

Wyoming League of Women Voters
2018 Wyoming Legislature – Final Report
By Marguerite Herman, state lobbyist
cheyennelwv@gmail.com
307-630-8095
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The Wyoming Legislature finished its 2018 session with a stutter step – an extra two days added on to take final votes on the governor’s vetoes and settle the two major contentious issues capital construction and school funding. The House and Senate labored until late Saturday. The House checked in Tuesday evening and then both chambers met Wednesday to finish. They voted to sustain Gov. Matt Mead’s vetoes of SF74 – Crimes Against Critical Infrastructure, a line-item veto in SF116 – Retirement Income Security Taskforce and five of eight line-item vetoes in the 2019-2020 budget bill. The schedule meant several legislators had conflicts and didn’t attend days 21 and 22, including Senate President Bebout.

SF74 was controversial from the beginning, feared as an attempt to outlaw protests like those at Standing Rock. It was rescued by extraordinary measures from a House committee and then barely passed. The veto objected to wording that inadvertently included dams and hay barns and other “ordinary facilities.”

Find veto messages for the three bills among the PDF documents along the right hand side of bills displayed on the Legislative Service Office’s redesigned site lso.wyoleg.gov.

The House and Senate voted to approve a complicated compromise on state capital construction (HB194). Then the very last action was House adoption of a compromise on school funding (HB140), which cuts about \$8 million in 2019 and about \$20 million in 2020 – on top of about \$77 million in cuts in the past two years.

In his parting message to the House, Speaker Harshman congratulated members for working hard and insisting on using savings, new revenues, revenue diversions and permanent fund interest, instead of cash, to take care of the state’s people. He credited the House with “saving” K-12 education in the state by resisting efforts by the Senate to cut \$150 million from schools and undermine the educational guarantees in the Wyoming Constitution.

Part of this unusual compromise package resolves a dispute that ran through these three bills about whether to use investment earnings from savings and permanent funds and whether to earmark it for education or send it to the General Fund, which senators like for “transparency.” Another move that allowed the bills to move to final approval was a budget compromise to remove draconian education cuts (by the Senate), to fund school capital construction and to address state construction needs in the HB194 stand-alone bill.

The session was marked by several closed caucuses called by the GOP and some whole-chamber closed-door meetings, presumably to have difficult conversations about how to vote on pending issues. The 2018 session also was extremely contentious between the House and Senate,

continuing a conflict of leadership styles and budget approaches between the House and Senate and their leaders, President Bebout, R-Riverton, and Speaker Harshman, R-Casper.

Another feature of the 2018 budget session was the tendency of the House to indulge in long, meandering debates that consumed several hours each day. The House consumed almost the entire first week of the four-week session with consideration of introduction votes. In fact, 325 bills were filed in the House and Senate for what is supposed to be a short session focused on revenue and appropriations and emergency measures that couldn't wait another year.

The session started with the demise of several revenue-raising proposals, including the death and reincarnation and then death again of a lodging tax. It also started with a proposed budget from the Joint Appropriations Committee that had a so-called "structural deficit" of about \$850 million – the difference between expenditures and expected revenue. That hole was filled by using savings, permanent fund investment income and revenue diversions favored by the House. The budget approved for the next two years maintains the same revenue-spending gap. Wyoming has about \$12 billion in savings accounts.

Perhaps expecting a time crunch at the end, the Management Council (leadership) decided early on to meet in April to assign interim work for the joint standing committees. Then the legislators will hold one more session beginning Jan. 8, 2019, at their temporary "capitol" in the Jonah Financial Center. The Legislature is scheduled to move to the reconstructed State Capitol in the spring or summer.

Rep. Jim Byrd, D-Cheyenne, and Sen. Leland Christianson, R-Jackson, have their eyes on the race for secretary of state, and outgoing Speaker Harshman is reported to be considering a run for governor. Other statewide aspirations by legislators may be forthcoming.

