

SENATE FILE NO. SF0054

Appropriations to local governments-codification.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 codifying funding formulas and standards related to
3 appropriations to local governments; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 9-2-1014.2 and 9-2-1014.3 are created
9 to read:

10

11 **9-2-1014.2. Local government capital project funding.**

12

13 (a) The legislature may appropriate funds to the
14 office of state lands and investments for the purpose of
15 making grants for capital improvement projects to each

1 county. Appropriations made pursuant to this section shall
2 be subject to subsection (b) of this section and shall be
3 allocated for each county as follows:

4

5 (i) To each county an amount equal to the amount
6 allocated pursuant to this subsection multiplied by eighty
7 percent (80%) divided by the total state population and
8 multiplied by the county's population; plus

9

10 (ii) To each county, an amount equal to the
11 remainder of the amount allocated pursuant to this
12 subsection multiplied by each county's inverse per capita
13 assessed valuation factor computed as follows:

14

15 (A) Divide each county's assessed valuation
16 from the tax year corresponding to the most recently
17 completed calendar year by that county's population to
18 compute county assessed valuation per capita, and the total
19 state assessed valuation from the tax year corresponding to
20 the most recently completed calendar year by the total
21 state population to compute state assessed valuation per
22 capita;

23

1 (B) Divide the state assessed valuation per
2 capita by each county's assessed valuation per capita to
3 compute an inverse ratio for each county;

4

5 (C) Sum all the county inverse ratios
6 computed in subparagraph (B) of this paragraph for a state
7 total inverse ratio;

8

9 (D) Divide each county's inverse ratio by
10 the state total inverse ratio to compute each county's
11 inverse per capita assessed valuation factor.

12

13 (b) Funds subject to subsection (a) of this section
14 shall not be distributed until after July 1 of the fiscal
15 year for which the funds are appropriated and shall only be
16 expended for capital projects, including capital projects
17 constructed by special districts. To be eligible for the
18 grants, the board of county commissioners and the governing
19 bodies of the cities and towns within that county that
20 comprise at least seventy percent (70%) of the incorporated
21 population shall certify to the state loan and investment
22 board that they have reached agreement on the projects for
23 which the funds will be used.

1

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

7

8 (d) Amounts granted for capital project funding under
9 this section which are in excess of final project costs
10 shall not revert upon project completion, but may be
11 applied by the recipient governing bodies to any remaining
12 project agreed upon in the consensus process at the county
13 level as determined by the governing bodies. To the extent
14 excess funds are not sufficient to complete an additional
15 project those funds may be held by the county treasurer for
16 future project use as authorized in this subsection. As
17 determined by the governing body in each county, amounts
18 granted to a recipient governing body for a future project
19 for which the funds will not be formally encumbered during
20 the biennium in which they were granted shall not revert.

21

22 (e) This section is repealed effective July 1, 2025.

23

1 **9-2-1014.3. Local government funding.**

2

3 (a) For the purpose of this section:

4

5 (i) "Local government" means any county or
6 municipality;

7

8 (ii) "Municipality" means any incorporated city
9 or town.

10

11 (b) Any amounts appropriated by the legislature to
12 the office of state lands and investments for direct
13 distributions to local governments under this section shall
14 be allocated pursuant to the following and as further
15 specified in this section:

16

17 (i) Two-thirds (2/3) of eighty-nine percent
18 (89%) of the total amount appropriated, for direct
19 distribution to municipalities;

20

21 (ii) One-third (1/3) of eighty-nine percent
22 (89%) of the total amount appropriated, for direct
23 distribution to counties;

1

2 (iii) Five and one-half percent (5.5%) of the
3 total amount appropriated, for distribution to revenue
4 challenged municipalities;

5

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

9

10 (c) Funds identified in paragraph (b)(i) of this
11 section are to be distributed to municipalities in two (2)
12 equal distributions on each August 15 of the biennium for
13 which the appropriation is made, subject to the following:

14

15 (i) From these distributions each municipality
16 with a population of thirty-five (35) or less shall first
17 receive ten thousand dollars (\$10,000.00) and each
18 municipality with a population over thirty-five (35) shall
19 first receive twenty thousand dollars (\$20,000.00). From
20 the remainder each municipality shall receive amounts in
21 accordance with a municipal supplemental funding formula as
22 provided in this paragraph with each municipality receiving
23 amounts in the proportion which the adjusted population of

1 the municipality bears to the adjusted population of all
2 municipalities in Wyoming. The municipal supplemental
3 funding formula shall be calculated by the office of state
4 lands and investments as follows:

