



Legislative Briefing
April 4, 2021

The following bills are awaiting concurrence.

WY - HB127 Public health amendments.

Requires the Governor to appoint the State Health Officer, who shall be responsible to both the Director of the Department of Health and the Governor - both of whom can remove the State Health Officer. Additionally, any order issued that restricts individuals' movements or their ability to engage in any activity, that applies to individuals not under an isolation or quarantine order and that is designed to prevent or limit the transmission of a contagious or possibly contagious disease shall be effective for a period of not more than ten (10) days. Subsequent orders, including order extensions, for the same or substantially same purpose shall only be issued by the governor for any duration, with consultation provided by the state health officer.

MONITOR

Last Action: S Passed 19-10-1-0-0 (April 2, 2021) – Awaiting Concurrence from House

Primary Sponsor: Barlow

WY - HB173 School finance funding-2.

AN ACT relating to school finance; implementing modifications to the Wyoming education resource block grant model; codifying previously uncodified law; amending provisions governing the distribution of investment earnings; amending provisions governing the distribution of severance taxes; implementing a sales and use tax for school finance; providing for distribution of the taxes; amending related provisions; repealing conflicting provisions. Note: The half-cent sales tax was removed in the Senate.

MONITOR

Last Action: S Passed 22-5-3-0-0 (April 2, 2021) – Awaiting Concurrence from House

Primary Sponsor: H Education

WY - SF152 Connection of utility services.

Stipulates that no city, town, or county shall enact or implement any ordinance, resolution or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an electric, natural gas or propane utility service provided by a public utility.

MONITOR

Last Action: H Passed 50-9-1-0-0 (April 2, 2021) Awaiting Concurrence from Senate

Primary Sponsor: Dockstader

The following bills passed this session.

WY - HB7 Air ambulance membership organizations-regulation.

A bill amending the definition of disability insurance; specifying that the regulation of air ambulance membership organizations and their memberships and plans is not insurance; establishing registration requirements and regulatory standards for air ambulance membership organizations.

Establishes that an "air ambulance membership organization" means an entity that in exchange for fees, dues, charges, or other consideration provides discounts for its cost of services or discounts for the cost of services provided by another air ambulance service company. Note: Air ambulance membership organizations provide services that are important to Wyoming's rural communities. Bill amended significantly to provide consumer protections and passed committee 8-1.

MONITOR

Last Action: Assigned Number HEA No. 0075 (April 2, 2021)

Primary Sponsor: Minerals

WY - HB10 COVID-19 large business relief program.

The bill establishes the COVID-19 large business relief program to support larger businesses who continued to operate during the pandemic. This is a fund applies to businesses who paid one million dollars in 2019 for taxes assessed on real property owned by the eligible business in the state of Wyoming; or \$10 million dollars in gross payroll in 2019 to the business's employees employed in Wyoming. Have a principal operation located in Wyoming; and on March 31, 2020, employed in Wyoming not less than one hundred (100) full-time employees whose work was principally performed in Wyoming. The fund will be administered by the Wyoming Business Council and allows stipends for payroll costs, business supplies, business equipment, other business equipment. Establishes rules for application and appropriates \$10 million.

SUPPORT

Last Action: S President Signed HEA No. 0055 (April 1, 2021)

Primary Sponsor: Minerals

WY - HB91 Removal of unenforceable property covenants.

Establishes procedures for removing unenforceable restrictive covenants for real property.

SUPPORT

Last Action: H Speaker Signed HEA No. 0032 (March 30, 2021)

Primary Sponsor: Duncan

WY - HB156 Twenty-four-hour wine permits.

Establishes a twenty-four-hour permit for winery permit holders to sell their manufactured wine off-premises.

SUPPORT

Last Action: 4/2/2021 S President Signed HEA No. 0076 (April 2, 2021)

Primary Sponsor: Sherwood

WY - SF19 Public health emergencies-immunity amendments. PRIORITY BILL

The bill provides protections for business in the form of immunity for civil liability for actions and omissions during public health emergencies.

SUPPORT

Last Action: S President Signed SEA No. 0057 (April 2, 2021)

Primary Sponsor: Judiciary

The following bills have failed this session.

WY - HB11 Oil and gas production tax exemption. Bill Failed

Providing an exemption on taxes to produce crude oil and natural gas based on a threshold based on the West Texas Intermediate spot price. Limits the exemption for a 12-month period. The bill stipulates criteria and rules.

SUPPORT

Last Action: H No report prior to COW Cutoff (March 23, 2021)

Primary Sponsor: Minerals

WY - HB26 Fuel tax. Bill Failed

Increases fuel tax by 9 cents per gallon, to be implemented at 3 cents a gallon per year for three years. All monies allocated directly to WYDOT. Fuel tax is a user fee based on use and position will be dependent on funds remaining dedicated to roads and diverted to other accounts.