HB192 – Legislator Communications on Recordings and Broadcasts didn't get much attention, but it's a major advance for public access to their government. Its passage enables the LSO to stream/broadcast and then record and archive interim committee meetings, where much of the Legislature's research and bill-writing gets done. The meetings are held in far-flung locations and are attended by a few people who can participate in daytime weekday meetings (primarily paid lobbyists). Broadcast and archive information to come!

LWV members will be interested in bills intended to tighten up election laws.

HB2 - Election Law Violations – penalties and enforcement This establishes civil penalties for people who fail to file campaign reports. This replaces a law that was so severe it was unenforceable.

HB40 – Election Code Revisions to tighten up qualifications to be appointed to a vacant seat in an elected body and to regulate electioneering near a polling place, including the size of bumper stickers on a car parked outside a polling place.

SF46 – Elections – Notices and Resolutions establishes the timing for election notices by clerks

HB38 - Election Offenses and Penalties attempted to set up a process by which county clerks could report – and insist on an investigation – of cases of false registration and voting. This died, but the substance was added to HB2 on third reading in the Senate.

HB67 – Campaign Finance Revisions attempted to tighten up reporting requirements for candidates, committees and any group that advocates for candidates and issues. It was a Joint Corporations Committee bill, overwhelmingly introduced, approved in House Corporations 6-3 but was left to die without debate in the House. Unfortunate loss for accountability in accountability.

Also, it's worth noting that the budget bill establishes a sinking fund for eventual replacement of voting equipment, with an initial deposit of \$500.

Other notable issues of the session included:

HB14 - A wary compromise between municipalities and county governments about regulation of development outside city and town limit.

HB168 – A Stand Your Ground bill that was moderated by inserting a “reasonable person” test and removing immunity from prosecution and civil liability for someone who perceives a danger and uses deadly force. No convincing case was ever made for the need in Wyoming, and the bill contains a controversial provision for an extra court hearing on reasonableness.

SF74 – Crimes Against Critical Infrastructure that provides a felony for people who damage or interfere with pipelines, oil and gas facilities and other “critical” infrastructure. It was amended to lower the penalty from \$1 million to \$100,000 and to assure the law not cover protests protected by the First Amendment. Opponents hoped for a gubernatorial veto.

SF93 – Child Sexual Assault Education and Prevention provided some impassioned late session debate in the House about whether optional programs to help children understand when and how to report abuse was appropriate for public schools. It narrowly passed 32-24-4.

SF98 – Severance Tax Exemption would have given new oil and gas production a 50 percent reduction in severance taxes. It was narrowly approved by the Senate 17-13 and then died in House Revenue 3-6. It raised questions about possible conflict of interest by senators who would directly benefit.

HB194 – State Funded Capital Construction provides very low interest loans for the Permanent Wyoming Mineral Trust Fund to local governments for infrastructure, which generated heated debate about eroding that fund for future generations.

All the proposed constitutional amendments failed at some point, including SJ3 and SJ4 to erode the educational guarantees in the Wyoming Constitution.

Business development and diversification accounted for a large amount of debate and skepticism but ultimate acceptance. A set of bills support the governor's ENDOW program (Economically Needed Diversity Options for Wyoming).

SF40 – Commercial

Air Service Improvement – 10-year plan to create reliable and affordable air service in Wyoming

SF119 – Workforce Development-Priority Economic Sector

SF29 – Education – Computer Science and Computational Thinking

SF100 – Economic Diversification – Broadband Services

SF118 – Kickstart Wyoming provides access to capital for startups

SF108 – Economic Diversification and Development for agricultural programs

The Legislature approved a set of bills that are supposed to rival Delaware's position as a favorable place to register corporations and do business. Lawmakers hope the predicted increase

in corporate filing fees and business produce a revenue windfall that will sustain Wyoming through the energy ups-and-downs.

- HB70 – Open Blockchain Tokens Exemptions
- HB101 – Electronic corporate Records
- HB126 – Limited Liability Companies – Series
- HB19 – Wyoming Money Transmitter Act
- SF111 – Property Taxation – Digital Currencies

The LSO will make the switch to its new Website on April 2. Take a look at lso.wyoleg.gov. Please give it a good workout and pass on suggested improvements to Anthony.sara@lso.gov.