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WHAT'S NEW AND HOW DOES IT AFFECT YOU?

Legislative 101

2025 WYOPASS Spring Conference

- **Introductions**
- **Importance of Legislation**
 - **Impacts of Legislation**
 - **Foundational Court Cases**
- **WYOPASS Role**
- **2025 Wyoming Legislative Session**
- **Legislative Bill Workshop**

AGENDA

INTRODUCTIONS

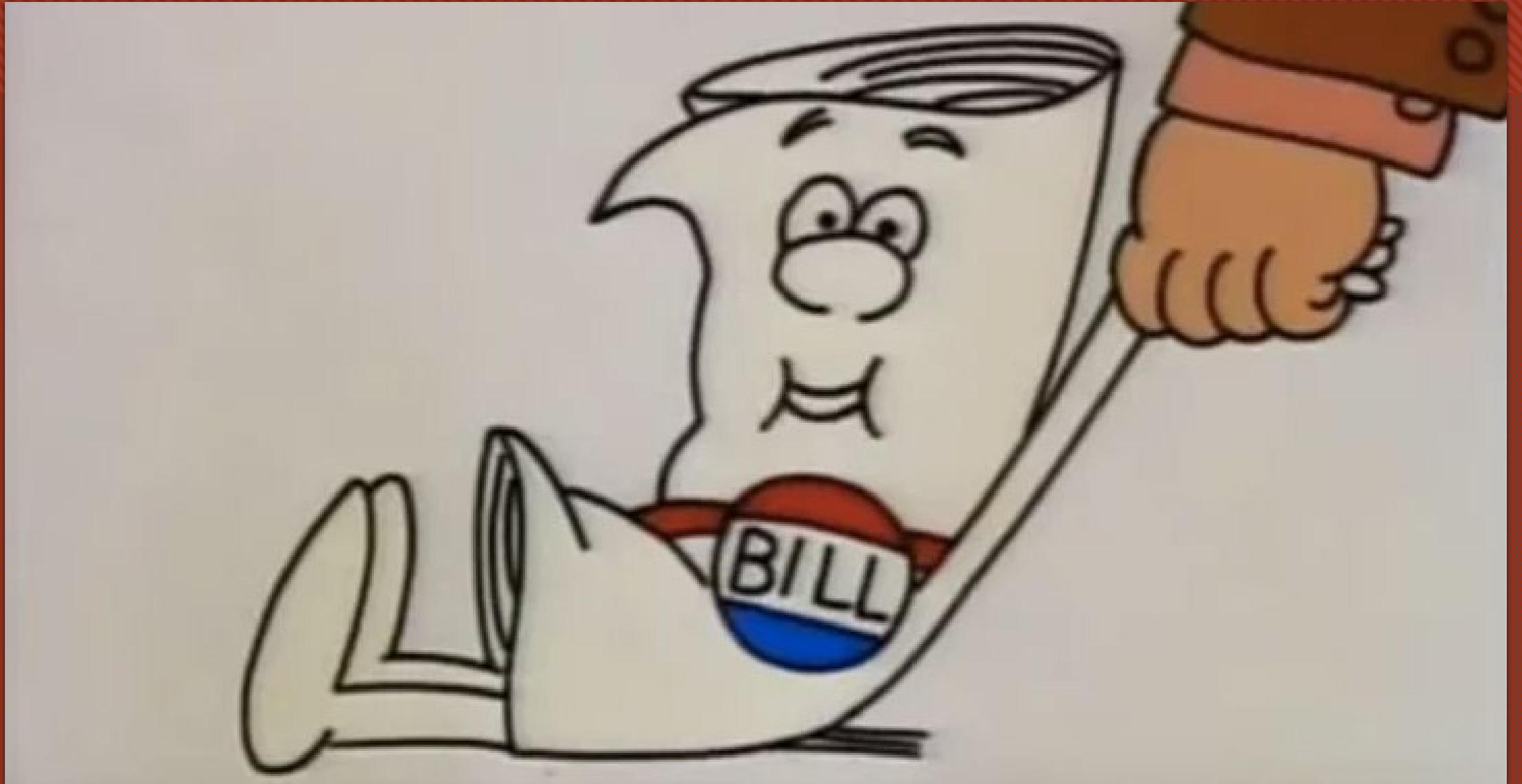


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IMPORTANCE OF LEGISLATION



KEY RESOURCES

- APA/AICP
- Wyoming Legislative website
- Justia U.S. Law
- Westlaw
- Your attorney!
- Your Local Legislators and Elected Officials

LAND USE LAWS ARE MADE IN TWO WAYS.....