SUPPORT

Last Action: H COW: H Did not consider for COW (March 22, 2021)

Primary Sponsor: Revenue

WY - HB40 Industrial siting revisions. Bill Failed

We are monitoring this bill to determine its impact to industrial projects statewide and will oppose any initiatives that make the siting of new industrial projects more cumbersome. The Industrial Siting Act applies to facilities with an estimated construction cost of \$227.7 million or more as well as wind energy projects with 20 more towers in all phases and solar projects with a rated power capacity of 30 megawatts or more or those with a surface disturbance of 100 or more acres across all phases.

MONITOR

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Heiner

WY - HB59 Public health emergencies-immunity amendments 3. **Bill Failed**

The bill offers retroactive protections for businesses in the form of immunity from civil liability for actions and omissions during public health emergencies.

SUPPORT

Last Action: H COW: H Did not consider for COW (March 22, 2021)

Primary Sponsor: Travel

WY - HB88 Data center tax exemption-repeal. **Bill Failed**

Repeals sales and use tax exemptions for purchases made by data processing services centers. The bill failed on a 6-3 vote. The testimony on the bill was compelling for the local economic impact benefits of data centers with an offset of sales and property tax gains against the amount the state sales tax surrendered.

Representatives Henderson, Sweeney, Jennings, Hallinen, Yin and Gray voted no.

OPPOSE

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Stith

WY - HB94 Solar electricity generation-taxation. **Bill Failed**

Levies an excise tax on the production of electricity from solar at the same rate that is levied against the production of electricity from wind.

MONITOR

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Sommers

WY - HB108 Wind energy production tax. **Bill Failed**

Doubles the tax assessment on wind energy development from \$1/MW hour to \$2/MW hour with the second dollar allocated to the General Fund and repeals the three-year tax exemption on production. The anticipated revenue increase is \$5.2 million in year 1 and \$11.5 million in each year thereafter to the general fund and \$1.3 million to counties in year 1 and \$3.1 million each year after.

MONITOR

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Hallinan

WY - HB128 County option real estate transfer tax. **Bill Failed**

Creates statutes that will allow a county-by-county implementation of a real estate transfer tax. The proposal requires approval by eligible voters and sets out provisions for the requirements of approval.

MONITOR

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Schwartz

WY - HB170 Wyoming economic development zones. **Bill Failed**

The Business Council, in consultation with local economic development organizations, chambers of commerce and other state agencies as deemed appropriate by the council, shall designate not less than five (5) Wyoming economic development zones for the purpose of economic development, developing a trained, competitive workforce and the revitalization of economically distressed areas within Wyoming.

SUPPORT

Last Action: S 3rd Reading: Failed 6-22-2-0-0 (April 2, 2021)

Primary Sponsor: Henderson

WY - HB174 Local government sales and use taxes. **Bill Failed**

Revises administration of sales tax for local communities; makes the 5th penny general purpose on a permanent basis; makes 6th penny specific purpose with authority to Commissioners to assess; assesses a 7th penny for education; creates an option for an 8th penny for special purpose - the county has first right of refusal and then a municipality can utilize with the issues determined by a ballot initiative regardless of purpose or who is using it. This is also where the economic development penny is as well, so it will be competitive.

MONITOR

Last Action: H 3rd Reading: Failed 10-50-0-0-0 (March 23, 2021)

Primary Sponsor: H Education

WY - HB196 Workplace transparency act. **Bill Failed**

AN ACT relating to labor and employment; specifying employer actions which constitute an unfair employment practice; prohibiting an employer from barring an employee from disclosing wage information; prohibiting an employer from requiring an employee to waive wage disclosure rights; prohibiting an employer from discriminating against an employee as specified.

MONITOR

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Connolly

WY - HB211 Property taxes. **Bill Failed**

Creates an incremental tax increase for industrial and "other property classes" which include residential, commercial and agriculture, based on existing assessment structures. Industrial raises from 11.5% to 11.75% starting January 1, 2022; raises to 12% starting January 1, 2023; raises to 12.25% starting January 1, 2024 and increases to 12.5% starting January 1, 2025 and thereafter. All other property, real and personal raises from

9.5% to 9.75% starting January 1, 2022; raises to 10% starting January 1, 2023; raises to 10.25% starting January 1, 2024 and increases to 10.5% starting January 1, 2025 and thereafter.

SUPPORT WITH AMENDMENTS

Last Action: H No report prior to COW Cutoff (March 23, 2021)

Primary Sponsor: Henderson

WY - HB218 Bias motivated crime. **Bill Failed with Recommendation for Interim Study**

AN ACT relating to bias-motivated crimes; creating additional elements for bias-motivated crimes; creating enhanced penalties for bias-motivated crimes; providing that the court shall consider whether a crime is bias-motivated during sentencing; creating a civil cause of action; providing for antibias training of peace officers as specified; requiring reports; and providing for an effective date.