5
6 (A) Calculate the per capita distribution
7 of sales and use tax revenues to each county during the
8 odd-numbered year from the most recently completed
9 biennium, including distributions to each municipality
10 within that county, under W.S. 39-15-111 and 39-16-111, but
11 excluding the distribution exclusively to counties under
12 W.S. 39-15-111(b)(iii) made from an amount equivalent to
13 one percent (1%) of the tax collected under W.S. 39-15-104,
14 and excluding the distribution exclusively to counties
15 under W.S. 39-16-111(b)(iii) made from an amount equivalent
16 to one percent (1%) of the tax collected under W.S.
17 39-16-104;

18

19 (B) Arrange the counties in ascending order
20 by the per capita distribution calculated;

21

1 (C) Following the arrangement of counties
2 in subparagraph (B) of this paragraph, list the population
3 of each municipality within the county;

4

5 (D) Apply the appropriate adjustment factor
6 determined in subdivisions (I) through (V) of this
7 subparagraph for a county to each municipality within that
8 county:

9

10 (I) Beginning with the county with the
11 lowest per capita distribution, an adjustment factor of one
12 and one-half (1.5) shall be applied to each county listed
13 under 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 is within
16 the lowest tenth percentile. The adjustment factor shall be
17 applied for each of these counties by multiplying the
18 incorporated population of the county by one hundred fifty
19 percent (150%);

20

21 (II) An adjustment factor determined
22 under this subdivision shall be applied to the county with
23 the next higher per capita distribution not qualifying for

1 the adjustment factor under subdivision (I) of this
2 subparagraph. The adjustment factor for this county shall
3 be determined by:

4

5 (1) Multiplying by one hundred
6 fifty percent (150%) that portion of the incorporated
7 population of that county which is within the lowest tenth
8 percentile;

9

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

14

15 (3) If applicable, multiplying by
16 one hundred percent (100%) the incorporated population of
17 that county, which is at or above the twentieth percentile;

18

19 (4) Dividing the sum of the
20 products of subdivisions (II)(1) through (3) of this
21 subparagraph by the incorporated population of that county.

22

1 (III) If an adjustment factor has not
2 been applied under subdivision (I) or (II) of this
3 subparagraph, an adjustment factor of one and one-quarter
4 (1.25) shall be applied to each county listed under
5 subparagraph (B) of this paragraph, so long as its
6 incorporated population plus the incorporated population of
7 each county with a lower per capita distribution does not
8 exceed the twentieth percentile. The adjustment factor
9 shall be applied for each of these counties by multiplying
10 the incorporated population of the county by one hundred
11 twenty-five percent (125%);

12

13 (IV) An adjustment factor determined
14 under this subdivision shall be applied to the next higher
15 listed county not qualifying for the adjustment factor
16 under subdivision (III) of this subparagraph. The
17 adjustment factor for this county shall be determined by:

18

19 (1) Multiplying by one hundred
20 twenty-five percent (125%) that portion of the incorporated
21 population of that county which is within the lowest
22 twentieth percentile;

23

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

4

5 (3) Dividing the sum of the
6 products of subdivisions (IV)(1) and (2) of this
7 subparagraph by the incorporated population of that county.

8

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

11

12 (E) Distribute the remainder of the
13 revenues under this paragraph on a per capita basis using
14 the total adjusted population for all municipalities and
15 the adjusted population for each municipality as calculated
16 under subparagraph (D) of this paragraph;

17

18 (F) As used in this paragraph:

19

20 (I) A county's "incorporated
21 population" means the population of all municipalities
22 within the county;

23

1 (II) "Percentile" means that portion
2 of the incorporated population as listed in the arrangement
3 of municipalities under subparagraphs (B) and (C) of this
4 paragraph.

5
6 (d) Funds identified in paragraph (b)(ii) of this
7 section are to be distributed to counties in two (2) equal
8 distributions on each August 15 of the biennium for which
9 the appropriation is made. From these distributions each
10 county shall receive the following:

11
12 (i) An equal share of fifteen percent (15%) of
13 the total amount to be distributed; and

14
15 (ii) Of the remaining eighty-five percent (85%),
16 an amount to be distributed to each county in the
17 proportion each county's population bears to the total
18 population of the state.

