HOUSE BILL NO. HB0201

Local government revenue distributions.

Sponsored by: Representative(s) Parady, Buchanan and
                  Martin and Senator(s) Anderson, J., Peck and
                  Vasey

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.**

1

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:

5

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 (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

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   paragraph 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.

1

2   (F) As used in this paragraph:

3

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

7

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

12

13   **9-4-602. Distribution   and   use;   state   treasurer's**
14 **duty.**

15

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

24

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.

22

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

24   **bonds.**

1

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:

6

7   (iii) If the city, town or county fails to

8 comply with paragraph (ii) of this subsection:

9

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;

1

2   **39-14-211. Distribution.**

3

4   (e) Revenues to be distributed to local governments

5   under the provisions of W.S. 39-14-801 other than W.S.

6   39-14-801(c) shall be distributed as follows:

7

8   (k) Revenues to be distributed to local governments

9   under   the   provisions   of   W.S.   39-14-801(c)   shall   be

10 distributed not later than October 15 for the preceding

11 fiscal year.

12

13   **39-14-801. Severance tax distributions; distribution**

14 **account created; formula.**

15

16   (c) After making distributions under subsection (b)

17 of this section, distributions under subsection (d) of this

18 section shall be made from the severance tax distribution

19 account. The amount of distributions under subsection (d)

20 of this section shall not exceed one hundred fifty-five

21 million dollars ($155,000,000.00) in any fiscal year. To

22 the extent that distributions under subsection (d) of this

23 section would exceed that amount in any fiscal year, the

24 excess shall be credited or distributed as follows:

1

2   (ii) Subject to paragraph (iii) of this

3 subsection two-thirds (2/3) to the budget reserve account;.

4 and

5

6   (iii) For each fiscal year from fiscal year 2005

7 through fiscal year 2008, eleven percent (11%) of the

8 amount which would otherwise be distributed to the budget

9 reserve account under paragraph (ii) of this subsection,

10 shall be distributed:

11

12   (A) Sixty-nine percent (69%) to counties.

13 Each county to receive an equal share of fifteen percent

14 (15%) of the total amount to be distributed to counties

15 under this subparagraph, and of the remaining eighty-five

16 percent (85%), an amount to be distributed to each county

17 in the proportion each county's population bears to the

18 total population of the state; and

19

20   (B) Thirty-one percent (31%) to cities and

21 towns, distributed as provided in W.S. 9-4-601(d)(v).

22

23   **Section 2.** This act shall be applied to revenues

24 earned on or after July 1, 2004.

1

2   **Section 3.** The distributions of funds under this act

3 to cities and towns shall be reduced dollar for dollar by

4 any appropriation and distribution of funds to cities and

5 towns made pursuant to 2004 House Bill 0001, Section 305.

6 The distributions of funds under this act to counties shall

7 be reduced dollar for dollar by any appropriation and

8 distribution of funds to counties made pursuant to 2004

9 House Bill 0001, Section 305.   Reductions under this

10 section shall be based upon the corresponding calendar year

11 distribution to be made under 2004 House Bill 0001. Funds

12 not distributed to cities, towns or counties based upon

13 this section shall be deposited to the budget reserve

14 account.

15

16   **Section 4.** This act is effective July 1, 2004.

17

18   (END)