

## Summary of bills of interest filed for the 2021 Wyoming Legislature as of March 1, 2021

Bill status is provided in blue italic text.

### THE BUDGET

HB1 and SF1 – Mirror bills that rewrite the 2020 biennial budget bill to reflect a precipitous drop in state revenues. Contains net appropriations cuts of \$445.9 million from the General Fund. Read the bill and complete fiscal note, posted as PDFs, on the LSO Website. These bills are expected to get initial House and Senate debate the week of March 8. Extensive 2<sup>nd</sup> and 3<sup>rd</sup> reading amendments will be listed on the bill page.

HB171 Executive branch funding restoration – Rep. Steve Harshman

Would appropriate \$30 million from the Legislative Stabilization Reserve Account (aka “rainy day account”) to the state auditor and make it available to the governor to restore cuts to the departments of Health, Family Services and Corrections to sustain social services programs. This is co-sponsored by House Majority Floor Leader Albert Sommers and Sens. Bill Landen and Jeff Wasserburger. This triples the emergency funding set by Joint Appropriations. *Awaiting introduction.*

### GOVERNMENT

HB158 Local land use planning and zoning – Rep. Steve Harshman, R-Casper

This would give primacy to enacted zoning regulations – over land use plans -- as local governments make decisions. If plans and regulations conflict, the regulations win. Sponsors include several House and Senate committee chairmen. *Awaiting introduction*

HB32 Ethics and Disclosure Act amendments – Joint Judiciary

Would expand the scope of the Act to include local governmental agencies, the judicial branch and additional executive branch employees. Would prohibit supervision of a family member. It would add “private benefit” to the type of matter for abstaining from a vote. The biggest thing this bill does is to bring judicial employees into the Act. *Awaiting introduction.*

HB36 Management Council Membership – Rep. Dan Laursen (R-Powell)

Would tie political diversity requirements to the percentage of a minority party in the Legislature (30 percent), and the at-large Senate members would be selected by a vote of all senators. The two at-large House members would still be selected by caucuses of the two major political parties. (Note that the current minority representation is 9 of 90.) *Awaiting introduction.*

HB56 Public Health Orders – Rep. Dan Laursen, R-Powell

Public health officials may issue orders that limits gatherings or close public facilities, but only for 15 days, unless the Legislature or other governing body votes to extend the orders by another 15 days. Also, quarantines are permitted only for people who actually are infected, which excludes suspected infection because of contact tracing. *Awaiting introduction.*

HB98 Public Health Orders-reforms – Rep Chuck Gray, R-Casper

Another proposed restriction on public health authority, requiring approval by the Legislature and governor to extend state or local health orders beyond 10 days. *Awaiting introduction.*

HB113 Public health orders-limitations – Rep. Steve Harshman, R-Casper  
Creates a new section of law to set requirements for a “public health order,” including a declared health emergency, limit of 30 days and ratification of local elected officials. Quarantines may be ordered for persons “reasonably believed to be or known to be infected with a contagious disease.” *Awaiting introduction.*

SF80 Public health orders-local and legislative oversight – Sen. Troy McKeown, R-Gillette  
Would require a 48-hour notice on state public health orders, allowing a county to opt out. Would limit orders to 30 days. District, county or municipal orders would be limited to 15 days and require a public comment period. *In Senate Labor.*

HB109 Local health officers-educational requirements – Rep. Hans Hunt, R-Newcastle  
In another move by legislators to regulate health officials, this bill would require health officers appointed by local health departments to be medical doctors or nurse practitioners. The bill further says the officers “shall assist the state department of health in carrying out the provisions of all health and sanitary laws and regulations of the state.” *Awaiting introduction.*

HB127 Public Health Amendments – Speaker Eric Barlow, R-Gillette  
The limits proposed in this bill would require governing officials (county, municipal, health district, governor) to approve any restrictive orders by health officials beyond 10 days. The governor would appoint (and could dismiss) the state health officer. Co-sponsored by an impressive list of House and Senate leadership. *Awaiting introduction.*

