

HOUSE BILL NO. HB0290

Tax increment financing.

Sponsored by: Representative(s) Lubnau, Brown, Hammons and Harshman and Senator(s) Perkins, Ross and Von Flatern

A BILL

for

1 AN ACT relating to municipalities; providing for tax  
2 increment financing for municipal public improvements;  
3 providing definitions; providing for bonding; providing for  
4 apportionment of property taxes within a specified area and  
5 excise taxes to finance public improvements; and providing  
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 15-9-301 through 15-9-309 are created  
11 to read:

12

13

ARTICLE 3

14

TAX INCREMENT FINANCING

15

16 **15-9-301. Declarations.**

1

2           (a) The Wyoming legislature declares it to be the  
3 public policy of the state of Wyoming to promote and  
4 facilitate the orderly development and economic stability  
5 of its municipalities. Municipal governing bodies need the  
6 ability to raise revenue to finance public improvements  
7 that are designed to encourage economic growth and  
8 development in specified geographic areas. The  
9 construction of necessary public improvements in accordance  
10 with local economic development plans will encourage  
11 investment in job producing private development and expand  
12 the public tax base.

13

14           (b) It is the purpose of this article:

15

16           (i) To encourage municipalities to use future  
17 tax revenues to finance public improvements designed to  
18 encourage private development in selected areas;

19

20           (ii) To assist those municipalities that have a  
21 competitive disadvantage in their ability to attract  
22 business, private investment or commercial development; and

23

1           (iii) To prevent or arrest the decay of selected  
2 areas due to the inability of existing financial methods to  
3 provide needed public improvements and to encourage private  
4 investment designed to promote and facilitate the orderly  
5 redevelopment of selected areas.

6  
7           **15-9-302. Definitions.**

8  
9           (a) As used in this article, unless the context  
10 otherwise requires:

11  
12           (i) "Assessed value" means the taxable value of  
13 all property that is subject to taxation within the  
14 increment area. Assessed value shall be determined from  
15 the assessment roll of the county within which the  
16 increment area is located for the ensuing tax year;

17  
18           (ii) "Available excise tax" means all excise  
19 taxes collected pursuant to W.S. 39-15-104,  
20 39-15-204(a)(i), 39-16-104 and 39-16-204(a)(i);

21  
22           (iii) "Available property tax" means all property  
23 taxes levied by a municipal governing body upon the taxable  
24 value of all property that is subject to taxation within

1 the increment area, not including property taxes derived  
2 from the levy each year of a tax for any other public body;

3

4 (iv) "Bonds" means any bonds, including refunding  
5 bonds, notes, interim certificates, temporary bonds,  
6 certificates of indebtedness, debentures or other  
7 obligations;

8

9 (v) "Increment area" means the geographic area,  
10 not to exceed forty (40) acres, from which available  
11 property taxes and available excise taxes are to be  
12 appropriated to finance public improvements authorized  
13 under this article;

14

15 (vi) "Increment value" means any increase in the  
16 available property tax in an increment area after the  
17 increment area is created and any increase in the available  
18 excise taxes collected within the boundaries of said  
19 increment area;

20

21 (vii) "Municipality" means any city or town;

22

1           (viii) "Ordinance" means any appropriate method  
2 of taking legislative action by a governing body of a  
3 municipality;

4  
5           (ix) "Public body" means a governmental entity  
6 that levies or has levied for it property and excise taxes  
7 within a proposed or approved increment area;

8  
9           (x) "Public improvements" means, but is not  
10 limited to:

11  
12           (A) Infrastructure improvements within the  
13 increment area that include:

14  
15                   (I) Street and road construction and  
16 maintenance;

17  
18                   (II) Water and sewer system  
19 construction and improvements;

20  
21                   (III) Sidewalks and streetlights;

22  
23                   (IV) Parking facilities;

24

1 (V) Facilities of a regional  
2 transportation authority;

3

4 (VI) Park facilities and recreational  
5 areas;

6

7 (VII) Surface water drainage systems;

8

9 (VIII) Business parks; and

10

11 (IX) Publicly owned buildings.

