

LWVWY Bill Summary Report #5

Wyoming LWV - Bills of interest as of Feb. 4 in the 2019 Wyoming Legislature

Find all bills with related information on www.wyoleg.gov.

Titles of bills that have met with defeat are in red.

ELECTIONS

HB21 – Election readiness account (Joint Corporations Committee)

This sets up a reserve account for replacing aging equipment used by county clerks to prepare ballots, for voting and for tabulation. The House increased the appropriation to \$15 million, before sending to the Senate. In Senate Revenue. ***LWV Supports as a start to ensuring election equipment is modern, secure and reliable.***

HB37 – Elected Official Residency Requirements (Joint Corporations)

Amends county office election statutes to require residency in county for at least a year before an election and through the term of service. If an elected official moves, the office is vacant. In Senate Corporations.

SF18 – Campaign Finance Revisions (Joint Corporations)

This defines “electioneering communications” to include everything intended to advance or defeat a candidate or ballot issue and requires them to abide by campaign finance laws for reporting contributors, donations and expenditures. (LWV supports this as a tightening of definitions to provide voters with information about efforts to influence election outcomes.) In House Corporations.

SF21 – Election Forms (Joint Corporations)

A person seeking nomination or election completes a form to include a residential address and a signed oath of having lived there for 5 years. In House Revenue.

HB106 – Party Affiliation Changes (Rep. Blackburn)

Billed as the top priority for the Wyoming GOP Central Committee, this would prevent people from changing party affiliation for the Primary. House Corporations proposes to shorten the lock-in term to two weeks before election. Still allows people to withdraw voter registration and then register on Primary Election Day with any party affiliation desired. On General File for Monday.

SF160 – Change in Political party affiliation – 2 (Sen. Biteman)

Duplicate of HB106 (and of SF32, which died in committee twice). Ready for second reading in Senate.

SF94 – Secretary of State-Nomination Qualification (Sen. Steinmetz)

Authorizes the Secretary of State to refuse candidate filings from people who lack state and federal qualifications to serve. That would include refusal to people who don’t live in the state (for statewide office) or in their legislative districts. Refused candidates could challenge in court within 5 days. Expired in committee.

SF97 -Elections-Nominations Amendment (Sen. James)

This would require all nominations to be made by a Primary Election (not convention). Each major and minor party would have a separate party ballot. The fiscal note says there probably will be an administrative impact. Expired in committee.

SF99 – Voting Systems and Ballots (Sen. Steinmetz)

County clerks may send ballots to a “central counting center.” Passed Senate 30-0, sent to House.

HB150 – County Election Nominations (Rep. Hunt)

This would put the top two vote getters in a county election primary on the General Election ballot, regardless of political affiliation. Question: does this mean no minority party candidates in the General when they have low voter turnout? Expired in committee.

HB192 – Voter Fraud Prevention (Rep. Gray)

You probably guessed by the title that this is simply a voter ID bill, because, in fact, we don’t have a verified voter fraud problem in Wyoming. County clerks oppose voter ID, which comes up regularly. Approved in House Corporations and on General File for Monday.

EDUCATION

HB68 – School Funding Revenue (Joint Revenue)

This collects 9 mills in property taxes, phased in over three years) for education funding. Mineral extraction is exempted. Expected to generate \$68.5 million by 2022, when all 9 mills are collected. This is in addition to a 25-mill collection on all assessed property statewide for school funding. Alas, expired for 2019. Never sent to committee.

SF64 – School safety and security (Joint Education)

Requires school districts to create and implement plans for facility security. Ties the requirement to accreditation by the Department of Education. May need a dedicated position in the future in DoE to review plans and advise districts. (Passed Senate, in House Education)

SF80 – Passing Stopped School Bus – recorded images (Sen. Ellis)

Establishes civil penalty of \$195 for registered owners of vehicles that go through the “stop arm” put out by a school bus driver to stop traffic while students get on and off the bus. There are an estimated 8,000 stop arm violations in Wyoming annually. (Passed Senate, sent to House)

HB308 – Modernizing and balancing Wyoming’s school funding streams (Speaker Harshman)

This bill does several things that lift the cap on special ed and transportation funding and address at least some of the “structural” deficit in school funding by changing the revenue flow and investment income for various school related accounts. School districts support this bill. Read the bill’s fiscal note for the revenue redirection plan.

SF143 – Civics Proficiency (Sen. Pappas)

Other version of this died in House Education, especially with opposition of State Board of Education. But a mirror version is introduced and in Senate Education. It requires a passing score on a test of principles of US Constitution before getting a high school diploma, except that it specified a very simple history test used for prospective citizens. Died in Senate Education 1-4. Thankfully, it’s past the deadline to write a new version of this bill.

