

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Tax increment financing.

Sponsored by: Representative(s) Anderson, R.

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

1

2       **15-9-301. Declarations.**

3

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

15

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

17

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

21

1           (ii) To assist those municipalities that have a  
2 competitive disadvantage in their ability to attract  
3 business, private investment or commercial development; and  
4

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

10

11           **15-9-302. Definitions.**

12

13           (a) As used in this article, unless the context  
14 otherwise requires:

15

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

21

1           (ii) "Available excise tax" means all excise  
2 taxes collected pursuant to W.S. 39-15-104,  
3 39-15-204(a)(i), 39-16-104 and 39-16-204(a)(i);

4

5           (iii) "Available property tax" means all property  
6 taxes levied by a municipal governing body upon the taxable  
7 value of all property that is subject to taxation within  
8 the increment area, not including property taxes derived  
9 from the levy each year of a tax for any other public body;

10

11           (iv) "Bonds" means any bonds, including refunding  
12 bonds, notes, interim certificates, temporary bonds,  
13 certificates of indebtedness, debentures or other  
14 obligations;

15

16           (v) "Increment area" means the geographic area,  
17 not to exceed forty (40) acres, from which available  
18 property taxes and available excise taxes are to be  
19 appropriated to finance public improvements authorized  
20 under this article;

21

22           (vi) "Increment value" means any increase in the  
23 available property tax in an increment area after the

1 increment area is created and any increase in the available  
2 excise taxes collected within the boundaries of said  
3 increment area;

4

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

6

7 (viii) "Ordinance" means any appropriate method  
8 of taking legislative action by a governing body of a  
9 municipality;

10

11 (ix) "Public body" means a governmental entity  
12 that levies or has levied for it property and excise taxes  
13 within a proposed or approved increment area;

14

15 (x) "Public improvements" means, but is not  
16 limited to:

17

18 (A) Infrastructure improvements within the  
19 increment area that include:

20

21 (I) Street and road construction and  
22 maintenance;

23

1 (II) Water and sewer system  
2 construction and improvements;

3

4 (III) Sidewalks and streetlights;

5

6 (IV) Parking facilities;

7

8 (V) Facilities of a regional  
9 transportation authority;

10

11 (VI) Park facilities and recreational  
12 areas;

13

14 (VII) Surface water drainage systems;

15

16 (VIII) Business parks; and

17

18 (IX) Publicly owned buildings.

19

20 (B) Expenditures for any of the following  
21 purposes:

22

1                   (I) Providing environmental analysis,  
2 professional management, planning and promotion of  
3 development within the increment area;

4  
5                   (II) Providing maintenance and  
6 security for common or public areas in the increment area;  
7 or

8  
9                   (III) Historic preservation  
10 activities.

11  
12                   (xi) "Public improvement costs" means, but is  
13 not limited to, the costs of:

14  
15                   (A) Design, planning, acquisition, site  
16 preparation, construction, reconstruction, rehabilitation,  
17 improvement and installation of public improvements;

18  
19                   (B) Relocating, maintaining and operating  
20 property pending construction of public improvements;

21  
22                   (C) Relocating utilities as a result of  
23 public improvements;

1

2 (D) Financing public improvements,  
3 including interest during construction, legal and other  
4 professional services, taxes, insurance, principal and  
5 interest costs on bonds issued to finance public  
6 improvements and any necessary reserves therefor;

7

8 (E) Assessments incurred in revaluing  
9 taxable property for the purpose of determining the tax  
10 allocation base value that are in excess of costs incurred  
11 by the assessor in accordance with any revaluation plan and  
12 the costs of apportioning the tax allocation revenues and  
13 complying with this chapter and other applicable law; and

14

15 (F) Administrative expenses and feasibility  
16 studies reasonably necessary and related to these costs,  
17 including related costs that may have been incurred before  
18 adoption of the ordinance authorizing the public  
19 improvements and the use of community development financing  
20 to fund the costs of the public improvements.

21

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



1

2

(xiii) "Tax allocation base value" means:

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

22

1           (a) A municipality may finance public improvements  
2 using tax increment financing subject to the following  
3 conditions:

4

5           (i) The municipality adopts an ordinance  
6 designating an increment area within its boundaries and  
7 specifying the public improvements proposed to be financed  
8 in whole or in part with the use of tax increment  
9 financing;

10

11           (ii) The public improvements proposed to be  
12 financed in whole or in part using tax increment financing  
13 are designed to encourage private development within the  
14 increment area and to increase the assessed value of the  
15 taxable property therein; and

16

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

21

1           **15-9-304. Coordination with other programs;**  
2 **improvements by private developer shall meet applicable**  
3 **state and local standards.**

4  
5           (a) Public improvements that are financed with tax  
6 increment financing may be undertaken and coordinated with  
7 other programs or efforts undertaken by the municipality  
8 and other public bodies and may be funded in part from  
9 revenue sources other than tax allocation revenues.

