

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Consensus block grant local funding program.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to the administration of the government;
2 creating and codifying the consensus block grant program
3 for local government projects; specifying requirements and
4 restrictions for the program; specifying duties; creating
5 an account; providing for the annual transfer and
6 continuous appropriation of funds; requiring reports;
7 providing for the reversion of funds; requiring rulemaking;
8 and providing for effective dates.

9

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

11

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

3 *****

4 *****

5 **STAFF COMMENT**

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7
8 In June, the Committee directed that major maintenance be
9 included as a capital project. The Committee may wish to
10 consider providing a further definition for "capital
11 project" and a definition for "local government" to provide
12 further clarity as to which entities qualify for funding
13 and the types of projects for which funds may be expended.
14

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17

18 CHAPTER 30

19 CONSENSUS BLOCK GRANT FUNDING

20
21 **9-30-101. Consensus block grant funding program.**
22

23 (a) As used in this chapter, "capital project" shall
24 include major maintenance for a property, building or
25 facility.
26

27 (b) The consensus block grant funding program is
28 created. The office of state lands and investments shall
29 administer the program in accordance with this chapter.
30

1 (c) On and after July 1 of each year, the office of
2 state lands and investments shall distribute grants from
3 funds available in the consensus block grant account to
4 local governments. Except as provided in subsection (d) of
5 this section, the distribution shall not be less than fifty
6 million dollars (\$50,000,000.00) in total, and shall
7 include any funds appropriated to the consensus block grant
8 account in addition to those funds transferred under W.S.
9 9-30-102(b), to be allocated for each county as follows:

10
11 (i) To each county an amount equal to the total
12 amount allocated in this subsection multiplied by seventy-
13 five percent (75%) divided by the total state population
14 and multiplied by the county's population; plus

15
16 (ii) To each county an amount equal to the total
17 amount allocated in this subsection multiplied by twenty-
18 five percent (25%) and then multiplied by each county's
19 inverse per capita assessed valuation factor, computed as
20 follows:

21
22 (A) Divide each county's assessed valuation
23 for the immediately preceding tax year by that county's

1 population to compute county assessed valuation per capita
2 and the total state assessed valuation for the immediately
3 preceding tax year by the total state population to compute
4 state assessed valuation per capita;

5
6 (B) Divide the state assessed valuation per
7 capita by each county's assessed valuation per capita to
8 compute an inverse ratio for each county;

9
10 (C) Sum all the county inverse ratios
11 computed in subparagraph (B) of this paragraph for a state
12 total inverse ratio;

13
14 (D) Divide each county's inverse ratio by
15 the state total inverse ratio to compute each county's
16 inverse per capita assessed valuation factor.

17
18 (d) On July 1, 2027 and again on July 1, 2028, the
19 office of state lands and investments shall distribute
20 grants from the funds available in the consensus block
21 grant account to local governments, provided that the
22 distribution shall not be less than one hundred million
23 dollars (\$100,000,000.00). Distributions shall be made in

1 accordance with the formula provided in subsection (c) of
2 this section and shall be made in accordance with all other
3 requirements of this section.

4
5 (e) Funds granted to counties under subsections (c)
6 and (d) of this section shall only be expended for capital
7 projects, including capital projects constructed by special
8 districts.

9
10 *****

11 *****

12 **STAFF COMMENT**

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14 For subsection (c) above, the Committee may wish to
15 consider defining or specifying requirements for what is
16 (or is not) a "capital project." The Committee may also
17 wish to define what is meant by special districts (or, more
18 generally, which governmental entities may be eligible for
19 consensus grants).

20
21 The rules that the Office of State Lands and Investments
22 adopted in 2011 (and amended after the 2014 Budget Bill)
23 that define, among other terms, "capital project" are
24 included as a separate attachment in the meeting materials.

25
26 *****

27 *****

28
29 (f) Grant funds shall be awarded to counties for
30 distribution to counties and cities, towns and special
31 districts within the county in accordance with all of the
32 following:

1

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

12

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

17

18 (iii) The board of county commissioners shall
19 submit to the office of state lands and investments a list
20 of all proposed capital projects for which a consensus of
21 the board of county commissioners and the governing bodies
22 of not less than fifty percent (50%) of the incorporated

1 cities and towns in that county have agreed should be
2 funded using grant funds awarded under this chapter;

3
4 (iv) Upon receipt of a list of capital projects
5 under paragraph (iii) of this subsection, the office of
6 state lands and investments shall disburse grant funds to
7 the county treasurer. The county treasurer shall distribute
8 grant funds to the county and each city, town and special
9 district that has capital projects that were included on
10 the list submitted under paragraph (iii) of this
11 subsection;

12
13 (v) The office of state lands and investments may
14 promulgate rules to establish deadlines by which counties,
15 cities, towns and special districts shall comply with this
16 subsection.