- ***Through legislative actions***
 - Endangered Species Act
 - Clean Water Act
 - National Environmental Policy Act
 - Fair Housing Act
 - Telecommunications Act
 - Religious Land Use and Institutionalized Persons Act
 - ***Wyoming State Statutes***

- **Municipalities – Title 15**
 - W.S. § 15-9-101 to § 15-9-137 - *Urban Renewal Authority*
 - W.S. § 15-9-201 to § 15-9-217 - *Downtown Development Authority*
 - W.S. § 15-1-503 to § 15-1-512 – *Municipal Planning*
- **Counties – Titles 18**
 - W.S. § 18-5-201 to § 18-5-208 – *County Planning and Zoning*
 - W.S. § 18-5-301 to § 18-5-316 – *County Subdivision and Platting*
- **W.S. § 16-3-101 to § 16-3-115 – *Administrative Procedures Act***
- **Title 34 – *Property, Conveyances and Security Transactions***
 - W.S. § 34-1-302 – *Affects public access and right-of-way dedications through subdivisions*
 - W.S. § 34-12-101 to § 34-12-115 – *Plats of Townsites*

WYOMING STATE STATUTES



- **WIND AND SOLAR ENERGY FACILITIES**
 - W.S. § 18-5-501 et seq
- **PRIVATE SCHOOLS**
 - W.S. § 18-5-201
- **DAYCARES**
 - W.S. § 9-2-2104(a)(vii) and W.S. § 14-4-101(a)(v) and the Wyoming Department of Family Services (DFS)

REGULATED USES

REGULATED USES

- **ADULT BUSINESSES USES**
 - Numerous court cases
- **GROUP HOMES**
 - Federal Fair Housing Act (42 U.S.C. § 36012 et seq.)
“prohibits discrimination on the basis of disability in all types of housing transactions
- **RELIGIOUS LAND USES**
 - Federal Religious Land Use and Institutionalized Persons Act (RLUIPA)
 - First Amendment Case Law
- **SIGNS**
 - MetroMedia Inc v. San Diego; Reed v. Gilbert; Reagan v. Austin
- **WIRELESS TELECOMMUNICATION**
 - Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(B))

LAND USE LAWS ARE MADE IN TWO WAYS.....

- Through legislative actions (Endangered Species Act, NEPA, Fair Housing Act, Telecommunications Act, etc.)
- ***Court cases***

SUPREME COURT CASES



The following
information has been
summarized from the
APA Planning and Law
Division Resources

- Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922)
- Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)
- Golden v. Planning Board of Ramapo, 285 N.E.2d 291 (N.Y. 1972)
- Southern Burlington County NAACP v. Township of Mount Laurel [Mount Laurel I], 336 A.2d 713 (N.J. 1975)
- Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977)
- Penn Central Transportation Co. v. City of New York, 438 U.S. 104 (1978)
- Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981)
- Southern Burlington County NAACP v. Township of Mt. Laurel [Mount Laurel II], 456 A.2d 390 (N.J. 1983)
- Nollan v. California Coastal Commission, 483 U.S. 825 (1987)
- Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992)
- Dolan v. City of Tigard, 512 U.S. 374 (1994)
- City of Edmonds v. Oxford House, 514 U.S. 725 (1995)
- Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, 535 U.S. 302(2002)
- Lingle v. Chevron USA, Inc., 544 U.S. 528 (2005)
- Kelo v. City of New London, 125 U.S. 2655 (2005)
- Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection, 560 U.S. 702 (2010)
- Koontz v. St. Johns River Management District, 133 S.Ct. 2586 (2013)
- Reed v. Town of Gilbert, 576 U.S. ____ (2015)
- Murr v. Wisconsin, 137 S.Ct. 1933 (2017)

SUPREME COURT CASES



The following information has been summarized from the APA Planning and Law Division Resources



SUPREME COURT CASES: TAKINGS

- **PENNSYLVANIA COAL CP. V. MAHON (1922)**
 - First time the U.S. Supreme Court indicated that regulation of land use, including ***regulation that destroys the economic value of a property, might constitute a taking.***
- **VILLAGE OF EUCLID V. AMBLER REALTY CO. (1926)**
 - Established ***zoning as a valid exercise of police power by local government*** that in general does not violate the constitutional protection of the right to property.
- **PENN CENTRAL TRANSPORTATION CO. V. CITY OF NEW YORK (1978)**
 - This case established a framework for *evaluating* regulatory takings claims. Introduced a means-end balancing test for regulatory takings and validated historic preservation controls.

