

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.**

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, fourteen percent (14%) 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:

15

16 (A) Thirty percent (30%) to counties. Each
17 county to receive an equal share of fifteen percent (15%)
18 of the total amount to be distributed to counties under
19 this subparagraph, and of the remaining eighty-five percent
20 (85%), an amount to be distributed to each county in the
21 proportion each county's population bears to the total
22 population of the state; and

23

1 (B) Seventy percent (70%) to cities and
2 towns, distributed as follows:

3

4 (I) Twenty percent (20%) to be
5 distributed as follows:

6

7 (1) In August calculate for the
8 previous fiscal year the total county per capita
9 distribution of sales and use tax revenues to each county,
10 including all cities and towns within the county, under
11 W.S. 39-15-111 and 39-16-111, with total county population
12 to be determined by resort to the latest federal census as
13 periodically updated by the bureau of the census;

14

15 (2) Calculate the inverse of each
16 county's per capita percentage of total distributions of
17 sales and use tax revenues under W.S. 39-15-111 and
18 39-16-111 by dividing one (1) by the percentage computed in
19 subdivision (B) (I) (1) of this paragraph;

20

21 (3) Compute the amount to be
22 distributed in each county by dividing each inverse
23 calculated under subdivision (B) (I) (2) of this subparagraph

1 by the total sum of the inverses calculated under
2 subdivision (B)(I)(2) of this subparagraph;

3

4 (4) Of the amount to be
5 distributed in each county, each city and town within that
6 county shall receive an amount in the proportion which the
7 population of the city or town bears to the population of
8 all cities and towns in that county.

9

10 (II) Of the remaining eighty percent
11 (80%) each city and town shall receive an amount in the
12 proportion which the population of the city or town bears
13 to the population of all cities and towns in Wyoming.

14

15 **9-4-602. Distribution and use; state treasurer's**
16 **duty.**

17

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

1 treasurer, subject to the following: ~~and except as~~
2 ~~otherwise provided by law for fiscal year 1994:~~

3

4 (ii) Except as provided in ~~paragraph~~ paragraphs

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

20

21 (iv) Federal mineral royalties to be distributed
22 to local governments under W.S. 9-4-601(d)(v) shall be
23 distributed not later than October 10 for the preceding
24 fiscal year.

1

2 **9-4-1002. Guarantee program for local government**
3 **bonds.**

4

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

9

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

12

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

19

20 (II) The loan, including principal and
21 interest, shall be repaid from the city, town or county's
22 next distributions of federal mineral royalties under W.S.
23 9-4-601(a) (v) and (d) (v) and of severance taxes under W.S.
24 39-14-801 (c) (iii) and (d) (v), (vi) or (viii). The loan is

1 not deemed to be a general obligation of the city, town or
2 county, and the state shall not require repayment from any
3 source other than as provided in this subdivision;

4

5 **39-14-211. Distribution.**

6

7 (e) Revenues to be distributed to local governments
8 under the provisions of W.S. 39-14-801 other than W.S.
9 39-14-801(c) shall be distributed as follows:

10

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

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16 **39-14-801. Severance tax distributions; distribution**
17 **account created; formula.**

18

19 (c) After making distributions under subsection (b)
20 of this section, distributions under subsection (d) of this
21 section shall be made from the severance tax distribution
22 account. The amount of distributions under subsection (d)
23 of this section shall not exceed one hundred fifty-five
24 million dollars (\$155,000,000.00) in any fiscal year. To

1 the extent that distributions under subsection (d) of this
2 section would exceed that amount in any fiscal year, the
3 excess shall be credited or distributed as follows:

4
5 (ii) Subject to paragraph (iii) of this
6 subsection two-thirds (2/3) to the budget reserve account;
7 and

8
9 (iii) For each fiscal year from fiscal year 2005
10 through fiscal year 2008, fourteen percent (14%) of the
11 amount which would otherwise be distributed to the budget
12 reserve account under paragraph (ii) of this subsection,
13 shall be distributed:

14
15 (A) Thirty percent (30%) to counties. Each
16 county to receive an equal share of fifteen percent (15%)
17 of the total amount to be distributed to counties under
18 this subparagraph, and of the remaining eighty-five percent
19 (85%), an amount to be distributed to each county in the
20 proportion each county's population bears to the total
21 population of the state; and

22
23 (B) Seventy percent (70%) to cities and
24 towns, distributed as follows:

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(I) Twenty percent (20%) to be distributed as follows:

(1) In August calculate for the previous fiscal year the total county per capita distribution of sales and use tax revenues to each county, including all cities and towns within the county, under W.S. 39-15-111 and 39-16-111, with total county population to be determined by resort to the latest federal census as periodically updated by the bureau of the census;

(2) Calculate the inverse of each county's per capita percentage of total distributions of sales and use tax revenues under W.S. 39-15-111 and 39-16-111 by dividing one (1) by the percentage computed in subdivision (B) (I) (1) of this paragraph;

(3) Compute the amount to be distributed in each county by dividing each inverse calculated under subdivision (B) (I) (2) of this subparagraph by the total sum of the inverses calculated under subdivision (B) (I) (2) of this subparagraph;

1 (4) Of the amount to be
2 distributed in each county, each city and town within that
3 county shall receive an amount in the proportion which the
4 population of the city or town bears to the population of
5 all cities and towns in that county.

6
7 (II) Of the remaining eighty percent
8 (80%) each city and town shall receive an amount in the
9 proportion which the population of the city or town bears
10 to the population of all cities and towns in Wyoming.

11

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

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

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(END)