12

13 (B) Expenditures for any of the following  
14 purposes:

15

16 (I) Providing environmental analysis,  
17 professional management, planning and promotion of  
18 development within the increment area;

19

20 (II) Providing maintenance and  
21 security for common or public areas in the increment area;  
22 or

23

1 (III) Historic preservation  
2 activities.

3

4 (xi) "Public improvement costs" means, but is  
5 not limited to, the costs of:

6

7 (A) Design, planning, acquisition, site  
8 preparation, construction, reconstruction, rehabilitation,  
9 improvement and installation of public improvements;

10

11 (B) Relocating, maintaining and operating  
12 property pending construction of public improvements;

13

14 (C) Relocating utilities as a result of  
15 public improvements;

16

17 (D) Financing public improvements,  
18 including interest during construction, legal and other  
19 professional services, taxes, insurance, principal and  
20 interest costs on bonds issued to finance public  
21 improvements and any necessary reserves therefor;

22

23 (E) Assessments incurred in revaluing  
24 taxable property for the purpose of determining the tax

1 allocation base value that are in excess of costs incurred  
2 by the assessor in accordance with any revaluation plan and  
3 the costs of apportioning the tax allocation revenues and  
4 complying with this chapter and other applicable law; and  
5

6 (F) Administrative expenses and feasibility  
7 studies reasonably necessary and related to these costs,  
8 including related costs that may have been incurred before  
9 adoption of the ordinance authorizing the public  
10 improvements and the use of community development financing  
11 to fund the costs of the public improvements.  
12

13 (xii) "Taxable property" shall have the same  
14 meaning as set forth in W.S. 39-11-103(a);  
15

16 (xiii) "Tax allocation base value" means:  
17

18 (A) The assessed value of taxable property  
19 located within an increment area for taxes imposed in the  
20 year in which the increment area is created, plus any  
21 increase in the assessed value of taxable property located  
22 within an increment area that is placed on the assessment  
23 rolls after the increment area is created; or  
24



1                   (B) The available excise taxes collected  
2 within the boundaries of the increment area in the twelve  
3 (12) month period ending on the last day of the month prior  
4 to the effective date of creation of the increment area.

5

6                   (xiv) "Tax allocation revenues" means those tax  
7 revenues derived from the increment value of available  
8 property taxes and available excise taxes collected in the  
9 increment area.

10

11                   **15-9-303. Conditions restricting financing.**

12

13                   (a) A municipality may finance public improvements  
14 using tax increment financing subject to the following  
15 conditions:

16

17                   (i) The municipality adopts an ordinance  
18 designating an increment area within its boundaries and  
19 specifying the public improvements proposed to be financed  
20 in whole or in part with the use of tax increment  
21 financing;

22

23                   (ii) The public improvements proposed to be  
24 financed in whole or in part using tax increment financing

1 are designed to encourage private development within the  
2 increment area and to increase the assessed value of the  
3 taxable property therein; and

4

5 (iii) Private development that is anticipated to  
6 occur within the increment area, as a result of the public  
7 improvements, will be consistent with any comprehensive  
8 plan and development standards adopted by the municipality.

9

10 **15-9-304. Coordination with other programs;**  
11 **improvements by private developer shall meet applicable**  
12 **state and local standards.**

13

14 (a) Public improvements that are financed with tax  
15 increment financing may be undertaken and coordinated with  
16 other programs or efforts undertaken by the municipality  
17 and other public bodies and may be funded in part from  
18 revenue sources other than tax allocation revenues.

19

20 (b) Public improvements that are constructed by a  
21 private developer shall meet all applicable state and local  
22 standards.