HEALTH & INSURANCE

HB244 – Medicaid- Work Requirements and Expansion (Rep. Andy Schwartz)

Requires the Department of Health to enter negotiations with the federal government to expand Medicaid. Authorizes DoH to seek work requirements and mental health services as part of the expansion. Passed House Labor 6-3 and on General File for Monday. ***LWV supports and urges contact with House members to approve.***

SF144 – Medicaid and SNAP eligibility requirements (Sen. Hicks)

Requires Medicaid recipients to comply with specified work or volunteer requirements. Includes several exemptions. Would require the state to apply for a Section 1115 waiver from CMS. An estimated 1,700 persons would lose benefits. Ready for third reading in Senate.

SF146 – Medicaid Expansion Study (Sen. Scott)

Bill to study once again the feasibility of expanding Medicaid and appropriating \$110,000 for the Department of Insurance to conduct the study. Ready for third reading in Senate.

HB35 – Worker Compensation – Air Ambulance (Joint Minerals)

Air ambulance operators have won court rulings that they are deregulated, so can submit bills to private insurance and workers compensation of \$100,000-\$500,000 per ride. This bill would limit workers compensation exposure to bills to twice the Medicare rate for air ambulance service. (Every state struggles with this problem, with solution probably being congressional action.) Probably will expire on General File Monday. (See HB194)

HB194 – Air ambulance coverage - Medicaid (Rep. Barlow)

This bill would provide air ambulance coverage under Medicaid, an innovative use of a narrow exemption to the federal airline deregulation act and attempt state regulation of air ambulance charges that are beyond the means of individuals and agencies. Would create an Air Ambulance Coverage Account with an assessment on insurance companies. Approved by House Labor and on General File for Monday.

SF44 – Multiple Employer Welfare Arrangements (Joint Labor)

With this bill, the State of Wyoming would begin a very limited effort to get a handle on these “MEWA” health insurance arrangements, to ensure a bare minimum of consumer protections, including assurances they will actually cover claims made by premium payers. At least they would be subject to the same regulation as small group insurance – still short of anything on the ACA exchange. (Passed Senate, in House Labor.)

HB85 – State Health Reinsurance Program (Joint Labor)

Sets up a fund (until 2025) to use federal innovation money, a charge to insurance companies and a state appropriation to set up a reinsurance program for insurance companies to help cover claims by high risk people and therefore lower health insurance premiums. It will use a third party administrator. Assess 1 percent of gross annual premiums collected in Wyoming (about \$9 million a year). Ready for third reading in House.

HB103 – Reporting of Abortions (Rep. Clem)

Requires report of abortions to include race, ethnicity and marital status of the women, plus gestational age of the aborted fetus or embryo. Report is required within 30 days. Fine of \$1,000 for late reports and Board of Medicine disciplinary action for failure to report within 6 months. Office of Vital Records will report the statistics. Anticipate collecting \$46,000 in fines annually, deposited in School Foundation Account. On House General File.

HB140 – Abortion – 48-hour waiting period (Rep. Tass)

Requires physicians to wait 24 hours before performing non-emergency procedures. Passed House 36-22-2 and sent to Senate.

JUSTICE

HB53 – Probation and Parole – Incentives and sanctions

LWV Wyoming bill summary #5 for the 2019 Legislature, Feb. 4, 2019, p. 3

This bill establishes incentives and sanctions in a “graduated response” to compliance violations, so prosecutors and courts use supervised probation and parole before re-incarcerating people. Passed House and sent to Senate.

SF7 – Alternate Penalties and Pretrial Release for Alcohol Crimes

Provides standards for imposing or modifying probation, after conviction or a guilty plea.

Allows for special 24-7 licenses for people ordered into sobriety programs. If those licenses are revoked, people go to the more restrictive “ignition interlock” licenses. Passed Senate, in House Judiciary.

SF10 – Modification of Probation

Provides standards for imposing or modifying probation, after conviction or guilty plea. The court may lessen supervision after considering a defendant’s employment, support by family and community, nature of the underlying crime, need to support family, risk to the community and risk of re-offence. Passed Senate, in House Judiciary.

SF38 – Limitation on length of Probation

Maximum probation for first-time non-violent felonies would be reduced from 5 years to 42 months – or the length of a maximum prison term for the offense. Passed Senate, in House Judiciary.

