

HOUSE BILL NO. HB0201

Local government revenue distributions.

Sponsored by: Representative(s) Parady, Buchanan and
Martin and Senator(s) Peck

A BILL

for

1 AN ACT relating to administration of government; amending
2 various revenues provided to local governments for a
3 specified period; providing distribution formulas; making
4 conforming amendments; 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. 9-4-601(d)(iv) and by creating a new
9 paragraph (v), 9-4-602(a)(intro), (ii) and by creating a
10 new paragraph (iv), 9-4-1002(d)(iii)(B)(II),
11 39-14-211(e)(intro) and by creating a new subsection (k)
12 and 39-14-801(c)(intro), (ii) and by creating a new
13 paragraph (iii) are amended to read:

14

15 **9-4-601. Distribution and use; funds, accounts,**
16 **cities and towns benefited; exception for bonus payments.**

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2 (d) Any revenue received under subsection (a) of this
3 section in excess of two hundred million dollars
4 (\$200,000,000.00) shall be distributed as follows:

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6 (iv) Subject to paragraph (v) of this
7 subsection, two-thirds (2/3) to the budget reserve
8 account;

9

10 (v) For each fiscal year from fiscal year 2005
11 through fiscal year 2008, eleven percent (11%) of the
12 amount which would otherwise be distributed to the budget
13 reserve account under paragraph (iv) of this subsection,
14 shall be distributed to cities and towns in accordance with
15 a municipal supplemental funding formula as provided in
16 this paragraph with each city or town receiving an amount
17 in the proportion which the adjusted population of the city
18 or town bears to the adjusted population of all cities and
19 towns in Wyoming, with population to be determined by
20 resort to the latest federal census as periodically updated
21 by the bureau of the census. The municipal supplemental
22 funding formula shall be calculated as follows:

23

1 (A) In August of each year, calculate the
2 per capita distribution of sales and use tax revenues for
3 the previous fiscal year to each county, including
4 distributions to each city and town within that county,
5 under W.S. 39-15-111 and 39-16-111;

6
7 (B) Arrange the counties in ascending order
8 by the per capita distribution calculated;

9
10 (C) Following the arrangement of counties
11 in subparagraph (B) of this paragraph, list the population
12 of each city and town within the county;

13
14 (D) Apply the appropriate adjustment factor
15 determined in subdivisions (I) through (IV) of this
16 subparagraph for a county to each city and town within that
17 county;

18
19 (I) Beginning with the county with the
20 lowest per capita distribution, an adjustment factor of one
21 and one-half (1.5) shall be applied to each county listed
22 under subparagraph (B) of this paragraph, so long as its
23 incorporated population plus the incorporated population of
24 each county with a lower per capita distribution is within

1 the lowest tenth percentile. The adjustment factor shall
2 be applied for each of these counties by multiplying the
3 incorporated population of the county by one hundred fifty
4 percent (150%);

5
6 (II) An adjustment factor determined
7 under this subdivision shall be applied to the county with
8 the next higher per capita distribution not qualifying for
9 the adjustment factor under subdivision (I) of this
10 subparagraph. The adjustment factor for this county shall
11 be determined by:

12
13 (1) Multiplying by one hundred
14 fifty percent (150%) that portion of the incorporated
15 population of that county which is within the lowest tenth
16 percentile;

17
18 (2) Multiplying by one hundred
19 twenty-five percent (125%) the incorporated population of
20 that county which is within the lowest twentieth percentile
21 and at or above the tenth percentile;

22

1 (3) If applicable, multiplying by
2 one hundred percent (100%) the incorporated population of
3 that county which is at or above the twentieth percentile;

4
5 (4) Dividing the sum of the
6 products of subdivisions (II)(1) through (3) of this
7 subparagraph by the incorporated population of that county.

8
9 (III) If an adjustment factor has not
10 been applied under subdivision (I) or (II) of this
11 subparagraph, an adjustment factor of one and one-quarter
12 (1.25) shall be applied to each county listed under
13 subparagraph (B) of this paragraph, so long as its
14 incorporated population plus the incorporated population of
15 each county with a lower per capita distribution does not
16 exceed the twentieth percentile. The adjustment factor
17 shall be applied for each of these counties by multiplying
18 the incorporated population of the county by one hundred
19 twenty-five percent (125%);

20
21 (IV) An adjustment factor determined
22 under this subdivision shall be applied to the next higher
23 listed county not qualifying for the adjustment factor

1 under subdivision (III) of this subparagraph. The
2 adjustment factor for this county shall be determined by:

3
4 (1) Multiplying by one hundred
5 twenty-five percent (125%) that portion of the incorporated
6 population of that county which is within the lowest
7 twentieth percentile;

8
9 (2) Multiplying by one hundred
10 percent (100%) the incorporated population of that county
11 which is at or above the lowest twentieth percentile;

12
13 (3) Dividing the sum of the
14 products of subdivisions (IV) (1) and (2) of this
15 subparagraph by the incorporated population of that county.