23

24 **15-9-305. Procedure for creating increment area.**

1

2 (a) Before adopting an ordinance creating an  
3 increment area, a municipality shall:

4

5 (i) Make available to the county assessor of the  
6 county in which the proposed increment area is located and  
7 the division of economic analysis of the department of  
8 administration and information, a copy of the  
9 municipality's local economic development plan;

10

11 (ii) Establish the tax allocation base value of  
12 the proposed increment area;

13

14 (iii) Obtain projections of tax allocation  
15 revenues;

16

17 (iv) Hold a public hearing on the creation of  
18 the increment area and the public improvements that are  
19 proposed to be financed, in whole or in part, with tax  
20 increment financing. The public hearing may be held by  
21 either the governing body of the municipality, or a  
22 committee of the governing body that includes at least a  
23 majority of the whole governing body. Notice of the public  
24 hearing shall be published in a legal newspaper of general

1 circulation within the proposed increment area at least ten  
2 (10) days before the public hearing. The notice shall  
3 describe:

4

5 (A) The boundaries of the proposed  
6 increment area;

7

8 (B) The contemplated public improvements  
9 and estimated costs thereof;

10

11 (C) The portion of the costs of the public  
12 improvements to be borne by tax increment financing;

13

14 (D) All available sources of revenue to  
15 finance the public improvements; and

16

17 (E) An estimate of the period during which  
18 the tax allocation revenues will be apportioned.

19

20 (v) Adopt an ordinance establishing the  
21 increment area that includes the items prescribed in  
22 subsection (b) of this section, along with:

23

1 (A) The date when the apportionment of the  
2 tax allocation revenues will commence; and

3

4 (B) A finding that the conditions of W.S.  
5 15-9-303 are met. The municipality shall deliver a  
6 certified copy of the ordinance to the county treasurer,  
7 the county assessor and to the state department of revenue  
8 and shall record the ordinance in the real estate records  
9 of the county clerk.

10

11 **15-9-306. Apportionment of property and excise taxes;**  
12 **issuance of limited obligation and special revenue bonds;**  
13 **special funds; adjustment evaluations.**

14

15 (a) Notwithstanding any law to the contrary, any  
16 local economic development plan as originally adopted by  
17 the municipality, or as later modified pursuant to this  
18 article, may contain a provision that tax allocation  
19 revenues shall be apportioned for a period not to exceed  
20 twenty-five (25) years after the effective date of approval  
21 of the plan by the governing body, as follows:

22

23 (i) All or any portion of the available property  
24 taxes, as specified by the ordinance of the governing body,

1 in excess of the tax allocation base value as defined in  
2 W.S. 15-9-302(a)(xiii)(A) shall be apportioned and, when  
3 collected, paid into a special property tax fund of the  
4 municipality and may be irrevocably pledged by the  
5 municipality for the payment of the principal of, the  
6 interest on, and any premiums due in connection with  
7 limited obligation bonds issued by the municipality for  
8 financing or refinancing, in whole or in part, the public  
9 improvements within the boundaries of the increment area,  
10 provided that the question of initially issuing such bonds  
11 and the question of the intended pledge are first submitted  
12 for approval to the qualified electors of the municipality  
13 at an election which shall be called, conducted, canvassed  
14 and returned in the manner provided for bond elections by  
15 the Political Subdivision Bond Election Law, W.S. 22-21-101  
16 through 22-21-112. Bonds issued pursuant to this section  
17 shall constitute an indebtedness of the municipality within  
18 the meaning of constitutional and statutory limitations.  
19 Unless and until the assessed value of the taxable property  
20 within the boundaries of the increment area exceeds the tax  
21 allocation base value under W.S. 15-9-302(a)(xiii)(A) for  
22 assessment of the taxable property within such boundaries  
23 all of the available property taxes in the increment area

1 shall be paid into the treasury of the municipality levying  
2 the taxes;