HB59 Public Health Emergencies – Joint Travel  
Would grant immunity from civil liability for anyone who – by a legal activity -- causes anyone else to be exposed to or to contract a disease defined as a “public health emergency.” A proposed committee amendment would exclude act of gross negligence or wanton misconduct from immunity. *On General File*

HB110 Wyoming business council-promotion of low taxes – Rep. Chuck Gray, R-Casper  
Assigns the Business Council the additional duty of promoting the attractiveness of Wyoming as a place with low taxes. Does not provide direction to include information about concurrent limited services. *Awaiting introduction.*

HB114 Property tax assessment – Rep. Steve Harshman, R-Casper  
Would make the office of county assessor appointed, instead of elected, with a requirement of being a certified real estate appraiser. ALSO would limit the annual increase in taxable value of the category “all other property” to a maximum 50 percent, absent property improvements. *In House Revenue.*

SF16 Net Metering – Joint Corporations  
Would overhaul Wyoming’s laws for rooftop solar and backyard wind by repealing the current statutes for net-metering, which involves payback for customer-generated energy. SF16 would

eliminate the guarantee that customers could hook up their solar system to the grid and receive “credit” for the power they generate. It also tells the Public Service Commission to establish an “appropriate system” to regulate rates, terms and conditions of customer-generators by electric utilities. *Passed Senate, sent to House.*

#### SF17 Governmental Publications Requirements – Joint Corporations

Would let government agencies post notices on an official Website, in lieu of a newspaper. Debate centers on whether loss of print distribution (and possible failure of certain newspapers) is worth the money saved by local governments on legal notices. *On Senate General File.*

#### SF19 Public health emergencies-immunity amendments – Joint Judiciary

Would extend civil liability immunity to persons or entities who were complying with health orders, during a declared public health emergency. This immunity is much more narrowly drawn than the “free pass” proposed in the House bill by Rep. Laursen. *On Senate General File.* Check out proposed amendments, which would further narrow and add lots of definitions.

#### SF30 Pandemic Response Review Team – Joint Corporations

Would set up a task force with reps from local government, business, health, education, tribes and legislators to review protocol for health orders and come up recommendations to improve the state’s response to future pandemics. *In Senate Corporations.*

#### SF46 Air ambulance membership-regulation and disclosures – Sen. Cale Case

Would impose consumer information requirements for air ambulance membership plans, clarifying to people buying the plans exactly what they’re getting, that it is NOT insurance and there is no regulation of the companies offering the plans. *In Senate Corporations.*

#### SF65 Government waste, fraud and abuse – Sen. Tom James, R-Rock Springs

Would set up what the sponsors say would be a reporting system within the Department of Audit for governmental waste, fraud and abuse. Provides for penalties to government employees. Fiscal impact: indeterminate extra duty with administrative costs. *In Senate Appropriations.*

HB117 Repeal gun free zones and preemption amendments-3 – Rep. Robert Wharff, R-Evanston Creates the “Wyoming Repeal Gun Free Zones Act.” Would let people carry concealed weapons at government meetings (including the Legislature) and at any public school. No school or private business could restrict firearms on their property. Only the Legislature could regulate guns. (See SF67.) *Awaiting introduction.*

#### SF67 Repeal gun free zones and preemption amendments – Sen. Ogden Driskill

Would repeal gun free zones, provide for carrying concealed weapons and “clarify” that only the state Legislature may regulate firearms. *In Senate Judiciary.*

#### HB124 Second Amendment Preservation Act-2 – Rep. Dan Laursen, R- Powell

Further fighting the threats (?) on gun rights in Wyoming, this includes a loooong preamble about how the states have authority to regulate guns and any tax or restriction of any kind is considered “chilling” and grounds for a court challenge. It also disqualifies from employment any law enforcement person who tries to enforce a federal gun restriction. *Awaiting introduction.*

