

**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 requiring rulemaking; and providing for effective dates.

8

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

10

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

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2 *****

3 STAFF COMMENT

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5 The language in this bill draft is based on the language
6 included in the 2014 Budget Bill (Section 316), the last
7 year the Legislature provided funding for the consensus
8 block grant program.

9

10 The Committee may wish to consider including definitions
11 for terms that are in the program (for example, "capital
12 project" and "local government").

13

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

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23

24 CHAPTER 30

25 CONSENSUS BLOCK GRANT FUNDING

26

27 **9-30-101. Consensus block grant funding program.**

28

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

32

33 (b) On and after July 1 of each year, the office of
34 state lands and investments shall distribute grants from

1 funds available in the consensus block grant account to
2 local governments. The distribution shall not be less than
3 thirty-five million dollars (\$35,000,000.00) in total, and
4 shall include any funds appropriated to the consensus block
5 grant account in addition to those funds transferred under
6 W.S. 9-30-102(b), to be allocated for each county as
7 follows:

8
9 (i) To each county an amount equal to the total
10 amount specified in this subsection multiplied by eighty
11 percent (80%) divided by the total state population and
12 multiplied by the county's population; plus

13
14 (ii) To each county, an amount equal to the
15 remainder after deduction of the amount specified in
16 paragraph (i) of this subsection of the total amount
17 specified in this subsection multiplied by each county's
18 inverse per capita assessed valuation factor, computed as
19 follows:

20
21 (A) Divide each county's assessed valuation
22 for the immediately preceding tax year by that county's
23 population to compute county assessed valuation per capita

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

4

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

8

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

12

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

16

17 (c) Funds granted to counties under subsection (b) of
18 this section shall only be expended for capital projects,
19 including capital projects constructed by special
20 districts.

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24 **STAFF COMMENT**

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

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

(d) To be eligible for grants under this section, the board of county commissioners and the governing bodies of the cities and towns within that county that comprise not less than seventy percent (70%) of the incorporated population shall certify to the office of state lands and investments that they have reached agreement on the capital projects for which the grant funds shall be used.

STAFF COMMENT

The language of subsection (d) above is based on the 2014 Budget Bill. 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

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

3

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

14

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

19

20 (iii) The board of county commissioners shall
21 submit to the office of state lands and investments a list
22 of all proposed capital projects for which a consensus of
23 the board of county commissioners and the governing bodies
24 of the cities and towns within that county that comprise
25 not less than seventy percent (70%) of the incorporated
26 population have agreed should be funded using grant funds
27 awarded under this chapter;

28

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

37

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

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1 (e) For purposes of this chapter, the population of a
2 city, town or county shall be determined by resort to the
3 most recently completed federal decennial census as
4 reported by the economic analysis division within the
5 department of administration and information.

6

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

11

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

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21 (h) Funds granted for capital project funding under
22 this chapter that are in excess of final capital project
23 costs shall not revert to the consensus block grant account

1 but may be applied by the recipient governing bodies to any
2 remaining county-level project agreed upon in the consensus
3 process under subsection (d) of this section as determined
4 by the governing bodies. To the extent excess funds are not
5 sufficient to complete an additional capital project under
6 this subsection, those excess funds may be held by the
7 county treasurer for future project use as authorized in
8 this chapter.

9

10 (j) As determined by the applicable governing bodies
11 in each county, funds granted to a recipient governing body
12 for a future capital project for which the funds will not
13 be encumbered during a fiscal biennium shall not revert to
14 the consensus block grant account.

15

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

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2 (m) Not later than November 1, 2028 and each November
3 1 thereafter, the office of state lands and investments
4 shall report to the joint appropriations committee and the
5 joint minerals, business and economic development interim
6 committee on the consensus block grant funding program
7 created in this chapter. The report shall include, at a
8 minimum, the amount of funds granted from the consensus
9 block grant account to counties, cities, towns and special
10 districts during the immediately preceding fiscal year, the
11 balance of the consensus block grant account as of July 1,
12 the capital projects approved for funding under the
13 program, the status of all capital projects that were
14 funded in the immediately preceding fiscal year or that are
15 not complete as of July 1 of that year and any
16 recommendations for legislative changes to the program.

17

18 **9-30-102. Consensus block grant funding program;**
19 **account; funding.**

20

21 (a) The consensus block grant account is hereby
22 created. Funds in the account are continuously appropriated
23 to the office of state lands and investments for grants to

1 counties, cities, towns and special districts in accordance
 2 with this chapter. The state treasurer shall invest all
 3 funds in the account in accordance with law and all
 4 investment earnings from the account shall be credited to
 5 the account. The office of state lands and investments may
 6 accept, and shall deposit to the account, any gifts,
 7 contributions, donations, grants or other funds
 8 specifically given or appropriated to the office for the
 9 purposes of this chapter.

10

11 (b) On July 1, 2027 and on each July 1 thereafter, the
 12 state auditor shall transfer thirty-five million dollars
 13 (\$35,000,000.00) from the legislative stabilization reserve
 14 account to the consensus block grant account.

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STAFF COMMENT

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

24

25 **For reference, the \$70 million made available for each**
 26 **fiscal biennium is equal to the amount provided in the last**
 27 **years of the program (in the 2014 Budget Bill, for the**
 28 **2015-2016 fiscal biennium) and is close to the average**
 29 **biennial amount provided in total for consensus block**
 30 **grants (approximately \$73,800,000).**