3

4 (ii) All or any portion of the available excise  
5 taxes, as specified by the ordinance of the governing body,  
6 in excess of the tax allocation base value as defined by  
7 W.S. 15-9-302(a)(xiii)(B) shall be apportioned to and, when  
8 collected, paid into a special excise tax fund of the  
9 municipality and may be irrevocably pledged by the  
10 municipality for the payment of the principal of, the  
11 interest on, and any premiums due in connection with  
12 special revenue bonds issued by the municipality for  
13 financing or refinancing, in whole or in part, the public  
14 improvements within the boundaries of the increment area.  
15 No election is required for the issuance of special revenue  
16 bonds. However, each bond issued pursuant to this section  
17 shall recite in substance that the bond, including interest  
18 payable thereon, is payable solely from the available  
19 excise tax allocation revenues and the special excise tax  
20 fund pledged to the payment thereof. Unless and until the  
21 total available excise tax collections in the increment  
22 area exceeds the tax allocation base value under W.S.  
23 15-9-302(a)(xiii)(B) in such area all available excise tax  
24 collections shall be paid into the funds of the public body

1 collecting the taxes as provided in title 39 of Wyoming  
2 statutes.

3

4 (b) The provisions of subsection (a) of this section  
5 regarding the apportionment of available property taxes  
6 shall take precedence over any other provisions of state  
7 law regarding the imposition or allocation of such property  
8 taxes. Receipts from excise taxes apportioned and paid to  
9 a municipality pursuant to this subsection shall constitute  
10 revenues of the municipality and not revenues of the public  
11 body to which the receipts would have been apportioned and  
12 paid but for the operation of subsection (a) of this  
13 section.

14

15 (c) The state and each public body collecting excise  
16 taxes within an increment area shall keep books and records  
17 in a manner such that the available excise taxes levied and  
18 collected within the area may be determined and paid in  
19 accordance with this article, which books and records shall  
20 be furnished to the municipality periodically at its  
21 request. To the extent the available excise taxes cannot  
22 be accurately determined for purposes of determining any  
23 tax allocation base value as provided in W.S.  
24 15-9-302(a)(xiii)(B), the governing body may estimate the



1 tax allocation base value based on the information  
2 available, which estimation shall be deemed to be the  
3 accurate and conclusive tax allocation base value for all  
4 purposes of this article.

5

6 (d) The county assessor shall apportion any increased  
7 assessed value of taxable property occurring in the  
8 increment area to the increment value.

9

10 (e) The apportionment of increases in assessed value  
11 of taxable property in an increment area and the associated  
12 distribution to the municipality of receipts of available  
13 property taxes that are imposed on the increment value, and  
14 available excise taxes collected, shall cease when tax  
15 allocation revenues are no longer necessary or obligated to  
16 pay the costs of the public improvements. Any excess tax  
17 allocation revenues and earnings thereon shall be returned  
18 to the county treasurer and distributed to the public body  
19 that imposed the available property taxes, or had the  
20 available property taxes imposed for it, or collected  
21 available excise taxes in the increment area that year, in  
22 proportion to the rates of their available property tax  
23 levies or excise tax collections that year.

24

1           (f) In the event there is a general reassessment of  
2 taxable property valuations in any county including all or  
3 part of the increment area subject to apportionment of  
4 valuation for assessment under subsection (b) of this  
5 section or a change in the excise tax percentage levied in  
6 any public body including all or part of the increment area  
7 subject to apportionment of excise taxes under subsection  
8 (b) of this section the portions of valuations for  
9 assessment or excise taxes under both paragraphs (a)(i) and  
10 (ii) of this section shall be proportionately adjusted in  
11 accordance with the reassessment or change.