SF81 Second Amendment Preservation Act – Sen. Anthony Bouchard, R-Cheyenne  
 Would invalidate federal restrictions on gun ownership, citing the 10<sup>th</sup> Amendment. This reprises a House bill from last year that was so unworkable that it died under its own weight. It was amended extensively, and supporters withdrew. *In Senate Judiciary.*

SF86 Attorney General elected – Sen. Anthony Bouchard, R-Cheyenne  
 Would create the elected office of attorney general, with a four-year term, starting next year. Would not change the boards and commissions populated by the “top five elected officials.” *In Senate Corporations.*

SF95 Election of state health officer – Sen. Anthony Bouchard, R-Cheyenne  
 Would provide for election and recall of the state health officer, who now is an employee of the Wyoming Department of Health, starting in 2022. *Awaiting introduction.*

HB126 Public building art mandate-repeal – Rep. Marshall Burt, L-Green River  
 Would repeal requirements that public buildings include public art. LSO reports no fiscal or personnel impact. *Awaiting introduction.*

HB134 Human heartbeat protection act – Rep. Chuck Gray, R-Casper  
 Would prohibit abortions after the embryo or fetus has a detectable heartbeat. *Awaiting introduction.*

## **EDUCATION**

HB61 School Finance Recalibration – Select Recalibration Committee  
 Frustrated by the inability to find disproportional or inappropriate budgeting by school districts – and facing a revenue shortfall -- the select committee decided to compute the funding model guarantee for each district and Would reduce it by \$100 million (proportionally, of course.) In a compromise with education advocates who argued that unbridled cutting was not the answer, the committee included a provision for a possible sales tax, if the Legislature determines that the tax revenue is necessary to meet its constitutional duty to finance a “complete and uniform” public education. Several committee members who voted for the measure indicated they expected much more debate about revenue during the 2021 session. So, stay tuned. *In House Education.*

HB129 School finance-activities funding – Rep. Cyrus Western, R-Sheridan  
 Would prohibit school districts from using any of its state block grant or any of its transportation reimbursement for activities. Districts could support activities with Recreation District mill levies or fees. Fiscal note estimates savings from the block grant and transportation of \$30 million in FY22, \$37.9 million in FY23 and \$38.4 million in FY24. This would effectively eliminate activities – sports, speech and debate, FFA, etc. *Awaiting introduction.*

HB81 School finance litigation – Rep. Mark Baker, R-Green River  
 Would prohibit school districts from using state funding to support litigation to challenge school funding actions by the Legislature. *In House Education.*

#### HB89 School finance amendments – Rep. Tim Hallinan, R-Gillette

Six new legislators join four veterans – none of them on the House or Senate Education committees -- to cut education expenses by about \$45 million a year by editing down several parts of the formula used to compute district guarantees. Even though they name categories of cuts, the funding still comes as a block grant, so it cuts the bottom line.

Among the cuts: eliminates instructional facilitators and cuts activities, administrative salaries and professional development. Also eliminates the (constitutionally mandated) external cost adjustment. Ignores consultants' research. *Approved by House Ed, on General File.*

#### HB154 School finance-school district reserves – Rep. Albert Sommers, R-Pinedale

Would raise the amount of reserves districts would keep in the next fiscal year to 25 percent. Prohibits using the reserves on capital expenditures. District have been asking for this flexibility as they slash budgets. *Awaiting introduction.*

#### HB164 Grand Teton National Park-transfer of state lands – Rep. Andy Schwartz, D-Jackson

The crown jewel of Wyoming's school trust lands would be sold – for cash, exchange or mineral rights -- to the federal government (sum unspecified). It is the Kelly Parcel on Gros Ventre Road, inside Grand Teton National Park. An appraisal 10 years ago was about \$50 million. Money would be deposited in the schools' permanent land fund, to generate interest and dividends for schools' spending. *Awaiting introduction.*

#### HB63 Early Childhood Education – Joint Education

Would transfer all program and staff for early childhood programs (developmental pre-schools) from the Departments of Health and Workforce Services to the Departments of Education and Family Services. This was opposed strongly by some individual early childhood programs, but the move is intended to increase accountability and efficiency. Joint Education killed the bill in the fall and then brought it back in the winter, with strong backing by the Department of Education. *In House Education.*