10

11           (b) Public improvements that are constructed by a  
12 private developer shall meet all applicable state and local  
13 standards.

14

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

16

17           (a) Before adopting an ordinance creating an  
18 increment area, a municipality shall:

19

20           (i) Make available to the county assessor of the  
21 county in which the proposed increment area is located and  
22 the division of economic analysis of the department of

1 administration and information, a copy of the  
2 municipality's local economic development plan;

3

4 (ii) Establish the tax allocation base value of  
5 the proposed increment area;

6

7 (iii) Obtain projections of tax allocation  
8 revenues;

9

10 (iv) Hold a public hearing on the creation of  
11 the increment area and the public improvements that are  
12 proposed to be financed, in whole or in part, with tax  
13 increment financing. The public hearing may be held by  
14 either the governing body of the municipality, or a  
15 committee of the governing body that includes at least a  
16 majority of the whole governing body. Notice of the public  
17 hearing shall be published in a legal newspaper of general  
18 circulation within the proposed increment area at least ten  
19 (10) days before the public hearing. The notice shall  
20 describe:

21

22 (A) The boundaries of the proposed  
23 increment area;

1

2 (B) The contemplated public improvements

3 and estimated costs thereof;

4

5 (C) The portion of the costs of the public

6 improvements to be borne by tax increment financing;

7

8 (D) All available sources of revenue to

9 finance the public improvements; and

10

11 (E) An estimate of the period during which

12 the tax allocation revenues will be apportioned.

13

14 (v) Adopt an ordinance establishing the

15 increment area that includes the items prescribed in

16 subsection (b) of this section, along with:

17

18 (A) The date when the apportionment of the

19 tax allocation revenues will commence; and

20

21 (B) A finding that the conditions of W.S.

22 15-9-303 are met. The municipality shall deliver a

23 certified copy of the ordinance to the county treasurer,

1 the county assessor and to the state department of revenue  
2 and shall record the ordinance in the real estate records  
3 of the county clerk.

4

5 **15-9-306. Apportionment of property and excise taxes;**  
6 **issuance of limited obligation and special revenue bonds;**  
7 **special funds; adjustment evaluations.**

8

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

16

17 (i) All or any portion of the available property  
18 taxes, as specified by the ordinance of the governing body,  
19 in excess of the tax allocation base value as defined in  
20 W.S. 15-9-302(a)(xiii)(A) shall be apportioned and, when  
21 collected, paid into a special property tax fund of the  
22 municipality and may be irrevocably pledged by the  
23 municipality for the payment of the principal of, the

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

21

22 (ii) All or any portion of the available excise  
23 taxes, as specified by the ordinance of the governing body,

1 in excess of the tax allocation base value as defined by  
2 W.S. 15-9-302(a)(xiii)(B) shall be apportioned to and, when  
3 collected, paid into a special excise 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 special revenue 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 No election is required for the issuance of special revenue  
11 bonds. However, each bond issued pursuant to this section  
12 shall recite in substance that the bond, including interest  
13 payable thereon, is payable solely from the available  
14 excise tax allocation revenues and the special excise tax  
15 fund pledged to the payment thereof. Unless and until the  
16 total available excise tax collections in the increment  
17 area exceeds the tax allocation base value under W.S.  
18 15-9-302(a)(xiii)(B) in such area all available excise tax  
19 collections shall be paid into the funds of the public body  
20 collecting the taxes as provided in title 39 of Wyoming  
21 statutes.

22



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

11

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

1 accurate and conclusive tax allocation base value for all  
2 purposes of this article.

3

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

7

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

22

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

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

9

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

1

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

7

8 **15-9-308. Conclusive presumption of validity.**

9

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

16

17 **15-9-309. Supplemental nature of article.**

18

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

22

1           **Section 2.** W.S. 39-15-111(b)(i), (iii)(intro) and by  
2 creating a new subsection (p), 39-15-211(a)(i)(B)(intro)  
3 and by creating a new subparagraph (D), 39-16-111(b)(i),  
4 (iii)(intro) and by creating a new subsection (p),  
5 39-16-211(a)(i)(B)(intro) and by creating a new  
6 subparagraph (D) are amended to read:

7

8           **39-15-111. Distribution.**

9

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

15

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

19

20           (iii) Except as provided in subsection (p) of  
21 this section, from the remaining share, ~~until June 30,~~  
22 ~~2004, deduct an amount equivalent to one half percent~~  
23 ~~(0.5%) and thereafter~~ deduct an amount equivalent to one