12

13           **15-9-307. Indebtedness; security.**

14

15           (a) A municipality designating an increment area and  
16 authorizing the use of tax increment financing may issue  
17 limited obligation bonds as allowed by W.S. 15-9-306(a)(ii)  
18 or special revenue bonds as allowed by W.S.  
19 15-9-306(a)(iii), to finance the public improvements and  
20 retire the indebtedness in whole or in part from the  
21 appropriate tax allocation revenues it receives, subject to  
22 the following requirements:

23

1           (i) The ordinance adopted by the governing body  
2 of the municipality creating the increment area and  
3 authorizing the use of tax increment financing indicates  
4 the type of indebtedness the municipality intends to incur  
5 and the maximum amount of the indebtedness that is  
6 contemplated;

7

8           (ii) The municipality includes this statement of  
9 intent in all notices required by W.S. 15-9-306; and

10

11           (iii) The ordinance adopted by the governing  
12 body authorizing the issuance of bonds determines for each  
13 issue the amount, date, form, terms, conditions,  
14 denominations, maximum fixed or variable interest rate or  
15 rates, maturity or maturities, not to exceed twenty-five  
16 (25) years, redemption rights, registration privileges,  
17 manner of execution, manner of sale, call provisions, if  
18 any, and covenants including the refunding of existing  
19 bonds. Refunding bonds may be issued in the same manner as  
20 new money bonds are issued.

21

22           (b) Limited obligation bonds under W.S.  
23 15-9-306(a)(i) constitute an indebtedness of the  
24 municipality issuing the bonds and the principal of and

1 interest on the bonds may also be payable from other tax  
2 revenues, the full faith and credit of the municipality and  
3 nontax income, revenues, fees and rents from the public  
4 improvements, as well as contributions, grants and nontax  
5 money available to the municipality for payment of costs of  
6 the public improvements or associated debt service on the  
7 limited obligation bonds.

8

9 (c) Special revenue bonds under W.S. 15-9-306(a)(ii)  
10 are not an indebtedness of the municipality issuing the  
11 bonds and the principal of and interest on the bonds shall  
12 only be payable from the revenues lawfully pledged to meet  
13 the principal and interest requirements and any reserves  
14 created therefor. The owner of a special revenue bond  
15 issued pursuant to this section shall not have any claim  
16 against the municipality arising from the bond except for  
17 payment from the revenues lawfully pledged to meet the  
18 principal and interest requirements and any reserves  
19 created therefor. The substance of the limitations  
20 included in this subsection shall be plainly printed,  
21 written or engraved on each bond issued pursuant to this  
22 section.

23

1           (d) In addition to the requirements in subsection (a)  
2 of this section, a municipality designating an increment  
3 area and authorizing the use of tax increment financing may  
4 require any nonpublic participant to provide additional  
5 security for the payment of the bonds and interest thereon.

6

7           **15-9-308. Conclusive presumption of validity.**

8

9 A direct or collateral attack on a public improvement,  
10 public improvement ordinance or increment area purported to  
11 be authorized or created in conformance with applicable  
12 legal requirements, including this article, may not be  
13 commenced more than thirty (30) days after publication of  
14 notice as required by W.S. 15-9-305.

15

16           **15-9-309. Supplemental nature of article.**

17

18 This article supplements and neither restricts nor limits  
19 any powers which the state or any municipality might  
20 otherwise have under any laws of this state.

21

22           **Section 2.** W.S. 39-15-111(b)(i), (iii)(intro) and by  
23 creating a new subsection (p), 39-15-211(a)(i)(B)(intro)  
24 and by creating a new subparagraph (D), 39-16-111(b)(i),

1 (iii)(intro) and by creating a new subsection (p),  
2 39-16-211(a)(i)(B)(intro) and by creating a new  
3 subparagraph (D) are amended to read:

4

5 **39-15-111. Distribution.**

6

7 (b) Revenues earned under W.S. 39-15-104 during each  
8 fiscal year shall be recognized as revenue during that  
9 fiscal year for accounting purposes. Revenue collected by  
10 the department under W.S. 39-15-104 shall be transferred to  
11 the state treasurer who shall:

12

13 (i) Credit sixty-nine percent (69%) to the state  
14 general fund except as provided by subsections (c), ~~and~~ (d)  
15 and (p) of this section;