#### HB77 School District Reorganization – Rep. Dan Zwonitzer

Would set up a planning committee (to include representatives from all 48 school boards) to recommend a plan to create 24 total consolidated districts. This group will report to the Joint Corporations (or another standing committee) an the State Board of Education by Sept. 1, 2022. The bill clarifies the new districts may cross county lines, and some counties may have to share a district, board and superintendent. *In House Education.*

#### HB106 Wyoming education options act – Rep. Sue Wilson, R-Cheyenne

As the Legislature figures how to afford its constitutional duty to fund public education, here comes a bill to pay children to attend private school – i.e., a voucher bill – with the idea that they are “saving” districts money by attending classes somewhere else. This would add approximately 5,100 children to the state enrollment, for a cost of about \$65 million. *In House Education.*

#### SF83 Gillette college community college district – Sen. Jeff Wasserburger, R-Gillette

The Wyoming Community College Commission has approved an application by the Campbell County Commission to create a college district. With this bill, the Legislature would approve the formation and put it on the ballot for approval of the district and at least 4 mills property tax. The

new college would keep the same staff and facilities as the Gillette college campus of the Northern Wyoming Community College. *In Senate Education.*

## **ELECTIONS**

HB163 Federal congressional elections-residency – Rep. Joe MacGuire, R-Casper  
Would prevent candidates for U.S. House or Senate from Wyoming to claim residence in any other state. Closes a loophole that allows candidates to live anywhere. *Awaiting introduction.*

HB160 Election ballot order – Rep. Marshall Burt, L-Green River  
For General Election ballots, candidates for an office would be listed in alphabetical order, subject to rotation. Currently, candidates are listed as nominees of a political party, and the parties are listed in the order of how many votes they received in the previous congressional election. *Awaiting introduction.*

HB12 Bond elections - Rep. Clarence Styvar, R-Cheyenne  
Would require bond elections be held during General Elections and not Primaries. Not assigned yet. *In House Corporations.*

HB74 Elected Officials-Removal – Rep. Bear  
Would establish a mechanism to remove municipal elected officials. Sets signature gathering requirements and procedures for a recall election. Would repeal an existing recall provision. No fiscal note. *Awaiting introduction.*

HB75 Voter fraud-protection – Rep. Chuck Gray (plus 40 other reps and 15 senators)  
Once again attacking a problem that doesn't exist, this bill would require presentation of a state-issued or tribal ID at the polls. Apparently great fear grips the House and Senate to attract this number of co-sponsors, including many who know better. LWV has opposed this measure every time it is proposed as unjustified voter suppression. *Approved by House Corporations, on General File.*

## **TAXATION AND REVENUE**

HB168 Sale and use tax application – Rep. Cathy Connolly, D-Laramie  
Throws down the gauntlet to all the hand-wringing “gotta slash” legislators by proposing removal of exemptions from a long list of services, much as South Dakota has done. Would raise an estimated \$100 million a year, to be shared by the state General Fund and local governments. Stand back for the wave (tsunami?) of protests from affected interests. *Awaiting introduction.*

SF119 Investment of state permanent funds – Joint Appropriations  
Staying within the risk profile of a reference portfolio, this would allow the state to invest permanent funds 70 percent in global equities and 30 percent in domestic fixed income investments. Considered a “more modern view” of portfolio theory. Benchmarks would be set by the State Loan and Investment Board (top 5 elected). *Awaiting introduction.*

HB11 Oil and Gas production tax exemption – Joint Minerals

Would cut in half (from 6 percent to 3 percent) the severance tax rate on crude oil and gas by Wyoming statute when the average price of West Texas Intermediate oil gets as low as \$45/barrel. The exemption applies to wells drilled after Jan 1, 2021, and to renewed production from wells that were shut in before July 1, 2020. The fiscal note predicts a \$13.5 million loss to the state in fiscal 2021. *In House Minerals.*

Details:

The exemption would apply to the following production categories:

- sweet crude oil production when the immediately preceding 30-day average of the West Texas Intermediate (WTI) spot price is \$45.00/barrel or higher,
- sour crude oil production when the immediately preceding 30-day average of the Western Canadian Select (WCS) spot price is \$38.00/barrel or higher, and
- natural gas production when the immediately preceding 30-day average of the Henry Hub spot price is \$3.00/mcf or higher.

