

SENATE FILE NO. SF0071

Local government distributions-3.

Sponsored by: Joint Appropriations Interim Committee

A BILL

for

1 AN ACT relating to local government funding; providing  
 2 funding to cities and towns; providing funding to counties;  
 3 providing local government funding formulas; providing  
 4 definitions; providing legislative intent; providing an  
 5 appropriation; and providing for an effective date.

6

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

8

9 [LOCAL GOVERNMENT DISTRIBUTIONS I]

10

11 **Section 1.**

12

13 (a) From the legislative stabilization reserve  
 14 account created in W.S. 9-4-219 there is appropriated  
 15 ninety million dollars (\$90,000,000.00) to the office of

1 state lands and investments to be allocated pursuant to the  
2 following and as further provided in this section:

3

4 (i) Two-thirds (2/3) of eighty-nine percent  
5 (89%) of the total amount appropriated, for direct  
6 distribution to cities and towns;

7

8 (ii) One-third (1/3) of eighty-nine percent  
9 (89%) of the total amount appropriated, for direct  
10 distribution to counties;

11

12 (iii) Five and one-half percent (5.5%) of the  
13 total amount appropriated, for distribution to revenue  
14 challenged cities and towns;

15

16 (iv) Five and one-half percent (5.5%) of the  
17 total amount appropriated, for distribution to revenue  
18 challenged counties.

19

20 [CITY AND TOWN DIRECT DISTRIBUTION ALLOCATIONS]

21

22 (b) Funds appropriated in paragraph (a)(i) of this  
23 section are to be distributed to cities and towns in two

1 (2) equal distributions on August 15, 2016 and on August  
2 15, 2017, subject to the following:

3

4 (i) From these distributions each city or town  
5 with a population of thirty-five (35) or less shall first  
6 receive ten thousand dollars (\$10,000.00) and each city or  
7 town with a population over thirty-five (35) shall first  
8 receive twenty thousand dollars (\$20,000.00). From the  
9 remainder each city and town shall receive amounts in  
10 accordance with a municipal supplemental funding formula as  
11 provided in this paragraph with each city or town receiving  
12 amounts in the proportion which the adjusted population of  
13 the city or town bears to the adjusted population of all  
14 cities and towns in Wyoming. The municipal supplemental  
15 funding formula shall be calculated by the office of state  
16 lands and investments as follows:

17

18 (A) Calculate the per capita distribution  
19 of sales and use tax revenues for the fiscal year beginning  
20 July 1, 2014 and ending June 30, 2015 to each county,  
21 including distributions to each city and town within that  
22 county, under W.S. 39-15-111 and 39-16-111, but excluding  
23 the distribution exclusively to counties under W.S.

1 39-15-111(b)(iii) made from an amount equivalent to one  
2 percent (1%) of the tax collected under W.S. 39-15-104, and  
3 excluding the distribution exclusively to counties under  
4 W.S. 39-16-111(b)(iii) made from an amount equivalent to  
5 one percent (1%) of the tax collected under W.S. 39-16-104;

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 (V) 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

1 each county with a lower per capita distribution is within  
2 the lowest tenth percentile. The adjustment factor shall be  
3 applied for each of these counties by multiplying the  
4 incorporated population of the county by one hundred fifty  
5 percent (150%);

6

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

13

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

18

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

23

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 the remainder of the  
21 revenues under this paragraph on a per capita basis using  
22 the total adjusted population for all cities and towns and

1 the adjusted population for each city or town as calculated  
2 under subparagraph (D) of this paragraph;

3

4 (F) As used in this paragraph:

5

6 (I) A county's "incorporated  
7 population" means the population of all cities and towns  
8 within the county;

9

10 (II) "Percentile" means that portion  
11 of the incorporated population as listed in the arrangement  
12 of cities and towns under subparagraphs (B) and (C) of this  
13 paragraph.

14

15 [COUNTY DIRECT DISTRIBUTION ALLOCATIONS]

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17 (c) Funds appropriated in paragraph (a)(ii) of this  
18 section are to be distributed to counties in two (2) equal  
19 distributions on August 15, 2016 and on August 15, 2017.  
20 From these distributions each county shall receive the  
21 following:

22



1           (i) An equal share of fifteen percent (15%) of  
2 the total amount to be distributed; and

3  
4           (ii) Of the remaining eighty-five percent (85%),  
5 an amount to be distributed to each county in the  
6 proportion each county's population bears to the total  
7 population of the state.

8  
9           [CITY AND TOWN REVENUE CHALLENGED ALLOCATIONS]

10  
11          (d) Funds appropriated in paragraph (a)(iii) of this  
12 section are to be distributed to eligible cities and towns  
13 in two (2) equal distributions on August 15, 2016 and on  
14 August 15, 2017, subject to the following:

15  
16           (i) Each eligible city and town shall receive  
17 amounts in accordance with a municipal supplemental funding  
18 formula as provided in this paragraph. The municipal  
19 supplemental funding formula shall be calculated by the  
20 office of state lands and investments as follows:

21  
22           (A) Calculate the per capita distribution  
23 of sales and use tax revenues for the period beginning July

1 1, 2014 and ending June 30, 2015 to each county, including  
2 distributions to each city and town within that county,  
3 under W.S. 39-15-111 and 39-16-111, but excluding the  
4 distribution exclusively to counties under W.S.  
5 39-15-111(b)(iii) made from an amount equivalent to one  
6 percent (1%) of the tax collected under W.S. 39-15-104, and  
7 excluding the distribution exclusively to counties under  
8 W.S. 39-16-111(b)(iii) made from an amount equivalent to  
9 one percent (1%) of the tax collected under W.S. 39-16-104;

10

11 (B) Arrange the counties in ascending order  
12 by the per capita distribution calculated;

