

League of Women Voters of Wyoming 2020 Wyoming Legislature Reports

#4 –Bill Summary March 2, 2020

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LSO Website wyoleg.org

Note: Red text denotes bills that are dead for 2020. They are dropped in subsequent summaries.

Further Note: Bills on LSO Website are latest version, in HTML. Action to date is recorded in the “Digest.” For a version with page and line numbers, open PDF available on left side of page.

Elections

HB26 – Tribal ID for voting (Joint Corporations)

Establishes tribal ID requirements to be used to register to vote. In Senate Corporations.

HB209 – Change in party affiliation (Rep. Blackburn, R-Cheyenne)

This would prohibit party changes in the 14 days leading up to a Primary Election, although preserving the ability to change on Election Day. House approved 3rd reading amendment to delay effective date until Jan. 1, 2021, and then approved 44-14 (2 excused) Sent to Senate. (Read roll call on bill Digest.)

LWV opposes as an undisguised partisan attempt to restrict participation by qualified electors in Primary Elections.

SF20 – Election Code amendments (Joint Corporations)

Among provisions: people may receive absentee ballots by email, no one needs to show an ID at the polls who has produced the ID to register to vote, and ballots must be prepared 45 days before an election (rather than 40) to allow remote voters to get them back to the county clerk in time. Approved by House Corporations, on General File.

SF56 – Absentee polling places (Sen. Case, R-Lander)

Clerks may set up a “satellite” polling place (besides courthouse) for early voting. Senate approved 30-0. In House Corporations.

Education

HB40 – School Finance Model recalibration (Joint Education)

Sets up a legislative task force (6 senators, 6 reps) to use consultants’ work and update school funding model. Will report to Legislature by Jan. 1. While consultants work to cost out the formula, the task force will review the “basket of goods and services,” with the input from districts, likely to reduce. Senate Education will complete work on the bill Monday. Contemplating the creation of an “advisory committee” representing various interest groups. Also wondering if this all can be done well in a few months.

HB46 – Special education funding (Joint Education)

Restores special education funding to full reimbursement, without an artificial cap. However, Senate seems ready to keep the cap, despite evidence that districts continued to deliver services as needed by students and required by law, and they had to use reserves to cover. Senate has confirmed the cap in its budget bill version, although Senate Education approved bill 5-0 and sent to floor.

SF15 – Absenteeism and truancy (Joint Education)

Amends responsibilities for enforcing school district attendance requirements. The bill has been amended to remove Child Protection Act and change offense from felony to misdemeanor. Senate amended the definitions and penalties to parents. Approved 29-1 and sent to House.

SF118 – School Finance Amendments (Joint Appropriations)

Makes changes in the resource block grants to schools to cut an expected \$2.9 million for transportation and restrict health insurance payments to cut \$5.2 million in FY21 and \$16 million in FY23. Education groups want these funding pieces to be part of recalibration, as part of complex formula. Senate passed 22-8 and sent to House.

Revenue Increase

HB47 – Local Sales and Use Tax (Joint Revenue)

Would make it easier for a county to put 5th penny tax on the ballot (requiring half of governing bodies, down from 2/3). When renewing, county can ask voters if they want it make it permanent. Senate Revenue approved 3-2, on Senate General File.

Revenue Reduction

HB231 - Coal severance tax exemption-Canadian and Mexican ports (Rep. Nicholas, R-Cheyenne)

Proposes cut in severance taxes on coal exported from ports in Canada and Mexico, in a dubious attempt to make Wyoming coal more competitive. Fiscal note: “The potential surface coal production that would qualify for this exemption in the future is unknown and cannot be estimated.” How much increased production would compensate for tax cut is equally speculative. House approved 51-8 (1 excused) and sent to Senate.

HB 243 - Oil & gas new production (Rep. Burkhardt, R-Rawlins)

Another attempt to boost profitability of drilling oil and gas wells, with a tax break of 2 percent of the total 6 percent severance tax rate for the first six months of 2020 and 1 percent for the next six months. The break stops when oil tops \$60/barrel and gas tops \$2.95/MCF (not expected). State predicted to lose \$12 million in FY 21 and again in 22. House approved 40-17 (3 excused).

SF85 – Uranium taxation rates (Sen. Boner, R-Douglas)

Sets “conditional severance tax” rate, tied to spot market uranium prices. Predicted price is less than \$30/pound 2021-2023, putting the severance tax of 0 percent, costing the state about \$56,000 next year and \$112,000 annually thereafter. Senate approved 23-7, sent to House.

House Bill 91- Economic diversification incentives for mineral exploration (Rep. Miller, R-Riverton)

Provides a severance tax credit for exploration of minerals not currently being produced in the county. Fiscal note: “In the short term, the fiscal impact, in the form of a potential severance tax revenue decrease from severance tax credits, is indeterminable. Future possible increased severance and ad valorem taxes is indeterminable.” House Approved 49-9 (2 excused), in Senate Minerals.

Revenue Increase

HB134 – Wyoming tourism account funding (Joint Appropriations)

This House bill passed the Senate 16-3 (1 conflict), so it will return to the House to consider the three amendments (out of the 13 proposed) added in the Senate. The bill would create a 5 percent statewide lodging tax. Local governments could impose their own lodging taxes, but the maximum rate would be capped at 2 percent. Counties would receive 2 percent of the revenue, proportionate to how much was collected in each county. LSO estimates it would raise about \$15.5 million a year.