SUPREME COURT CASES: TAKINGS

- **NOLAN V. CALIFORNIA COASTAL COMM'N (1987)**
 - Ruled that regulations that effectively eliminate all economically viable use of a property constitute a taking and require compensation under the Fifth Amendment.
 - **Nexus Requirement:** There must be a *connection between the condition imposed and the specific impact* of the proposed development.
 - **Proportionality Requirement:** Emphasized that any *condition must be proportional to the impact* of the development.
- **LUCAS V. SOUTH CAROLINA COASTAL COUNCIL (1992)**
 - Required *just compensation be paid to landowners when regulations deprive them of all economically beneficial land use.*

SUPREME COURT CASES: *TAKINGS*

- **DOLAN V. CITY OF TIGARD (1994)**
 - Extended Nollan's "essential nexus" test to require "*rough proportionality*" between development impact and conditions.
- **SHEETZ V. COUNTY OF EL DORADO (2023)**
 - The Fifth Amendment's Takings Clause does not distinguish between legislative and administrative land-use permit conditions.

SUPREME COURT CASES: ZONING & GROWTH MANAGEMENT

- **VILLAGE OF EUCLID V. AMBLER REALTY CO. (1926)**
 - Established ***zoning as a valid exercise of police power by local government*** that in general does not violate the constitutional protection of the right to property.
- **GOLDEN V. PLANNING BOARD OF RAMAPO (1972)**
 - Recognized **growth phasing programs** as valid exercises of police power (connection of comprehensive planning efforts to regulations)
- **VILLAGE OF ARLINGTON HEIGHTS V. METROPOLITAN HOUSING DEVELOPMENT CORP. (1977)**
 - Established that **discriminatory intent is required** to invalidate zoning actions with **racially disproportionate impacts**.

SUPREME COURT CASES: *REGULATING USES*

- **METROMEDIA, INC. V. CITY OF SAN DIEGO (1981)**
 - Established a high standard for aesthetic regulation of billboards by providing First Amendment protection to commercial firms that advertise goods or services not available at the location of the sign.
- **REED V. TOWN OF GILBERT (2015)**
 - Recognized that subject matter distinctions are content-based and subject to strict scrutiny.



State legislation significantly affects local government in a few ways:

1. Gives authority and powers to local governments.
2. Local government generally have some sort of state funding, which is subject to state revenue and distribution, and can significantly affect local services
3. The state legislature has the authority to impose regulations. Legislation often gives minimum standards for localities to adopt. Local governments may have to adopt their policies to comply with state mandates.
4. In some cases, state legislation or 'preemption' can override local jurisdictions.
5. States establish the framework for zoning and enforcement.

STATE LEGISLATION

Trivia: Which county has not been named in a Wyoming Supreme Court case since 2006?

Extra Trivia: Which local government has been named in the most WY Supreme Court cases? How many court cases since 2006?

- **ASPHALT SPECIALTIES V. LARAMIE COUNTY PLANNING COMM'N (2021 WY 19)**

- Court determined the commission exceeded its statutory authority when it utilized its comprehensive plan to deny a land use (limited gravel mining operation). **The court held, counties may only restrict land use through lawfully established zoning regulations or ordinances.**

- **WARREN LIVESTOCK, LLC V. ALBANY COUNTY BOARD OF COUNTY COMMISSIONERS (2024 WY 102)**

- The Wyoming Supreme Court concluded *that legislative zoning actions are subject to judicial review under the Wyoming Administrative Procedure Act (WAPA)*, reversing the district court's dismissal for lack of jurisdiction.

