DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

County consensus funding program.

Sponsored by: Joint Appropriations Committee

A BILL

for

AN ACT relating to the administration of the government; creating and codifying the county consensus funding program for local government projects; specifying requirements and restrictions for the program; specifying duties; creating an account; requiring reports; providing an appropriation; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 9-30-101 and 9-30-102 are created to read:

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STAFF COMMENT

The language in this bill draft is based on the budget amendment to 2026 House Bill 0001 (H3088) that would have authorized funds reverted from the Business Ready Community Account to provide funds for consensus grants for local governments.

The Committee may wish to consider including definitions for terms that are in the program (including "capital improvement project" or "capital project").

The Committee may also wish to consider whether further parameters or requirements should be included in statute (for example, more language about an application process for the consensus funding; the permitted uses of funds; limits on the amounts of funds or the distribution of funds for all counties or other governmental entities).

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CHAPTER 30

COUNTY CONSENSUS FUNDING PROGRAM

9-30-101. County consensus funding program.

(a) The county consensus funding program is created. The office of state lands and investments shall administer the program in accordance with this chapter.

(b) On and after July 1 of each year, the office of state lands and investments shall distribute grants from funds available in the county consensus account and subject to any conditions or requirements of any appropriation made to the account, to be allocated for each county as follows:

(i) To each county an amount equal to the total amount allocated in this subsection multiplied by seventy-five percent (75%) divided by the three (3) year rolling average of the total estimated state population multiplied by the three (3) year rolling average of the county's estimated population; plus

(ii) To each county an amount equal to the total amount allocated in this subsection multiplied by twenty-five percent (25%) and then multiplied by each county's inverse per capita assessed valuation factor, computed as follows:

(A) Divide each county's assessed valuation for the immediately preceding tax year by that county's population to compute county assessed valuation per capita and the total state assessed valuation for the immediately

preceding tax year by the total state population to compute state assessed valuation per capita;

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

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

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

(c) Funds granted to counties under this chapter shall only be expended for capital projects, major maintenance and repair of existing public facilities and infrastructure, including expenditures undertaken by special districts.

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STAFF COMMENT

For subsection (c) above, the Committee may wish to consider defining or specifying further requirements for what is (or is not) a "capital project." While the further language (concerning facility type and major maintenance) may lend help in defining "capital project," it is possible that the term could be construed broadly.

The Committee may also wish to consider defining or expressly specifying which governmental entities may be eligible for consensus grants (i.e., special districts), and whether different governmental entities have different limitations or authorizations for expenditures (i.e., do special districts have different project requirements).

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(d) To be eligible for grants under this section, the board of county commissioners and the governing bodies of not less than fifty percent (50%) of the incorporated cities and towns in that county shall certify to the state loan and investment board that they have reached agreement on the capital projects for which the funds shall be used.

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STAFF COMMENT

The language of subsection (d) above is based on the 2014 Budget Bill and the amendment for 2026 House Bill 0001. Below is an alternate version of that subsection for the Committee's consideration that provides greater detail into the consensus process.

(d) Grant funds shall be awarded to counties for distribution to counties and cities, towns and special

districts within the county in accordance with all of the following:

(i) Not less than one (1) time each fiscal year, the board of county commissioners in each county shall solicit requests for capital projects using grant funding under this chapter from cities, towns and special districts in the county. The board of county commissioners may determine the county's requests for capital projects for the county. The board of county commissioners shall compile the list of requests received from the county and each city, town and special district in the county and make that list public;

(ii) Each board of county commissioners shall provide not less than one (1) opportunity for public comment on the list of proposed capital projects for funding;

(iii) The board of county commissioners shall submit to the office of state lands and investments a list of all proposed capital projects for which a consensus of the board of county commissioners and the governing bodies of the cities and towns within that county that comprise not less than fifty percent (50%) of the incorporated population have agreed should be funded using grant funds awarded under this chapter;

(iv) Upon receipt of a list of capital projects under paragraph (iii) of this subsection, the office of state lands and investments shall disburse grant funds to the county treasurer. The county treasurer shall distribute grant funds to the county and each city, town and special district that has capital projects that were included on the list submitted under paragraph (iii) of this subsection;

(v) The office of state lands and investments may promulgate rules to establish deadlines by which counties, cities, towns and special districts shall comply with this subsection.

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(e) For purposes of this chapter, the population of a city, town or county shall be determined by the economic analysis division within the department of administration and information.

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STAFF COMMENT

The Committee may wish to consider adding the following provisions in this bill draft:

(f) Nothing in this chapter shall be construed to limit the governor from making additional budget recommendations for appropriations to cities, towns and counties for capital projects under this chapter.

(g) The office of state lands and investments may consult with the Wyoming business council and any other governmental agency or entity in administering the program under this chapter. Upon receiving a request for consultation or information under this subsection, each governmental agency or entity shall cooperate with the office of state lands and investments and provide the assistance or consultation requested.

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(f) Funds granted under this chapter that are in excess of final project costs shall not revert to the county consensus account, except as provided in subsection (g) of this section, but may be applied by the recipient governing bodies to any remaining county-level project

agreed upon in the consensus process under subsection (d) of this section as determined by the governing bodies. To the extent excess funds are not sufficient to complete an additional project under this subsection, those excess funds may be held by the county treasurer for future project use as authorized in this chapter.

(g) Funds granted to a recipient governing body for any project for which the funds will not be encumbered shall revert to the county consensus account not later than two (2) years after the appropriation was made to the county consensus account. All reversions under this subsection shall subsequently revert to the account from which the original appropriation to the county consensus account was made.

(h) Not later than July 1, 2028 and each July 1 thereafter, each board of county commissioners receiving grant funds under this chapter shall report to the office of state lands and investments on the amount of grant funds received, the projects to which the funds have been applied, and the status of each project funded in whole or in part by grant funds from the county consensus account.

(j) Not later than November 1, 2028 and each November 1 thereafter, the office of state lands and investments shall report to the joint appropriations committee and the joint minerals, business and economic development interim committee on the county consensus funding program created in this chapter. The report shall include, at a minimum, the amount of funds granted from the county consensus account to counties, cities, towns and special districts during the immediately preceding fiscal year, the balance of the county consensus account as of July 1, the projects approved for funding under the program, the status of all projects that were funded in the immediately preceding fiscal year or that are not complete as of July 1 of that year and any recommendations for legislative changes to the program.

9-30-102. County consensus funding program; account.

The county consensus account is hereby created. Except as provided in W.S. 9-30-101(g), funds in the account are continuously appropriated to the office of state lands and investments for grants to counties, cities, towns and

special districts in accordance with this chapter. The state treasurer shall invest all funds in the account in accordance with law and all investment earnings from the account shall be credited to the account. The office of state lands and investments may accept, and shall deposit to the account, any gifts, contributions, donations, grants or other funds specifically given or appropriated to the office for the purposes of this chapter.

Section 2. There is appropriated XXX from the general fund to the county consensus account, as created in section 1 of this act, for purposes of providing grants for the county consensus funding program. This appropriation shall be for the period beginning July 1, 2027. This appropriation shall not be transferred or expended for any other purpose.

Section 3. The office of state lands and investments shall promulgate all rules necessary to implement this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2027.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)