HB26 Fuel Tax – Joint Revenue

Would increase the gasoline tax from 24 cents a gallon to 33 cents per gallon.

The Department of Revenue predicts this would raise about \$60.3 million a year: \$40.2 million for the Highway Fund, \$14.1 million for county road funds, \$5.9 million for cities and towns and \$1.1 million for state parks. *In House Transportation.*

HB55 Tobacco Tax – Joint Revenue

Would increase the tax on a pack of cigarettes from 60 cents to 84 cents. It would increase the tax on an ounce of moist snuff from 60 cents to 72 cents. Expected annual revenue in fiscal 2023 and following years would be \$6.1 million to the General Fund and \$920,000 to local governments. *On House General File.*

Please note the American Cancer Society – Cancer Action Network say a tax to decrease smoking rates would have to increase by at least \$1 a pack.

SF73 Tolling authority for I-80 – Sen. Cale Case, R-Lander

Would create a highway tolling program “to finance, construct, operate and maintain Interstate 80 and accommodate the needs of the traveling public through safe, efficient, convenient and modern vehicular traffic.” The bill would authorize the Wyoming Transportation Commission to create and supervise a tolling program in the Department of Transportation (include setting rates). Development of a master plan would cost an estimated \$1 million to \$1.25 million, according to the fiscal note. *In Senate Transportation.*

HB28 Wind tax exemption-repeal – Joint Corporations

Would repeal a 3-year exemption of a tax on energy production, generating an estimated \$800,000 a year. *Awaiting introduction.*

SF30 Pandemic response review task force – Joint Corporations.

Would establish a task force of legislators, educators and reps from the Health Department and the business community to evaluate Wyoming’s ability to handle pandemics – focusing on health orders (who can issue, do they work, etc.). *In Senate Corporations.*

HB88 Data center tax exemption-Repeal – Rep. Clark Stith, R-Rock Springs

Would repeal sales and use tax exemptions for purchases by data processing servicecenters, with estimated revenue collections of \$8 million in FY22 and \$16 million in FY23, split roughly in half between the General Fund and local sources funds. *In House Revenue.*

HB94 Solar electricity generation-taxation – Rep. Albert Sommers, R-Pinedale  
Would impose a \$1/megawatt hour tax on electricity generated from solar resources. Revenue would be distributed 60 percent (\$114,000 a year) to counties where the resources are sited and 40 percent (\$76,000 a year) to the General Fund. *Awaiting introduction.*

HB99 Property tax increase limit-2 – Rep. Chuck Gray, R-Casper  
Would impose an artificial limit on the change in property “market value” computed for tax purposes to a maximum 3 percent increase per year. Fiscal note says local government and the School Foundation Account would take a hit, but it’s impossible to predict. *In House Revenue.*

HB108 Wind energy production tax – Rep. Hallinan, R-Gillette  
Would restore a \$1/megawatt hour tax to replace the one that is set to expire, with expected revenue of \$11.5 million annually for the General Fund and \$3.1 million for counties. *Awaiting introduction.*

## **HEALTH**

HB162 Medical treatment opportunity act – Rep. John Romero-Martinez, R-Cheyenne  
Under this bill, the governor and departments of Health and Insurance would analyze and report to the Joint Labor Committee on how expanding Medicaid eligibility under the ACA would be good (or bad) for Wyoming. It would authorize the governor to seek federal permission to amend Medicaid for the expansion, with a 3-month notice to the Legislature, so it would have time to meet and consider – and conceivably block – the application. The bill anticipates an expansion with limits, for instance cost-sharing and limited benefits. *Awaiting introduction.*