16
17 (V) An adjustment factor of one (1)
18 shall be applied to the remaining counties.

19
20 (E) Distribute revenues under this
21 subparagraph on a per capita basis using the total adjusted
22 population for all cities and towns and the adjusted
23 population for each city or town as calculated under
24 subparagraph (D) of this paragraph.

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(F) As used in this paragraph:

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9-4-602. Distribution and use; state treasurer's duty.

(a) Except as hereafter provided, distribution under W.S. 9-4-601 shall be made by the state treasurer within thirty (30) days after the receipt of the government royalty funds for the preceding period. Federal mineral royalties received by the state on a continuing monthly basis shall be distributed under W.S. 9-4-601 by the state treasurer, subject to the following: ~~and except as otherwise provided by law for fiscal year 1994:~~

1 (ii) Except as provided in ~~paragraph~~paragraphs
2 (iii) and (iv) of this subsection, revenues which are both
3 earned and received during the first three (3) calendar
4 quarters of the fiscal year shall be distributed within the
5 first ten (10) days of October, January and April. For the
6 last quarter of each fiscal year, revenues earned or
7 received shall be distributed not later than June 30. In
8 computing distributions for the last quarter, the state
9 treasurer shall use the most recent consensus revenue
10 estimating group estimates to the extent that earnings
11 cannot be determined by June 30. Not later than September
12 15, the state treasurer shall compute the actual earnings
13 for the last quarter of the preceding fiscal year and make
14 adjustments to the October distributions in an amount equal
15 to the difference between revenues earned and actual
16 distributions for the preceding fiscal year;

17

18 (iv) Federal mineral royalties to be distributed
19 to cities and towns under W.S. 9-4-601(d)(v) shall be
20 distributed not later than October 10 for the preceding
21 fiscal year.

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23 **9-4-1002. Guarantee program for local government**
24 **bonds.**

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2 (d) As a condition of participating in the bond
3 guarantee program under this section, a city, town or
4 county shall enter into agreements necessary to provide
5 that:

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7 (iii) If the city, town or county fails to
8 comply with paragraph (ii) of this subsection:

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10 (B) To the extent that the city, town or
11 county has not deposited sufficient funds with the state to
12 comply with paragraph (ii) of this subsection, the state is
13 deemed to have loaned and the city, town or county is
14 deemed to have borrowed those funds subject to the
15 following terms and conditions:

16

17 (II) The loan, including principal and
18 interest, shall be repaid from the city, town or county's
19 next distributions of federal mineral royalties under W.S.
20 9-4-601(a)(v) and (d)(v) and of severance taxes under W.S.
21 39-14-801 (c)(iii) and (d)(v), (vi) or (viii). The loan is
22 not deemed to be a general obligation of the city, town or
23 county, and the state shall not require repayment from any
24 source other than as provided in this subdivision;

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39-14-211. Distribution.

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(e) Revenues to be distributed to local governments under the provisions of W.S. 39-14-801 other than W.S. 39-14-801(c) shall be distributed as follows:

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(k) Revenues to be distributed to local governments under the provisions of W.S. 39-14-801(c) shall be distributed not later than October 15 for the preceding fiscal year.

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39-14-801. Severance tax distributions; distribution account created; formula.

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(c) After making distributions under subsection (b) of this section, distributions under subsection (d) of this section shall be made from the severance tax distribution account. The amount of distributions under subsection (d) of this section shall not exceed one hundred fifty-five million dollars (\$155,000,000.00) in any fiscal year. To the extent that distributions under subsection (d) of this section would exceed that amount in any fiscal year, the excess shall be credited or distributed as follows:

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(ii) Subject to paragraph (iii) of this subsection two-thirds (2/3) to the budget reserve account; and

(iii) For each fiscal year from fiscal year 2005 through fiscal year 2008, eleven percent (11%) of the amount which would otherwise be distributed to the budget reserve account under paragraph (ii) of this subsection, shall be distributed:

(A) Sixty-nine percent (69%) to counties. Each county to receive an equal share of fifteen percent (15%) of the total amount to be distributed to counties under this subparagraph, and of the remaining eighty-five percent (85%), an amount to be distributed to each county in the proportion each county's population bears to the total population of the state; and

(B) Thirty-one percent (31%) to cities and towns, distributed as provided in W.S. 9-4-601(d)(v).

Section 2. This act shall be applied to revenues earned on or after July 1, 2004.

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2 **Section 3.** This act is effective July 1, 2004.

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(END)