SF104 – Wyoming Chancery Court (Sen Pres. Perkins)

Creates 3-member Chancery Court to hear cases seeking money recovery of more than \$50,000 (exclusive of claims for punitive damages). Appropriates \$600,000 from the General Fund to the Supreme Court. On Senate General File.

HB145 – Death Penalty Repeal (Rep. Olsen)

LWVWY has joined a diverse effort to remove capital punishment from our statutes, as an ineffective and costly exercise. Other major supporters are the Catholic Diocese of Cheyenne and ACLU. Passed House 36-21-3 and sent to Senate. **LWVWY strongly supports.**

LABOR

Joint Labor Committee is sponsoring a package of bills resulting from a study commissioned by the Legislature to determine the size and nature of pay disparity between men and women. The bills were championed by Reps. Cathy Connolly (D) and Marti Halvorson (R) [who lost her reelection. But she worked through the interim on it].

HB71 – Equal Pay Penalties

Raises the maximum penalty for violating equal pay laws from a \$200 to \$500. Passed House, send to Senate

HB84 – Wage equality-state employees and programs. Passed House and sent to Senate.

Require efforts by state agencies and contractors to find and remedy gender wage inequities. Passed House, in Senate Transportation.

HB273 – Minimum Wage (Rep. Connolly)

Would establish a minimum wage of \$8.50 an hour, with automatic annual increases of 25 cents an hour. Approved in House Labor and on General File.

GOVERNMENT

HB10 – Crimes against critical infrastructure (Rep. Lloyd Larsen)

Resurrects bill vetoed by Gov. Mead in 2018 to create the crime of “impeding critical infrastructure,” to prohibit activities that interrupt operation of a critical facility. The penalty depends on the level of damage done. On General File in House.

HB38 - Per Diem Rates (Management Council)

Raises from \$109 to \$149 per diem rate for legislators to cover lodging and meals when traveling for meetings (usually interim committees). The rate would be adjusted each July 1 by the state auditor to an amount established by the federal General Services Administration for travel in Wyoming. (LWV supports as necessary to make legislative service to available to all citizens.) House amended to move up effective date to this March. On General File in Senate.

SF57 – Public Records (Joint Corporations)

Senate Corporations spent three intensive meetings to rewrite a law to tighten up accountability to respond to requests and establish the office of an ombudsman who could advocate for records applicants before a complaint gets to court. Has wide support from diverse interests. Re-referred to Senate Appropriations and then will be ready for full Senate debate. This is a substitute bill, which you can find on the “Amendments” tab of the bill. Passed Senate 28-2 and send to House.

SF37 – Wyoming Energy Authority (Joint Minerals)

Merges the Wyoming Pipeline Authority and Wyoming Infrastructure Authority, for the purpose of diversifying and expanding the Wyoming economy through improved production, development and transmission of energy and natural resources. Board includes member of Wyoming Enhanced Oil Recovery Commission, chairman of Wyoming Business Council, governor, chairman of the Oil and Gas Conservation Commission and director of UW School of Energy Resources. In House Minerals.

SF119 – State Spending Transparency (Sen. Bouchard)

Sets up a state auditor’s Website to post all payments to all vendors for the past 5 years. Not enough time to write a fiscal note. Passed Senate 29-1, sent to House.

HB183 – Repeal Gun Free Zones and preemption amendments – 2 (Rep. Salazar)

Senate version died in committee, and this one still waiting for committee assignment. Under this bill, anyone legally carrying a concealed weapon could do so in any school or college, without restriction. Bill was sent to House Appropriations, which held onto it. House attempted to “recall” it from committee, but that failed 24-32-4. So, dead for this session.

ENVIRONMENT

HB32 – Environmental Quality Council (Joint Minerals)

Amends staffing requirements and duties for greater independence of the council from Department of Environmental Quality. Council could hire its own executive director, as it conducts hearings on rules, regulations and standards recommended by DEQ director. In Senate Minerals.

REVENUE

SF5 – Budget Reserve Account Repeal (Joint Appropriations)

This removes one of the many and confusing “coffee cans” of money the Legislature has set up. The BRA was used to receive reversions of unspent appropriations. With this bill, reversions would go back to the General Fund – about \$400 million a year. Expired in Senate Appropriations.

HB66 – Lodging Tax (Joint Revenue)

After all the false starts of last year for a lodging tax, this might have a chance. A 5 percent tax (about \$19.5 million a year) – 3 percent for state tourism and 2 percent back to counties. Passed House 44-16, sent to Senate

HB64 – Indexing Fuel Taxes (Joint Revenue)

Wyoming charges a gasoline tax of 24 cents/gallon. This would authorize the Wyoming Department of Transportation to adjust that rate for gasoline and diesel every other year by the consumer price index. Anticipated revenue increase is \$4.4 million in FY22 for the Highway Fund and \$2.2 million for a local sources fund. Expired – not even sent to a committee.

