

LWVWY Bill Summary Report #3

Wyoming LWV - Bills of interest filed as of Jan. 21, 2019, for the 2019 Wyoming Legislature.

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

Note that bills continue to be filed through January.

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. It starts with \$7.5 million from the General Fund, in addition to funds received from the federal Election Assistance Commission. (LWV supports as a start to making sure electoral equipment is modern, secure and reliable.) Ready for final reading in House.

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. Passed House, sent to Senate.

SF18 – Campaign Finance Revisions (Joint Corporations)

(Similar bill was buried by leadership last year.)

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.) Ready for 2nd reading in Senate.

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. Passed Senate Corporations and sent to Senate floor.

SF32 – Change in Political Party Affiliation (Sen. Biteman)

This would prohibit changing political party affiliation (in voter registration) from the first day of candidate filing through Primary Election day. So you would have to pledge fealty to political party officials, negating the LWV admonition to “be informed and vote” and removing any notion of “voting for the person.” A clear expression of frustration by the state GOP over loss of control of the Primary results. Testimony continues in Senate Corporations. (LWV opposes.)

HB106 – Party Affiliation Changes (Rep. Blackburn)

Requires any changes to be made by May 1 on election years (before candidates file for office). In House Corporations. Same as SF32, which is in Senate Corporations.

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. In Senate Corporations.

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. (Still awaiting committee assignment)

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 Education 5-0, sent to Senate floor)

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)

HB129 – Civics Proficiency Exam (Rep. Olsen)

Requires passing score on test of principles of US Constitution before getting high school diploma or associates or bachelor’s degree. Very low bar – 60 percent of questions on US citizenship test. It is a fun history and geography quiz, which you can find online (where you also can find all the answers). The bill was strongly supported by Ed Superintendent Balow and opposed by members of the State Board of Education. House Ed voted it down 5-4.

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? In House Corporations.

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. In House Corporations.

HEALTH & INSURANCE

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.) In House Labor

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. (Senate 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). In House Labor

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. Awaiting committee assignment

SF96 – Reap-Hospital Records and Information Statutes (Sen. Kinsky)

Repeals provisions related to hospital record confidentiality and disclosure. A proposed amendment would preserve confidentiality of medical staff committee work. In Senate Labor.

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. In Senate Corporations.

SF99 – Voting Systems and Ballots (Sen. Steinmetz)

County clerks may send ballots to a “central counting center.” In Senate Corporations.

JUSTICE

The Joint Judiciary Committee has a package of bills intended to reduce capacity pressures on Wyoming’s prisons. While the prison at Rawlins is being repaired, Wyoming is housing prisoners out of state at great expense. Diverting 100-125 inmates would potentially lessen the out-of-facility housing and save an estimated \$2.5 million/year. Some bills intend to reduce the number of people on supervised probation, which costs \$2,000 per person per year.

HB53 – Probation and Parole – Incentives and sanctions

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. Re-referred to House Appropriations

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.

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.

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.

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. In Senate Judiciary.

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. In House Labor

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 Halverson (R). Three of these bills will be heard in House Labor on Monday.

HB71 – Equal Pay Penalties

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

HB72 – Wage Transparency

Employees could not be prevented from discussing their pay. Failed first debate in House 27-31.

HB84 – Wage equality-state employees and programs

Require efforts by state agencies and contractors to find and remedy gender wage inequities. (Approved in Labor, sent to full House)

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. Awaiting committee assignment

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.) Awaiting committee assignment

SF57 – Public Records (Joint Corporations)

Intends to improve responsiveness to requests for public records, with new definitions for how to make an official request, what you can expect from the person designated by an agency to respond and where you can go to complain. This bill says a frustrated individual can complain to the state Chief Information Officer or go to court. The CIO can refer delinquent personnel to the Attorney General. The Liberty Group and Foster Friess lobbied for this bill. The committee did not take the suggestion of the Liberty Group to cut funding to punish non-compliant agencies. (LWV will monitor.) In Senate Corporations.

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. Passed Senate 18-12, sent to House.

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. In Senate Corporations.

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

Rep. Salazar filed this bill when its counterpart in the Senate was pronounced dead last week (SF75, in Senate Judiciary). Under this bill, anyone legally carrying a concealed weapon could do so in any school or college, without restriction. Awaiting committee assignment.

SF103- State Capital Construction (Senate Pres. Perkins)

Would expand the role of the Select Committee on School Facilities to include community college and state capital construction projects. (Unclear how this would change the role of the State Capital Building Commission.)

Approved by Senate Appropriations 5-0, send to Senate floor.

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 House 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. In Senate Appropriations.

SF23 – Appeals by County Assessor (Sen. Case)

County assessors would be authorized to appeal decisions by the state Board of Equalization concerning locally assessed property. In Senate Revenue.

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. Awaiting committee assignment

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. Awaiting committee assignment.

HB218 – Tobacco Tax (Rep. Zwonitzer)

Raises 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. Will go to House Revenue. **LWV supports**

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 Corporations, sent to House floor

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. Awaiting 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. Awaiting committee assignment. (LWV opposes)

HJ5 – State Lands Mineral Royalties – Constitutional Amendment (Rep. Hallinan)

Proposes to amend the Wyoming Constitution to diverting all mineral royalties from school trust lands away from the Permanent Land Fund to an account so it can all be spent on schools, for six years. In good years, that could be \$200 million. (This also would seem to require Congress to amend Wyoming’s Act of Admission...) In House Education

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. In House Minerals

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.

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

Asks Congress to enact legislation requiring exchange of certain landlocked state trust lands in Wyoming. Approved by Senate, now in House Agriculture.

SJ2 – Free and Fair Elections – 2 (Sen. Wasserburger)

Asks Congress to call a constitutional convention to restore “free and fair elections” – to clarify that corporations are not people. This would undo the campaign finance free-for-all created by the Citizens United Supreme Court opinion. (Failed in Senate Minerals 2-3)

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

Recognizes Dec. 109, 2019, as Wyoming Women's Suffrage Day. Ready for 2nd reading in Senate.

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

Asks Congress to call a convention for consider an amendment that reasserts states' rights and a balanced budget amendment. In Senate Corporations

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. In Senate Revenue.

SF7 – 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 1980's and 1900's – the inequities of a system based on local property wealth.

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. In Senate Corporations