

SENATE FILE NO. SF0088

State law violations by counties, cities and towns.

Sponsored by: Senator(s) Ide, French, Hutchings, Laursen, D and Salazar and Representative(s) Bear, Haroldson, Locke, Pendergraft, Penn and Ward

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. 9-14-301 is created to read:

12

13

ARTICLE 3

14

PROTECTION FROM STATE LAW VIOLATIONS

15

BY COUNTIES, CITIES AND TOWNS

1

2 **9-14-301. 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 alleges violates state law or the
11 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 within thirty (30) days after receipt of the
16 request and shall provide a copy of the report to the
17 governor, the president of the senate, the speaker of the
18 house of representatives, the member or members of the
19 legislature making the original request and the secretary
20 of state. If the attorney general concludes that the
21 ordinance, regulation, order or other action under
22 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 within 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 of any policy, rule
13 or regulation adopted by any county, city or town pursuant
14 to subsection (a) of this section, the member of the
15 legislature shall first provide a written notification of
16 the alleged violation of state law or the constitution of
17 Wyoming to the chief executive officer or governing body of
18 the county, city or town. If the county, city or town does
19 not repeal or otherwise resolve the violation within sixty
20 (60) days after receiving the notification, the member of
21 the legislature may request an investigation by the
22 attorney general pursuant to this section.

23

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

9

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

13

14 **39-15-111. Distribution.**

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

22

1 (iii) Except as otherwise provided by subsection
2 (r) of this section, from the remaining share, until June
3 30, 2004, deduct an amount equivalent to one-half percent
4 (0.5%) and thereafter deduct an amount equivalent to one
5 percent (1%) of the tax collected under W.S. 39-15-104.
6 From this amount, the department shall distribute until
7 June 30, 2004, twenty thousand dollars (\$20,000.00) and
8 thereafter forty thousand dollars (\$40,000.00) annually to
9 each county in equal monthly installments and then
10 distribute the remainder to each county in the proportion
11 that the total population of the county bears to the total
12 population of the state. The balance shall then be paid
13 monthly to the treasurers of the counties, cities and towns
14 for payment into their respective general funds. The
15 percentage of the balance that will be distributed to each
16 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. 9-14-301(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 revert to the
13 general fund at the end of the fiscal biennium in which the
14 funds were withheld. The state treasurer shall not withhold
15 any amount that the county, city or town certifies to the
16 attorney general and the state treasurer as being necessary
17 to make any required deposits or payments for debt service
18 on bonds or other long-term obligations of the city or town
19 that were issued or incurred before committing the
20 violation.

21

22 **39-16-111. Distribution.**

23

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

7

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

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

6
7 (p) Upon notice from the attorney general pursuant to
8 W.S. 9-14-301(b) that an ordinance, regulation, order or
9 other official action adopted or taken by a governing body
10 of a county, city or town violates state law or the
11 constitution of Wyoming, the state treasurer shall withhold
12 the distribution of monies due under paragraph (b)(iii) of
13 this section to the identified county, city or town and
14 shall continue to withhold monies pursuant to this
15 subsection until the attorney general certifies to the
16 state treasurer that the violation has been resolved. Any
17 funds withheld under this subsection shall revert to the
18 general fund at the end of the fiscal biennium in which the
19 funds were withheld. The state treasurer shall not withhold
20 any amount that the county, city or town certifies to the
21 attorney general and the state treasurer as being necessary
22 to make any required deposits or payments for debt service
23 on bonds or other long-term obligations of the city or town

1 that were issued or incurred before committing the
2 violation.

3

4 **Section 3.** This act is effective July 1, 2024.

5

6

(END)