HB96 – Wind Energy Production Tax (Rep. Clem)

Bill to add \$4 to the existing \$1 tax on each megawatt hour produced in Wyoming. Additional revenue would go to the General Fund. Estimated revenue \$8.1 million in FY2020 and \$17.2 million annually after that. Expired.

HB218 – Tobacco Tax (Rep. Zwonitzer)

Would have raised the tobacco tax in Wyoming by \$1 a cigarette pack (considered the minimum required to affect youth initiation) to \$1.60 a pack. It also raises the tax on moist snuff and cigars and other tobacco products. Initially, it would raise about \$9 million to the General Fund. Killed in House Revenue, out of deference to business that thrive on tobacco sales.

HB282 – Tobacco Products (H Appropriations)

House Appropriations wrote another bill to follow up HB218, with a 75-cent-per-pack increase, deemed too low to impact tobacco sales. Approved and sent to the House General File. **LWV opposes as ineffective and with the result of killing chances for a meaningful effect on youth smoking rates.**

Resolutions and Constitutional Amendments**HJ1 – Support for Delisting the Grizzly Bear (Rep. Winter)**

Passed House and sent to Senate.

HJ2 – Funding Sewage Systems (Rep. Larsen)

Would amend the Wyoming Constitution to remove the specific limit on the amount of debt a municipality can incur for a sewer project and let the Legislature set the debt limit for municipal sewer projects. Approved in House, sent to Senate.

HJ3 – Supreme Court Justice Senate Confirmation (Rep. Lindholm)

Proposes amending the Wyoming Constitution to require Senate confirmation of Supreme Court justices appointed by the governor. Expired without committee assignment

HJ4 – Term limits- statewide elected officials (Rep. Gray)

Proposed amending the Wyoming Constitution to limit state senators to 12 years and state representatives to 10 years and the top five elected officials to two terms each. Expired without committee assignment.

HJ6 – Legislative Sessions (Speaker Harshman)

Proposes amending the Wyoming Constitution to remove the 2/3 introduction vote requirement for non-budget bills during budget legislative sessions. On General File in House.

HJ8 – Free and Fair Elections (Rep. Zwonitzer)

Calls for Congress to approve a US Constitutional amendment to clarify difference between rights of a natural person and a corporation. In House Corporations. On General File in House.

SJ1 State-federal school trust lands exchange (Joint Agriculture)

Asks Congress to enact legislation requiring exchange of certain landlocked state trust lands in Wyoming. In House Agriculture.

SJ3 – Wyoming’s Wyoming Suffrage Day (Sen. Ellis)

Recognizes Dec. 10, 2019, as Wyoming Women’s Suffrage Day. Passed Senate, in House Travel.

SJ4 – Proposing amendments through a convention of states (Sen. Wasserburger)

This proposes a so-called “Article V” convention to fix one or more things to get control of the federal government, according to supporters. This bill mentions a balanced budget and term limits, in some vain hope we could limit such a convention. National and several state LWVs oppose this as a potentially destructive process. Senate Corporations approved and placed on Senate General File. **LWV strongly opposes.**

SJ5 – Homeowners bill of rights (Sen. Bouchard)

Would amend the Wyoming Constitution to require voter approval of every mill levy, property tax assessment percentage, tax on real estate transactions or tax on real estate services. Governmental entities have authority to levy property tax – usually very limited (e.g., the 1 recreational mill) – without a popular vote. The 2019 Legislature also is considering a 9-mill levy for school construction (exempting minerals). Counties levy a mandatory 25 mills for school funding. Expired in Senate Revenue.

SJ7 – School Capital Construction – Constitutional Amendment (Sen. Scott)

Would amend the Wyoming Constitution to require school districts to raise revenue for school facilities, in lieu of the current role of the state to meet the constitutional mandate to provide facilities. Protest over that mandate has sharpened since the revenue stream used for the purpose dried up. In Senate Education. This setup has the same fatal flaw that prompted the school litigation of the 1980s and 1990s – the inequities of a system based on local property wealth. At Scott’s request, bill expired in Senate Education. He was just making a point, he said.

SJ8 – Free and Fair Elections-2 (Sen. Wasserburger)

Asks Congress to write an amendment to the U.S. Constitution to clarify that corporations are not people (re: Citizens United). States would ratify to take effect. Failed Senate Committee of Whole 9-21.