- **TETON COUNTY BOARD OF COUNTY COMMISSIONERS V. STATE OF WYOMING, BOARD OF LAND COMMISSIONERS (2025 WY 48)**

- This case addressed the extent of county zoning authority over state lands. The Wyoming Supreme Court held that *“when operating under a TUP, the State Board and its permittees on state land are not subject to a county’s land use and development regulations”*

WYOMING COURT CASES

WYOPASS ROLE IN LEGISLATION

**YO DAWG, I HEARD YOU LIKE INTERPRETING
LEGISLATION**

**SO WE MADE AN ACTS INTERPRETATION ACT SO YOU CAN
INTERPRET LEGISLATION WHILST YOU INTERPRET LEGISLATION**

WYOPASS ROLE IN STATE LEGISLATION

LEGISLATIVE COMMITTEE

- Review planning related legislative proposals; to recommend modifications to proposed legislation from the perspective of the professional planner
- Provide WYOPASS membership with copies of proposed legislation, recommended modifications, and summarizing analysis of legislation
- Poll WYOPASS membership as to its position concerning proposed legislation
- Keep the membership informed about progress of planning related bills in the State Legislature.

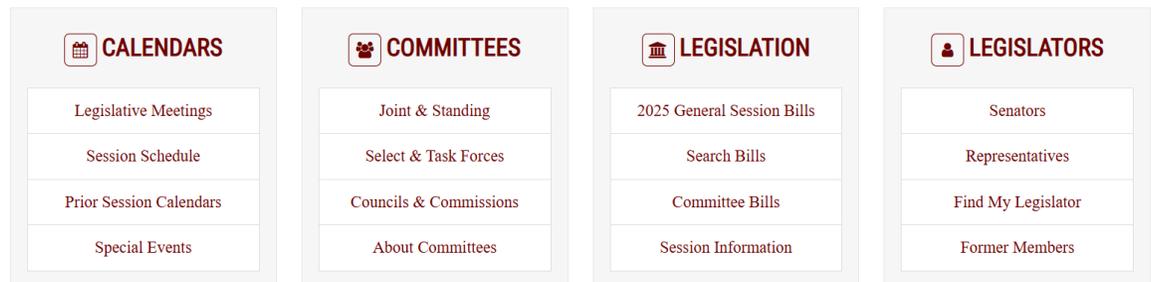
WYOPASS ROLE IN STATE LEGISLATION

- Creating partnerships and collaborating with lobbying organizations such as WCCA & WAM
- Provide technical support during bill development and interim sessions
- Testify on bills and provide professional recommendations
- Influence state and local policy outcomes
- Advocacy
- Legislative monitoring

WHERE CAN I FIND MORE INFORMATION

STATE LEGISLATURE WEBSITE

- State Statutes + Constitution
- Legislative calendar
- Committee meetings and member information
- Draft bills
- Find your legislators



WHERE CAN I FIND MORE INFORMATION

WAM/WCCA WEBSITES

- Events
- Legislative priorities + policies
- Board information
- Membership resources



www.wyo-wcca.org

www.wyomuni.org

WHERE CAN I FIND MORE INFORMATION

WYOPASS WEBSITE + LEGISLATIVE COMMITTEE

- Legislative Committee
- RRTF/Committee Tracking Information
- Bill Watch
- Legislative Updates (under revision)



Home / Legislative Activities / Bill Watch

Bill Watch

Wyoming 2025 General Session

January 14th, 2025- March 6th, 2025

BILL NUMBER	TITLE	SPONSOR	LAST ACTION	ACTION DATE	AMENDMENTS	AFFECTED JURISDICTION
HB0010	Limited mining operation-amendments	Joint Minerals, Business & Economic Development Interim Committee	H.C.O.W. Failed 17-30 5-0-1	1/28/2025		DEQ
HB0015	Limited mining operations-bonding amendments	Joint Minerals, Business & Economic Development Interim Committee	H.N.R. Report prior to C.O.W. cutoff	2/7/2025		DEQ
HB0056	Cities and towns notice of zoning changes-amendments	Representative(s) Filer, Singh and Wasserburger and Senator(s) Barlow, Olsen and Rothfuss	H Did not Consider for Intro	2/3/2025		Cities a
HB0059	Limited mining operations-water quality testing	Representative(s) Harshman, Campbell, E and Larson, JT and Senator(s) Anderson, Boner and Rothfuss	H.C.O.W. H Did Not Consider for C.O.W.	2/10/2025		DEQ
HB0066	Cities and towns-abandoned and nuisance properties	Joint Corporations, Elections & Political Subdivisions Interim Committee	H Did not Consider for Intro	2/3/2025		Cities a
HB0068	Tax increment financing	Joint Corporations, Elections & Political Subdivisions	H.N.R. Report prior to C.O.W.	2/7/2025		Cities a