16

17 (iii) Except as provided in subsection (p) of  
18 this section, from the remaining share, ~~until June 30,~~  
19 ~~2004, deduct an amount equivalent to one-half percent~~  
20 ~~(0.5%) and thereafter~~ deduct an amount equivalent to one  
21 percent (1%) of the tax collected under W.S. 39-15-104.  
22 From this amount, the state treasurer shall distribute  
23 ~~until June 30, 2004, twenty thousand dollars (\$20,000.00)~~  
24 ~~and thereafter~~ forty thousand dollars (\$40,000.00) annually

1 to each county in equal monthly installments and then  
2 distribute the remainder to each county in the proportion  
3 that the total population of the county bears to the total  
4 population of the state. The balance shall then be paid  
5 monthly to the treasurers of the counties, cities and towns  
6 for payment into their respective general funds. The  
7 percentage of the balance that will be distributed to each  
8 county and its cities and towns will be determined by  
9 computing the percentage that net sales taxes collected  
10 attributable to vendors in each county including its cities  
11 and towns bear to total net sales taxes collected of  
12 vendors in all counties including their cities and towns.  
13 Subject to ~~subsection~~subsections (h) and (p) of this  
14 section, this percentage of the balance shall be  
15 distributed within each county as follows:

16  
17 (p) If, after July 1, 2009, any local economic  
18 development plan is adopted that provides for or modifies  
19 an existing plan to include a provision for the  
20 apportionment of available excise taxes in accordance with  
21 W.S. 15-9-306(a), the state treasurer shall thereafter pay  
22 to the municipality in which the increment area, as defined  
23 by W.S. 15-9-302(a)(v), is located and such municipality  
24 shall deposit into its excise tax fund created pursuant to

1 W.S. 15-9-306(a)(ii), the excise tax allocation revenues,  
2 as defined by W.S. 15-9-302(a)(xiv), available under  
3 paragraphs (b)(i) and (iii) of this section, as determined  
4 pursuant to W.S. 15-9-306(a)(ii), which payments shall  
5 continue for so long as the apportionment of taxes is in  
6 effect pursuant to W.S. 15-9-306(e) and the local economic  
7 development plan.

8  
9 **39-15-211. Distribution.**

10  
11 (a) All revenue collected by the department from the  
12 taxes imposed under W.S. 39-15-204(a)(i), (ii), (v) and  
13 (vi) shall be transferred to the state treasurer who shall:

14  
15 (i) For revenues collected under W.S.  
16 39-15-204(a)(i):

17  
18 (B) Subject to subparagraph (D) of this  
19 paragraph, deposit the remainder into an account for  
20 monthly distribution to counties imposing the tax and its  
21 cities and towns. The distribution to the county and its  
22 cities and towns shall be equal to the amount collected in  
23 each county less the costs of collection as provided by



1 subparagraph (a)(i)(A) of this section. The distribution  
2 shall be as follows:

3

4 (D) If, after July 1, 2009, any local  
5 economic development plan is adopted that provides for, or  
6 modifies an existing plan to include a provision for the  
7 apportionment of available excise taxes in accordance with  
8 W.S. 15-9-306(a), the state treasurer shall thereafter pay  
9 to the municipality in which the increment area, as defined  
10 by W.S. 15-9-302(a)(v), is located and such municipality  
11 shall deposit into its excise tax fund created pursuant to  
12 W.S. 15-9-306(a)(ii), the excise tax allocation revenues,  
13 as defined by W.S. 15-9-302(a)(xiv), available under  
14 subparagraph (i)(B) of this subsection, as determined  
15 pursuant to W.S. 15-9-306(a)(ii), which payments shall  
16 continue for so long as the apportionment of taxes is in  
17 effect pursuant to W.S. 15-9-306(e) and the local economic  
18 development plan.