19
20 (e) Funds appropriated in paragraph (b)(iii) of this
21 section are to be distributed to eligible municipalities in
22 two (2) equal distributions on each August 15 of the

1 biennium for which the appropriation is made, subject to
2 the following:

3

4 (i) Each eligible municipality shall receive
5 amounts in accordance with a municipal supplemental funding
6 formula as provided in this paragraph. The municipal
7 supplemental funding formula shall be calculated by the
8 office of state lands and investments as follows:

9

10 (A) Calculate the per capita distribution
11 of sales and use tax revenues to each county during the
12 odd-numbered fiscal year from the most recently completed
13 biennium including distributions to each municipality
14 within that county, under W.S. 39-15-111 and 39-16-111, but
15 excluding the distribution exclusively to counties under
16 W.S. 39-15-111(b)(iii) made from an amount equivalent to
17 one percent (1%) of the tax collected under W.S. 39-15-104,
18 and excluding the distribution exclusively to counties
19 under W.S. 39-16-111(b)(iii) made from an amount equivalent
20 to one percent (1%) of the tax collected under W.S.
21 39-16-104;

22

1 (B) Arrange the counties in ascending order
2 by the per capita distribution calculated;

3

4 (C) Following the arrangement of counties
5 in subparagraph (B) of this paragraph, list the population
6 of each municipality within the county;

7

8 (D) Apply the appropriate adjustment factor
9 determined in subdivisions (I) through (V) of this
10 subparagraph for a county to each municipality within that
11 county:

12

13 (I) Beginning with the county with the
14 lowest per capita distribution, an adjustment factor of one
15 and one-half (1.5) shall be applied to each county listed
16 under subparagraph (B) of this paragraph, so long as its
17 incorporated population plus the incorporated population of
18 each county with a lower per capita distribution is within
19 the lowest tenth percentile. The adjustment factor shall be
20 applied for each of these counties by multiplying the
21 incorporated population of the county by one hundred fifty
22 percent (150%);

23

1 (II) An adjustment factor determined
2 under this subdivision shall be applied to the county with
3 the next higher per capita distribution not qualifying for
4 the adjustment factor under subdivision (I) of this
5 subparagraph. The adjustment factor for this county shall
6 be determined by:

7

8 (1) Multiplying by one hundred
9 fifty percent (150%) that portion of the incorporated
10 population of that county which is within the lowest tenth
11 percentile;

12

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

17

18 (3) If applicable, multiplying by
19 one hundred percent (100%) the incorporated population of
20 that county which is at or above the twentieth percentile;

21

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

5 (III) If an adjustment factor has not
6 been applied under subdivision (I) or (II) of this
7 subparagraph, an adjustment factor of one and one-quarter
8 (1.25) shall be applied to each county listed under
9 subparagraph (B) of this paragraph, so long as its
10 incorporated population plus the incorporated population of
11 each county with a lower per capita distribution does not
12 exceed the twentieth percentile. The adjustment factor
13 shall be applied for each of these counties by multiplying
14 the incorporated population of the county by one hundred
15 twenty-five percent (125%);
16

17 (IV) An adjustment factor determined
18 under this subdivision shall be applied to the next higher
19 listed county not qualifying for the adjustment factor
20 under subdivision (III) of this subparagraph. The
21 adjustment factor for this county shall be determined by:
22

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

5
6 (2) Multiplying by one hundred
7 percent (100%) the incorporated population of that county
8 which is at or above the lowest twentieth percentile;

9
10 (3) Dividing the sum of the
11 products of subdivisions (IV) (1) and (2) of this
12 subparagraph by the incorporated population of that county.

13
14 (V) An adjustment factor of one (1)
15 shall be applied to the remaining counties.

16
17 (E) From the adjusted population of a
18 municipality as calculated in subparagraphs (A) through (D)
19 of this paragraph, subtract the actual population of the
20 municipality to determine the resulting population
21 adjustment. Distribute the funding under this paragraph in
22 the proportion which the population adjustment of the
23 municipality bears to the population adjustments of all

1 municipalities in Wyoming as calculated under subparagraph
2 (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 municipalities
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 (f) Funds identified in paragraph (b)(iv) of this
16 section are to be distributed to eligible counties in two
17 (2) equal distributions on each August 15 of the biennium
18 for which the appropriation is made. The office of state
19 lands and investments shall calculate the amounts to be
20 distributed to eligible counties as determined by this
21 subsection as follows:

22

1 (i) Multiply each county's total assessed
2 valuation for the prior tax year corresponding to the most
3 recently completed calendar year by twelve mills (.012).
4 This amount shall represent the county property tax
5 available;

6

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

9

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

12

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

16

17 (C) The product of the county population
18 from five thousand one (5,001) to twenty-five thousand
19 (25,000) multiplied by one hundred thirty dollars
20 (\$130.00); plus

21

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

4

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

12

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

18

19 (g) For purposes of this section, population is to be
20 determined by resort to the last federal census as reported
21 by the economic analysis division within the department of
22 administration and information and as defined in W.S.
23 8-1-102 (a) (xv).

1

2 (h) Funds distributed under this section shall not be
3 used for salary adjustments, additional personnel or
4 increased personnel benefits.

5

6 (j) This section is repealed effective July 1, 2025.

7

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

9

10

(END)