13

14 (C) Following the arrangement of counties  
15 in subparagraph (B) of this paragraph, list the population  
16 of each city and town within the county;

17

18 (D) Apply the appropriate adjustment factor  
19 determined in subdivisions (I) through (V) of this  
20 subparagraph for a county to each city and town within that  
21 county;

22

1                   (I) Beginning with the county with the  
2 lowest per capita distribution, an adjustment factor of one  
3 and one-half (1.5) shall be applied to each county listed  
4 under subparagraph (B) of this paragraph, so long as its  
5 incorporated population plus the incorporated population of  
6 each county with a lower per capita distribution is within  
7 the lowest tenth percentile. The adjustment factor shall be  
8 applied for each of these counties by multiplying the  
9 incorporated population of the county by one hundred fifty  
10 percent (150%);

11

12                   (II) An adjustment factor determined  
13 under this subdivision shall be applied to the county with  
14 the next higher per capita distribution not qualifying for  
15 the adjustment factor under subdivision (I) of this  
16 subparagraph. The adjustment factor for this county shall  
17 be determined by:

18

19                   (1) Multiplying by one hundred  
20 fifty percent (150%) that portion of the incorporated  
21 population of that county which is within the lowest tenth  
22 percentile;

23

1                                   (2) Multiplying by one hundred  
2 twenty-five percent (125%) the incorporated population of  
3 that county which is within the lowest twentieth percentile  
4 and at or above the tenth percentile;

5  
6                                   (3) If applicable, multiplying  
7 by one hundred percent (100%) the incorporated population  
8 of that county which is at or above the twentieth  
9 percentile;

10  
11                                  (4) Dividing the sum of the  
12 products of subdivisions (II)(1) through (3) of this  
13 subparagraph by the incorporated population of that county.

14  
15                                  (III) If an adjustment factor has not  
16 been applied under subdivision (I) or (II) of this  
17 subparagraph, an adjustment factor of one and one-quarter  
18 (1.25) shall be applied to each county listed under  
19 subparagraph (B) of this paragraph, so long as its  
20 incorporated population plus the incorporated population of  
21 each county with a lower per capita distribution does not  
22 exceed the twentieth percentile. The adjustment factor  
23 shall be applied for each of these counties by multiplying

1 the incorporated population of the county by one hundred  
2 twenty-five percent (125%);

3

4 (IV) An adjustment factor determined  
5 under this subdivision shall be applied to the next higher  
6 listed county not qualifying for the adjustment factor  
7 under subdivision (III) of this subparagraph. The  
8 adjustment factor for this county shall be determined by:

9

10 (1) Multiplying by one hundred  
11 twenty-five percent (125%) that portion of the incorporated  
12 population of that county which is within the lowest  
13 twentieth percentile;

14

15 (2) Multiplying by one hundred  
16 percent (100%) the incorporated population of that county  
17 which is at or above the lowest twentieth percentile;

18

19 (3) Dividing the sum of the  
20 products of subdivisions (IV)(1) and (2) of this  
21 subparagraph by the incorporated population of that county.

22

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

3  
4 (E) From the adjusted population of a city  
5 or town as calculated in subparagraphs (A) through (D) of  
6 this paragraph, subtract the actual population of the city  
7 or town to determine the resulting population adjustment.  
8 Distribute the funding under this paragraph in the  
9 proportion which the population adjustment of the city or  
10 town bears to the population adjustments of all cities and  
11 towns in Wyoming as calculated under subparagraph (D) of  
12 this paragraph;

13  
14 (F) As used in this paragraph:

15  
16 (I) A county's "incorporated  
17 population" means the population of all cities and towns  
18 within the county;

19  
20 (II) "Percentile" means that portion  
21 of the incorporated population as listed in the arrangement  
22 of cities and towns under subparagraphs (B) and (C) of this  
23 paragraph.

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## [COUNTY REVENUE CHALLENGED ALLOCATIONS]

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(e) Funds appropriated in paragraph (a)(iv) of this section are to be distributed to eligible counties in two (2) equal distributions on August 15, 2016 and on August 15, 2017. The office of state lands and investments shall calculate the amounts to be distributed to eligible counties as determined by this subsection as follows:

(i) Multiply each county's total assessed valuation for tax year 2015 by twelve mills (.012). This amount shall represent the county property tax available;

(ii) Calculate the sum of the following to determine the county funding need:

(A) One million two hundred thousand dollars (\$1,200,000.00); plus

(B) The product of the county population from zero (0) to five thousand (5,000) multiplied by one hundred sixty dollars (\$160.00); plus

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(C) The product of the county population from five thousand one (5,001) to twenty-five thousand (25,000) multiplied by one hundred thirty dollars (\$130.00); plus

(D) The product of the county population above twenty-five thousand (25,000) multiplied by one hundred dollars (\$100.00).

(iii) Calculate the property tax shortfall for each county by subtracting the property tax available as determined by paragraph (i) of this subsection from the county funding need as determined by paragraph (ii) of this subsection. If the amount is greater than zero (0), the county shall be eligible for distribution of money under this subsection;

(iv) The amount distributed under this subsection to each eligible county shall be in the proportion that the county's property tax shortfall bears to the total property tax shortfall of all counties eligible to receive a distribution under this subsection.



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2 (f) For purposes of this section, population is to be  
3 determined by resort to the 2010 decennial federal census  
4 as reported by the economic analysis division within the  
5 department of administration and information and as defined  
6 in W.S. 8-1-102(a)(xv).

7

8 (g) It is the intent of the legislature that the  
9 funds distributed under this section shall not be used for  
10 salary adjustments, additional personnel or increased  
11 personnel benefits.

12

13 **Section 2.** This act is effective July 1, 2016.

14

15

(END)