is not to be used for "ordinary purposes of local government ...".

When the Airport Board asks for \$8.5 million for a new terminal, has any member of the Deciders Committee asked that Board what revenue they're taking in from ground leases holding Culver's, Office Depot and Checker Auto Parts - or what they're doing with the money taken in from construction of several commercial buildings along Airport Parkway?

I seem to recall that when the folks wanting to gain a shooting range and a motocross track on Archer presented their hopes to the County Commissioners, the promise was always for private money to produce the two amenities. Now, \$6 million is being sought to create a shooting range? Did someone get zoomed here?

Obviously, the ballot is in early planning stages but I cannot see how something as vague as "Archer Infrastructure & County Bldgs" satisfies the requirement for "specific purposes." That is like saying Pine Bluffs wants \$2 million for "stuff." That don't cut it.

The Deciders cannot make intelligent decisions about what should move forward when they have almost no idea what the money would be used for at Archer. Of course, the Deciders might be getting a lot more specific information than is the public. There would be nothing new about that.

The latest number is around \$150 million. That's quite a bit of money.

39-15-204. Taxation rate.

(a) In addition to the state tax imposed under W.S. 39-15-101 through 39-15-111 any county of the state may impose the following excise taxes and any city or town may impose the tax authorized by paragraph (ii) of this subsection and any resort district may impose the tax authorized by paragraph (v) of this subsection:

(i) An excise tax at a rate in increments of one-half of one percent (.5%) not to exceed a rate of two percent (2%) upon retail sales of tangible personal property, admissions and services made within the county, the purpose of which is for general revenue;

(ii) An excise tax at a rate in increments of one percent (1%) not to exceed a rate of four percent (4%) upon the sales price paid for lodging services as defined under W.S. 39-15-101(a)(i), the primary purpose of which is for local travel and tourism promotion;

(iii) An excise tax not to exceed two percent (2%) upon retail sales of tangible personal property, admissions and services made within the county. The total excise tax imposed within any county under this paragraph shall not exceed two percent (2%). The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors. Specific purposes shall not include ordinary operations of local government except those operations related to a specific project;

(iv) In no event shall the total excise tax imposed within any county under the provisions of paragraphs (i), (iii) and (vi) of this subsection exceed three percent (3%);

(v) An excise tax at a rate in increments of one-half of one percent (.5%) not to exceed a rate of three percent (3%) upon retail sales of tangible personal property, admissions and services made within the district by vendors physically situated within the district, the purpose of which is for general revenue for the resort district;

(vi) An excise tax at a rate in increments of one-quarter of one percent (.25%) not to exceed a rate of one percent (1%) upon retail sales of tangible personal property, admissions and services made within the county, the purpose of which is for economic development.