1 percent (1%) of the tax collected under W.S. 39-15-104.  
2 From this amount, the state treasurer shall distribute  
3 ~~until June 30, 2004, twenty thousand dollars (\$20,000.00)~~  
4 ~~and thereafter~~ forty thousand dollars (\$40,000.00) annually  
5 to each county in equal monthly installments and then  
6 distribute the remainder to each county in the proportion  
7 that the total population of the county bears to the total  
8 population of the state. The balance shall then be paid  
9 monthly to the treasurers of the counties, cities and towns  
10 for payment into their respective general funds. The  
11 percentage of the balance that will be distributed to each  
12 county and its cities and towns will be determined by  
13 computing the percentage that net sales taxes collected  
14 attributable to vendors in each county including its cities  
15 and towns bear to total net sales taxes collected of  
16 vendors in all counties including their cities and towns.  
17 Subject to ~~subsection~~subsections (h) and (p) of this  
18 section, this percentage of the balance shall be  
19 distributed within each county as follows:

20

21 (p) If, after July 1, 2009, any local economic  
22 development plan is adopted that provides for or modifies  
23 an existing plan to include a provision for the



1 apportionment of available excise taxes in accordance with  
2 W.S. 15-9-306(a), the state treasurer shall thereafter pay  
3 to the municipality in which the increment area, as defined  
4 by W.S. 15-9-302(a)(v), is located and such municipality  
5 shall deposit into its excise tax fund created pursuant to  
6 W.S. 15-9-306(a)(ii), the excise tax allocation revenues,  
7 as defined by W.S. 15-9-302(a)(xiv), available under  
8 paragraphs (b)(i) and (iii) of this section, as determined  
9 pursuant to W.S. 15-9-306(a)(ii), which payments shall  
10 continue for so long as the apportionment of taxes is in  
11 effect pursuant to W.S. 15-9-306(e) and the local economic  
12 development plan.

13

14 **39-15-211. Distribution.**

15

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

19

20 (i) For revenues collected under W.S.  
21 39-15-204(a)(i):

22

1 (B) Subject to subparagraph (D) of this  
2 paragraph, deposit the remainder into an account for  
3 monthly distribution to counties imposing the tax and its  
4 cities and towns. The distribution to the county and its  
5 cities and towns shall be equal to the amount collected in  
6 each county less the costs of collection as provided by  
7 subparagraph (a)(i)(A) of this section. The distribution  
8 shall be as follows:

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

1 effect pursuant to W.S. 15-9-306(e) and the local economic  
2 development plan.

3  
4 **39-16-111. Distribution.**

5  
6 (b) Revenues earned under this article during each  
7 fiscal year shall be recognized as revenue during that  
8 fiscal year for accounting purposes. Revenue collected by  
9 the department from the taxes imposed by this article shall  
10 be transferred to the state treasurer who shall:

11  
12 (i) Credit sixty-nine percent (69%) to the  
13 general fund except as provided by subsections (d), and (e)  
14 and (p) of this section;

15  
16 (iii) Except as provided by subsection (p) of  
17 this section, from the remaining share, ~~until June 30,~~  
18 ~~2004, deduct an amount equivalent to one half percent~~  
19 ~~(0.5%) and thereafter~~ deduct an amount equivalent to one  
20 percent (1%) of the tax collected under W.S. 39-16-104.  
21 From this amount, the state treasurer shall distribute  
22 ~~until June 30, 2004, five thousand dollars (\$5,000.00) and~~  
23 ~~thereafter~~ ten thousand dollars (\$10,000.00) annually to

1 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 remainder 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 remainder that will be distributed to  
8 each county and its cities and towns will be determined by  
9 computing the percentage that net use taxes collected  
10 attributable to vendors in each county including its cities  
11 and towns bear to total net use taxes collected of vendors  
12 in all counties including their cities and towns. The  
13 distribution shall be as follows:

14

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

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

7  
8 **39-16-211. Distribution.**

9  
10 (a) All revenue collected by the department from the  
11 taxes imposed under W.S. 39-16-204(a)(i), (iv) and (v)  
12 shall be transferred to the state treasurer who shall:

13  
14 (i) For revenues collected under W.S.  
15 39-16-204(a)(i):

16  
17 (B) Subject to subparagraph (D) of this  
18 paragraph, deposit the remainder into an account for  
19 monthly distribution to counties imposing the tax and its  
20 cities and towns. The distribution to the county and its  
21 cities and towns shall be equal to the amount collected in  
22 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 **Section 3.** This act is effective July 1, 2010.

21

22

(END)