

SENATE FILE NO. SF0085

Constitutional enforcement of localities.

Sponsored by: Senator(s) Ide, French, Laursen, D, McKeown
and Smith, D and Representative(s) Locke,
Pendergraft and Wharff

A BILL

for

1 AN ACT relating to the administration of government;
2 requiring specified funds to be withheld from counties,
3 cities and towns violating state law or the Wyoming
4 constitution; requiring the attorney general to investigate
5 and take action on violations of law by counties, cities
6 and towns; requiring notice; requiring requests by a
7 legislator; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-14-601 is created to read:

12

13

ARTICLE 6

14

PROTECTION FROM STATE LAW VIOLATIONS

15

BY COUNTIES, CITIES AND TOWNS

1

2 **9-14-601. Violations of law by counties, cities and**
3 **towns; withholding of funds.**

4

5 (a) Subject to subsection (c) of this section, at the
6 written request of one (1) or more members of the
7 legislature, the attorney general shall investigate any
8 ordinance, regulation, order or other official action
9 adopted or taken by the governing body of a county, city or
10 town that the member or members alleges violates state law
11 or the constitution of Wyoming.

12

13 (b) The attorney general shall make a written report
14 of findings and conclusions as a result of the
15 investigation not later than thirty (30) days after receipt
16 of a request under subsection (a) of this section and shall
17 provide a copy of the report to the governor, the president
18 of the senate, the speaker of the house of representatives,
19 the member or members of the legislature making the
20 original request and the secretary of state. If the
21 attorney general concludes that the ordinance, regulation,
22 order or other official action under investigation:

23

1 (i) Violates any provision of state law or the
2 constitution of Wyoming, the attorney general shall provide
3 notice to the governing body of the county, city or town,
4 by certified mail, of the violation and shall indicate that
5 the county, city or town has thirty (30) days to resolve
6 the violation. If the attorney general determines that the
7 county, city or town has failed to resolve the violation
8 not later than thirty (30) days after receiving notice, the
9 attorney general shall:

10
11 (A) Notify the state treasurer, who shall
12 withhold any undistributed state revenues from the county,
13 city or town as provided by W.S. 39-15-111(r) and
14 39-16-111(p);

15
16 (B) Continue to monitor the response of the
17 governing body. When the offending ordinance, regulation,
18 order or action is repealed or the violation is otherwise
19 resolved, the attorney general shall notify:

20
21 (I) The governor, the president of the
22 senate, the speaker of the house of representatives and the

1 member or members of the legislature making the original
2 request that the violation has been resolved;

3

4 (II) The state treasurer to resume the
5 distribution of state monies to the county, city or town.

6

7 (ii) Does not violate any provision of state law
8 or the constitution of Wyoming, the attorney general shall
9 take no further action pursuant to this section.

10

11 (c) Before a member of the legislature may request an
12 investigation by the attorney general pursuant to
13 subsection (a) of this section of any ordinance,
14 regulation, order or other official action adopted by any
15 county, city or town, the member of the legislature shall
16 first provide a written notification of the alleged
17 violation of state law or the constitution of Wyoming to
18 the chief executive officer or governing body of the
19 county, city or town. If the county, city or town does not
20 repeal or otherwise resolve the violation within sixty (60)
21 days after receiving the notification, the member of the
22 legislature may request an investigation by the attorney
23 general pursuant to this section.

1

2 (d) This article shall not prohibit actions under
3 other statutory or common-law provisions against an
4 ordinance, regulation, order or other official action
5 adopted or taken by the governing body of a county, city or
6 town that violates state law or the constitution of
7 Wyoming. However, the remedies provided in this article are
8 the exclusive remedies for actions brought pursuant to this
9 article.