17
18 (g) For purposes of this chapter, the population of a
19 city, town or county shall be determined by resort to the
20 most recently completed federal decennial census as
21 reported by the economic analysis division within the
22 department of administration and information.

23

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

5
6 (j) The office of state lands and investments may
7 consult with the Wyoming business council and any other
8 governmental agency or entity in administering the program
9 under this chapter. Upon receiving a request for
10 consultation or information under this subsection, each
11 governmental agency or entity shall cooperate with the
12 office of state lands and investments and provide the
13 assistance or consultation requested.

14
15 (k) Funds granted for capital project funding under
16 this chapter that are in excess of final capital project
17 costs shall not revert to the consensus block grant account
18 but may be applied by the recipient governing bodies to any
19 remaining county-level project agreed upon in the consensus
20 process under subsection (f) of this section as determined
21 by the governing bodies. To the extent excess funds are not
22 sufficient to complete an additional capital project under
23 this subsection, those excess funds may be held by the

1 county treasurer for future project use as authorized in
2 this chapter.

3

4 (m) As determined by the applicable governing bodies
5 in each county, funds granted to a recipient governing body
6 for a future capital project for which the funds will not
7 be encumbered during a fiscal biennium shall not revert to
8 the consensus block grant account.

9

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

18

19 (o) Not later than November 1, 2028 and each November
20 1 thereafter, the office of state lands and investments
21 shall report to the joint appropriations committee and the
22 joint minerals, business and economic development interim
23 committee on the consensus block grant funding program

1 created in this chapter. The report shall include, at a
2 minimum, the amount of funds granted from the consensus
3 block grant account to counties, cities, towns and special
4 districts during the immediately preceding fiscal year, the
5 balance of the consensus block grant account as of July 1,
6 the capital projects approved for funding under the
7 program, the status of all capital projects that were
8 funded in the immediately preceding fiscal year or that are
9 not complete as of July 1 of that year and any
10 recommendations for legislative changes to the program.

11

12 **9-30-102. Consensus block grant funding program;**
13 **account; funding.**

14

15 (a) The consensus block grant account is hereby
16 created. Funds in the account are continuously appropriated
17 to the office of state lands and investments for grants to
18 counties, cities, towns and special districts in accordance
19 with this chapter. The state treasurer shall invest all
20 funds in the account in accordance with law and all
21 investment earnings from the account shall be credited to
22 the account. The office of state lands and investments may
23 accept, and shall deposit to the account, any gifts,

1 contributions, donations, grants or other funds
2 specifically given or appropriated to the office for the
3 purposes of this chapter.

4
5 (b) On July 1, 2027 and again on July 1, 2028, the
6 state auditor shall transfer one hundred million dollars
7 (\$100,000,000.00) from the legislative stabilization
8 reserve account to the consensus block grant account.

9
10 (c) On July 1, 2029 and on each July 1 thereafter, the
11 state auditor shall transfer fifty million dollars
12 (\$50,000,000.00) from the legislative stabilization reserve
13 account to the consensus block grant account.

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17 **STAFF COMMENT**

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19 The Committee will need to determine (1) the amount of
20 funding for the consensus block grant program; (2) the
21 source of funding for the program; and (3) the mechanism of
22 transferring any funds.

23
24 The Committee may wish to note that the balance of the
25 Legislative Stabilization Reserve Account, along with the
26 other obligations on the account and the lack of directed
27 income or earnings into the account, may make that account
28 an unfeasible funding option for this program in future
29 years. The Committee may wish to consider whether
30 alternative methods of funding should be used to provide
31 funding for the program.

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5 **Section 2.** On July 1, 2027, all unexpended,
6 unobligated funds appropriated to the office of state lands
7 and investments in 2014 Wyoming Session Laws, Chapter 26,
8 Section 316, 2012 Wyoming Session Laws, Chapter 26, Section
9 324, 2011 Wyoming Session Laws, Chapter 88, Section 342,
10 2008 Wyoming Session Laws, Chapter 48, Sections 328(f) and
11 329(f) and 2007 Wyoming Session Laws, Chapter 136, Section
12 328 shall revert and be deposited in the consensus block
13 grant account created in W.S. 9-30-102(a). Not later than
14 July 1, 2027, all cities, towns and counties retaining
15 funds from the appropriations specified in this section
16 shall remit those funds to the office of state lands and
17 investments. The office of state lands and investments may
18 take any action necessary to effectuate the reversions and
19 transfers specified in this section.

20

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

23

24 **Section 4.**

1

2 (a) Except as provided in subsection (b) of this
3 section, this act is effective immediately upon completion
4 of all acts necessary for a bill to become law as provided
5 by Article 4, Section 8 of the Wyoming Constitution.

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7 (b) Section 1 of this act is effective July 1, 2027.

8

9

(END)