19

20 **39-16-111. Distribution.**

21

22 (b) Revenues earned under this article during each  
23 fiscal year shall be recognized as revenue during that  
24 fiscal year for accounting purposes. Revenue collected by

1 the department from the taxes imposed by this article shall  
2 be transferred to the state treasurer who shall:

3

4 (i) Credit sixty-nine percent (69%) to the  
5 general fund except as provided by subsections (d), ~~and~~ (e)  
6 and (p) of this section;

7

8 (iii) Except as provided by subsection (p) of  
9 this section, from the remaining share, ~~until June 30,~~  
10 ~~2004, deduct an amount equivalent to one half percent~~  
11 ~~(0.5%) and thereafter~~ deduct an amount equivalent to one  
12 percent (1%) of the tax collected under W.S. 39-16-104.  
13 From this amount, the state treasurer shall distribute  
14 ~~until June 30, 2004, five thousand dollars (\$5,000.00) and~~  
15 ~~thereafter~~ ten thousand dollars (\$10,000.00) annually to  
16 each county in equal monthly installments and then  
17 distribute the remainder to each county in the proportion  
18 that the total population of the county bears to the total  
19 population of the state. The remainder shall then be paid  
20 monthly to the treasurers of the counties, cities and towns  
21 for payment into their respective general funds. The  
22 percentage of the remainder that will be distributed to  
23 each county and its cities and towns will be determined by  
24 computing the percentage that net use taxes collected

1 attributable to vendors in each county including its cities  
2 and towns bear to total net use taxes collected of vendors  
3 in all counties including their cities and towns. The  
4 distribution shall be as follows:

5  
6 (p) If, after July 1, 2009, any local economic  
7 development plan is adopted that provides for or modifies  
8 an existing plan to include a provision for the  
9 apportionment of available excise taxes in accordance with  
10 W.S. 15-9-306(a), the state treasurer shall thereafter pay  
11 to the municipality in which the increment area, as defined  
12 by W.S. 15-9-302(a)(v), is located and such municipality  
13 shall deposit into its excise tax fund created pursuant to  
14 W.S. 15-9-306(a)(ii), the excise tax allocation revenues,  
15 as defined by W.S. 15-9-302(a)(xiv), available under  
16 paragraphs (b)(i) and (iii) of this section, as determined  
17 pursuant to W.S. 15-9-306(a)(ii), which payments shall  
18 continue for so long as the apportionment of taxes is in  
19 effect pursuant to W.S. 15-9-306(e) and the local economic  
20 development plan.

21

22 **39-16-211. Distribution.**

23

1 (a) All revenue collected by the department from the  
2 taxes imposed under W.S. 39-16-204(a)(i), (iv) and (v)  
3 shall be transferred to the state treasurer who shall:

4  
5 (i) For revenues collected under W.S.  
6 39-16-204(a)(i):

7  
8 (B) Subject to subparagraph (D) of this  
9 paragraph, deposit the remainder into an account for  
10 monthly distribution to counties imposing the tax and its  
11 cities and towns. The distribution to the county and its  
12 cities and towns shall be equal to the amount collected in  
13 each county less the costs of collection as provided by  
14 subparagraph (a)(i)(A) of this section. The distribution  
15 shall be as follows:

16  
17 (D) If, after July 1, 2009, any local  
18 economic development plan is adopted that provides for, or  
19 modifies an existing plan to include a provision for the  
20 apportionment of available excise taxes in accordance with  
21 W.S. 15-9-306(a), the state treasurer shall thereafter pay  
22 to the municipality in which the increment area, as defined  
23 by W.S. 15-9-302(a)(v), is located and such municipality  
24 shall deposit into its excise tax fund created pursuant to

1 W.S. 15-9-306(a)(ii), the excise tax allocation revenues,  
2 as defined by W.S. 15-9-302(a)(xiv), available under  
3 subparagraph (i)(B) of this subsection, as determined  
4 pursuant to W.S. 15-9-306(a)(ii), which payments shall  
5 continue for so long as the apportionment of taxes is in  
6 effect pursuant to W.S. 15-9-306(e) and the local economic  
7 development plan.

8

9 **Section 3.** This act is effective July 1, 2009.

10

11

(END)