Government

HB4 – Wyoming coal marketing program (Joint Minerals)

Sets up a \$1 million coal marketing program in the governor’s office. On Senate General File.

HB31 – Criminal Justice-Mental health-substance abuse program. (Joint Labor)

Requires Departments of Health and Corrections to collaborate to reduce criminal offender recidivism by improving mental health and substance use programming and funding. The House cut the funding in half, to \$324,380, and said the DOC could not include the program in its standard budget in the future. Passed Senate Labor, re-referred to Senate Appropriations.

HB62 – Senior Health Care Special District (Joint Labor)

Creates special districts, with taxing and bonding authority, to set up senior health care facilities. Senate 2nd reading.

HB118 – Second Amendment Preservation Act (Rep. Jennings, R-Sheridan)

House Judiciary tabled and then reanimated and passed a much amended and improved version of the original. You can read the version approved and sent to the House floor, as a standing committee amendment. The major feature is to authorize the attorney general to litigate if any regulation or laws have a “chilling effect” on the Second Amendment rights of law abiding citizens. Passed House 49-9 (2 excused), sent to Senate.

SF9 – Ethics and Disclosure Act Amendments (Joint Judiciary)

This would extend requirements of the state Ethics and Disclosure Act to local governments and additional state employees. Senate increased financial penalty, passed and sent to House. Failed in House Judiciary 4-5.

SF69 – Rural health care district authority (Sen. Baldwin, R-Kemmerer)

Creates authority to own and operate a nursing home. Senate passed, in House Agriculture.

HB97 – Omnibus water bill-construction (Select Water Committee)

Uses about \$95 million from various water development accounts to plan, design and build water development projects in Wyoming. Third reading in House.

HB227 – Per diem rates (Rep. Greear, R-Worland)

Increases the per diem rates for legislators from \$109 to \$151, which then will be adjusted every July 1 by the state auditor to an amount equal to the most recent standards per diem rate established by the U.S. General Services Administration for travel in Wyoming. Appropriates \$500,000 from the General Fund to the Management Council and another \$50,000 to the auditor. House Minerals.

SF70 – Government abuse, fraud and waste reporting (Sen. James, R-Rock Springs)

Sets up a reporting system in the state auditor’s office for the public to report government abuse, fraud and waste. Senate approved 25-5, sent to House.

HB127 – Prohibition of female genital mutilation (Rep. Lauresen, R-Powell)

There is more in this bill than the catch title would suggest. An exclusion on page 7 says the crime will not apply to sex assignment surgery for those over 18 years old, apparently criminalizing such surgery on younger people. House passed 58-0 (2 excused) and sent to Senate.

SF104 – Management council membership (Sen. Hicks, R-Baggs)

The bill would reduce to one the number of seats reserved for minority party members, when minority party members constitute less than 30 percent of the house of which the chairman is not a member. Senate approved on Thursday and sent to the House.

The Great Lnd Deal

HB249 and SF138 – Investment of state funds

Co-sponsors of these bills are leadership of the House and Senate and most members of their Appropriations committees. The two bills have cleared their chambers, but with enough different amendments on how the deal will happen that a conference committee is certain. The bills were last-minute entries for 2020, to investigate the purchase of about 5 million acres of surface and mineral rights mostly in southern Wyoming. Leaders assert revenue generated by the land could help fund education. Senate vote was 28-2, House was 45-12 (3 excused)

Tobacco/E-cigarettes

SF50 – Nicotine products-lawful age and penalties

This bill reflects federal law to raise the age for buying nicotine products to 21. The American Cancer Society Cancer Action Network points out problems: it doesn’t cover all tobacco products and exempts non-nicotine e-cigarettes from tobacco control laws. It focuses enforcement on youth, rather than on retailers. Favored by Big Tobacco. Passed House Revenue 8-0 (1 excused). House General File. enate.

HB73 – Nicotine products – taxation (Joint Revenue)

Adds e-cigarettes to the nicotine taxation system for the state. At the request of e-cigarette lobbyists, the House cut the proposed wholesale tax rate from 15 percent to 7.5 percent – with the beliefsome people use e-cigarettes to quit smoking. Senate Revenue further accepted e-cigarette amendment to tax e-cigarette fluid by milliliter, ignoring state health officials’ warning that it will encourage greater nicotine concentration. On Senate General File.

Constitutional Amendments

HJ1 – State Land-mineral royalties (Rep. Hallinan, R-Gillette)

Amends the Constitution so the Legislature could divert all mineral income of school trust lands from the Permanent Land Fund to a spending account. House Appropriations killed HJ1 2-7 and then resurrected and passed it. 3rd reading House Monday.

LWV opposes as a violation off the trust duty to maximize income (including fund interest) for future generations. We consider this measure as sort-sighted and a failure to find a sustainable solution.

HJ4 – Legislative sessions (Rep. Harshman, R-Casper)

Amends the Constitution remove the different requirements of the Legislature in odd and even years, including removal of the 2/3 introduction vote. 3rd reading House Monday.

(end)