House Bills [Senate Bills](#) [Leave a comment or question](#) [Attachments](#)

Legislative Activities

[Legislative Committee](#)

[Regulatory Reduction Task Force](#)

[Bill Watch](#)

[Legislative Updates](#)

LEGISLATIVE TIMELINE



1

Interim Meetings



2

Regular Session



3

Committee Hearings



4

Bill Introduction & Reading

LEGISLATIVE TIMELINE

Interim Meetings

- At the end of every session, legislators meet in various interim committee meetings and discuss specific topics
- Topics are presented by the committee chair to the management committee for decision
- Opportunities are available at the end of session to suggest interim topics to the Legislative Service Office (LSO) for a respective committee

Session

- Regular session for 40 days in even number years and 20 days in odd-numbered years
- **Odd number** years are budget sessions
 - Generally focused on state budget (revenue and expenditure)
- **Even year** sessions provide for the opportunity to bring forward and debate a much wider range of topics.
 - This session will be where you will typically see land use legislation

LEGISLATIVE TIMELINE

Committee Hearings

- During session, committees meet and discuss proposed bills before they are brought to the full chamber for consideration
- These discussions provide for the public, NGO's, governmental entities etc., to become involved in the legislative process and provide testimony on proposed legislation during session.

LEGISLATIVE TIMELINE

Bill Introduction & Reading

- Legislators draft legislation with LSO
- **Bill Introduction:** bill is given a number and title.
- **First Reading:** bill is read aloud and assigned to a committee. No debate or vote at this stage
- **Committee Review:** hearings on the bill where members invite testimony from experts, stakeholder and public.
- **Second Reading:** bill is brought back to the full chamber. Members debate and propose amendments.
- **Third Reading:** at this point additional amendments are generally not allowed, and the focus is final debate and vote.
- **Other Chamber:** if the bill passes in the first chamber, it is sent to the other chamber for a similar process.

2025 LEGISLATIVE SESSION: BILL TRACKING OVERVIEW

WYOPASS tracked a total of 26 legislative bills through the House and Senate. Out of those, 1 bill out of 18 in the House was passed into law. On the Senate side, 5 of the 8 bills tracked passed into law.

Notable Tracked House Legislation:

- HB0056 Cities & Towns notice of zoning changes-amendments. **Notice to landowners within a certain distance.** Failed
- HB0066 Cities & Towns-abandoned and nuisance properties. **Related to tax credits and assessing fees.** Failed
- HB0197 Limits on Property Development Exactions and Mitigation fees. **Limiting how local jurisdiction can impose exaction and mitigation fees.** Failed
- HB0202 Fast Track Permits. **Required local governments to provide permitting timeline and deadline notices for building permits and some land use permits.** Failed
- HB0247 Annexation requirements. **Requiring written approval from a simple majority of all landowners owing a parcel of land in an area before that area is annexed into the municipality.** Failed
- HB0219 County and municipal roads on state lands-easements granted. **Relates to setting perpetual easements over state and school lands for county and municipal roads**

2025 LEGISLATIVE SESSION: BILL TRACKING OVERVIEW

Notable Tracked Senate Legislation:

- SF0040 Zoning protest petition-amendments. **Amending the protest process by number and percentage of petition protesters for a rezoning.** Failed
- SF0183 Moratorium- Solar and Wind projects. **Proposed a prohibition of projects until June of 2030.** Failed
- SF0108 Recreational Safety-Agritourism. Defines 'Agritourism'. **May help jurisdictions to define & classify these types of uses, if needed.**
- SF0154 Industrial, wind, and solar projects- **hearing deadline. Hopefully providing for better continuity with local jurisdictions.**
- SF0171 City and Town Regulatory Reduction. **Changed language in the current statute to, ' survey to prove boundaries "MAY" be done; no longer "SHALL"**

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WYOPASS was formed for the purposes of advocating planning programs, to preserve the quality of life in Wyoming, to facilitate coordination and cooperation between planners, and to provide continuing education opportunities

LESSONS LEARNED FROM 2025 LEGISLATIVE SESSION

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Planning Director
City of Cheyenne



BILL WORKSHOP