SF52 Insurance-mental health and substance use parity – Joint Labor  
Would ensure equal treatment by health insurance plans for mental health and substance abuse claims as for other health coverage. *On Senate General File.*

SF54 Statewide health information exchange-codification – Joint Labor  
Would codify the health information exchange set up in session laws in 2016. The Department of Health would be authorized to administer and maintain the (voluntary) sharing of information about health care costs in Wyoming. Estimated annual cost is \$200,000. *Passed Senate & House. Signed as SEAI.*

HB83 Health care cost control – Rep. Clark Stith, R-Rock Springs  
Would prohibit health care providers from charging different amounts to insured and uninsured (doesn’t mention under-insured) people in Wyoming. The bill implies providers are charging insured patients more, although sometimes big insurers can negotiate rates down.  
*In House Labor.*

HB87 Provider recruitment rant program-repeal – Joint Appropriations



Would defund a program in the Office of Rural Health, in the Wyoming Department of Health, to recruit physicians and other health care professionals, saving \$122,000 a year. *In House Appropriations.*

### **CRIMINAL JUSTICE AND COURTS**

HB46 Crime of Bestiality – Clark Stith, R-Rock Springs

Would create the misdemeanor of bestiality, defined as a sexual act with an animal, which also would include promoting or recording such an act. It exempts normal, ordinary and accepted practices of animal husbandry, artificial insemination or veterinary medicine. *Awaiting introduction.*

HB103 Journalists-privileged communication – Rep. Dan Zwonitzer, R-Cheyenne

Would make Wyoming the 40<sup>th</sup> state with a so-called “shield law” to provide privilege for journalists who refuse to disclose sources of information in a news-gathering capacity, protecting them from being held in contempt by a court or grand jury. *In House Judiciary.*

### **CONSTITUTIONAL AMENDMENTS & RESOLUTIONS**

SJR1 Taxes to voters – Sen. Tom James, R-Rock Springs

Would amend the Wyoming Constitution to require voter approval for taxes. *In Senate Revenue.*

HJ3 State lands mineral royalties – Rep. Tim Hallinan, R-Gillette

Would amend the Wyoming Constitution to let the Legislature take 2/3 of the mineral income from school trust lands and put it in a spending account for six years. Currently, the state must put 2/3 into a permanent fund, which then generates revenue for spending. This would reduce that saving requirement to 1/3. *House Revenue approved, on General File.*

HJ4 Recall of state elected officials – Rep. John Bear, R-Gillette

Would amend the Wyoming Constitution to authorize recall of elected public officials. *Awaiting introduction.*

HJ1 Traumatic brain injury and post traumatic stress treatments – Joint Transportation

Resolution asking Congress and the Veterans’ Administration to act to improve treatment of TBI and PTSD. *Passed House and Senate, signed as HEJR1.*

HJ2 Board of Medicine-Improper enforcement actions – Rep. John Bear, R-Gillette

This resolution disapproves of the Board of Medicine’s statement on COVID-19 prescribing and conservation of health resources and requesting its withdrawal and rescission. Contends the statement violates the right of people to make their own health care decisions, contained in the Wyoming Constitution. If the board fails to reverse the statement, the Legislature will take action to preserve the rights of the people. *Awaiting introduction.*

HJ5 Protecting Wyoming citizens’ voices – Rep. Shelly Duncan, R-Lingle

This resolution urges Congress “to propose a constitutional amendment allowing Congress and state to regulate political spending to ensure free and fair elections and to empower the voices of Wyoming human citizens.” *Awaiting introduction.*

In the past, the Wyoming Legislature has defeated (and LWV has opposed) proposals for a constitutional convention to fix the free fire zone that was created for campaign spending by the Supreme Court's *Citizens United v. FEC* decision in 2010, where money was declared to be "speech," and corporations were declared to be "people."

This resolution asks Congress to approve an amendment (by 2/3 vote) and submit it to a 3/4 approval by state legislatures.

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