10

11 **Section 2.** W.S. 39-15-111(b)(iii)(intro) and by
12 creating a new subsection (r) and 39-16-111(b)(iii)(intro)
13 and by creating a new subsection (p) are amended to read:

14

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

16

17 (b) Revenues earned under W.S. 39-15-104 during each
18 fiscal year shall be recognized as revenue during that
19 fiscal year for accounting purposes. Except as otherwise
20 provided in subsection (p) of this section, for all revenue
21 collected by the department under W.S. 39-15-104 the
22 department shall:

23

1 (iii) From the remaining share, until June 30,
2 2004, deduct an amount equivalent to one-half percent
3 (0.5%) and thereafter deduct an amount equivalent to one
4 percent (1%) of the tax collected under W.S. 39-15-104.
5 From this amount, the department shall distribute until
6 June 30, 2004, twenty thousand dollars (\$20,000.00) and
7 thereafter, except as otherwise provided by subsection (r)
8 of this section, forty thousand dollars (\$40,000.00)
9 annually to each county in equal monthly installments and
10 then distribute the remainder to each county in the
11 proportion that the total population of the county bears to
12 the total population of the state. The balance shall then
13 be paid monthly to the treasurers of the counties, cities
14 and towns for payment into their respective general funds.
15 The percentage of the balance that will be distributed to
16 each county and its cities and towns will be determined by
17 computing the percentage that net sales taxes collected
18 attributable to vendors in each county including its cities
19 and towns bear to total net sales taxes collected of
20 vendors in all counties including their cities and towns.
21 Subject to subsection (h) of this section, this percentage
22 of the balance shall be distributed within each county as
23 follows:

1

2 (r) Upon notice from the attorney general pursuant to
3 W.S. 9-14-601(b) that an ordinance, regulation, order or
4 other official action adopted or taken by a governing body
5 of a county, city or town violates state law or the
6 constitution of Wyoming, the state treasurer shall withhold
7 the distribution of monies due under paragraph (b)(iii) of
8 this section to the identified county, city or town and
9 shall continue to withhold monies pursuant to this
10 subsection until the attorney general certifies to the
11 state treasurer that the violation has been resolved. Any
12 funds withheld under this subsection shall be held in the
13 general fund and shall revert to the general fund at the
14 end of the fiscal biennium in which the funds were
15 withheld. The state treasurer shall not withhold any amount
16 that the county, city or town certifies to the attorney
17 general and the state treasurer as being necessary to make
18 any required deposits or payments for debt service on bonds
19 or other long-term obligations of the county, city or town
20 that were issued or incurred before committing the
21 violation.

22

23 **39-16-111. Distribution.**

1

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

8

9 (iii) From the remaining share, until June 30,
10 2004, deduct an amount equivalent to one-half percent
11 (0.5%) and thereafter deduct an amount equivalent to one
12 percent (1%) of the tax collected under W.S. 39-16-104.
13 From this amount, the department shall distribute until
14 June 30, 2004, five thousand dollars (\$5,000.00) and
15 thereafter ten thousand dollars (\$10,000.00) annually to
16 each county in equal monthly installments and then
17 distribute the remainder to each county in the proportion
18 that the total population of the county bears to the total
19 population of the state. Except as provided in subsection
20 (p) of this section, the remainder shall then be paid
21 monthly to the treasurers of the counties, cities and towns
22 for payment into their respective general funds. The
23 percentage of the remainder that will be distributed to

1 each county and its cities and towns will be determined by
2 computing the percentage that net use taxes collected
3 attributable to vendors in each county including its cities
4 and towns bear to total net use taxes collected of vendors
5 in all counties including their cities and towns. The
6 distribution shall be as follows:

7

8 (p) Upon notice from the attorney general pursuant to
9 W.S. 9-14-601(b) that an ordinance, regulation, order or
10 other official action adopted or taken by a governing body
11 of a county, city or town violates state law or the
12 constitution of Wyoming, the state treasurer shall withhold
13 the distribution of monies due under paragraph (b)(iii) of
14 this section to the identified county, city or town and
15 shall continue to withhold monies pursuant to this
16 subsection until the attorney general certifies to the
17 state treasurer that the violation has been resolved. Any
18 funds withheld under this subsection shall be held in the
19 general fund and shall revert to the general fund at the
20 end of the fiscal biennium in which the funds were
21 withheld. The state treasurer shall not withhold any amount
22 that the county, city or town certifies to the attorney
23 general and the state treasurer as being necessary to make

1 any required deposits or payments for debt service on bonds
2 or other long-term obligations of the county, city or town
3 that were issued or incurred before committing the
4 violation.

5

6 **Section 3.** This act is effective July 1, 2025.

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8

(END)