MONITOR

Last Action: H No report prior to COW Cutoff (March 23, 2021)

Primary Sponsor: Sweeney

WY - SF4 Airport districts. **Bill Failed**

The bill allows counties and municipalities to establish airport districts by resolution. Any taxes proposed to support airport districts will require voters to approve the measure. The bill offers a tool for revenue generation to support airports in local communities.

SUPPORT

Last Action: H 3rd Reading: Failed 30-30-0-0-0 (April 1, 2021)

Primary Sponsor: Transportation

WY - SF30 Pandemic response review task force. **Bill Failed**

Creates a pandemic response review task force to develop legislative recommendations to improve the state's response to future pandemics and other disease outbreaks. The task force shall report its findings and any recommendations to the joint labor, health and social services interim committee, the joint corporations, elections, and political subdivisions interim committee and the governor on or before July 1, 2022. Includes an appropriation of \$10,000. While review task forces are not generally popular, the Committee agreed on a 5-0 vote that the pandemic review process would be extremely helpful.

SUPPORT

Last Action: H 3rd Reading: Failed 25-35-0-0-0 (March 26, 2021)

Primary Sponsor: Corporations

WY - SF46 Air ambulance memberships-regulation and disclosures. **Bill Failed**

A bill amending the definition of disability insurance; specifying that the regulation of air ambulance membership organizations and their memberships and plans is not insurance; establishing registration

requirements and regulatory standards for air ambulance membership organizations. Establishes that an "air ambulance membership organization" means an entity that in exchange for fees, dues, charges, or other consideration provides discounts for its cost of services or discounts for the cost of services provided by another air ambulance service company.

MONITOR

Last Action: S No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Case

WY - SF64 Local government distributions-revisions-2. **Bill Failed**

Reduces an allocation from the legislative stabilization reserve account from \$105 million to \$99.75 million to the Office of State Lands and Investments. \$52.5 million shall be available in the first fiscal year of the biennium and \$47.25 million shall be available in the second fiscal year of the biennium.

MONITOR

Last Action: H COW:H Did not consider prior to cutoff

Primary Sponsor: Appropriations

WY - SF99 Unfair employment practices-offsite lawful activities. **Bill Failed**

Stipulates that it is discriminatory and creates unfair employment practices for an employer to restrict an employee's ability to participate or terminate the employment of any employee because of the employee's engagement or participation in any lawful activity during non-working hours that occurs off the employer's premises unless the restriction: (A) Relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of a particular employee or group of employees rather than all employees of the employer; or (B) Is necessary to avoid a conflict of interest or the appearance of a conflict of interest with any responsibilities to the employer.

MONITOR

Last Action: S COW: Failed 10-19-1-0-0 (March 11, 2021)

Primary Sponsor: Ellis

WY - SF103 Resident and nonresident hunting license issuance and fees. **Bill Failed**

Modifies provisions governing resident and nonresident hunters; modifies resident and nonresident license reservations; increases resident and nonresident fees as specified; repeals nonresident license reservation requirements for elk, deer, and antelope.

OPPOSE

Last Action: S No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Hicks

[WY - SF125](#) Consumer merchandise-sale, marketing and use protection. **Bill Failed**

AN ACT relating to counties, cities, and towns; prohibiting counties, cities and towns from enacting and enforcing ordinances and regulations relating to the sale, use or marketing of consumer merchandise; providing definitions; specifying applicability.

MONITOR

Last Action: S COW: Failed 11-15-2-0-2 (March 17, 2021)

Primary Sponsor: Cooper

[WY - SF131](#) Workplace transparency act-2. **Bill Failed**

Expands the list of what constitutes discriminatory and unfair employment practices for employers with more than 50 employees. Defines employer actions that constitute unfair employment practices; prohibits an employer from barring an employee from disclosing wage information; prohibits an employer from requiring an employee to waive wage disclosure rights; prohibits an employer from seeking or relying on salary history information of a prospective employee.

MONITOR

Last Action: S No report prior to COW Cutoff (March 19, 2021)

Primary Sponsor: Salazar

[WY - SF134](#) Lodging tax-exemption for residents. **Bill Failed**

AN ACT relating to administration of the government; prohibiting the state from disclosing nonprofit affiliation information as specified; creating a misdemeanor; specifying penalties; prohibiting the state from requiring reporting from nonprofit organizations as specified; and providing for an effective date. Provides an exemption for sales of lodging services to residents of Wyoming.

MONITOR

Last Action: S No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: French

[WY - SF144](#) Public funds-lobbying. **Bill Failed**

Expands the prohibition on the use of tax revenue for lobbying to include individuals who receive revenue from any Wyoming tax. The previous language included public officials, public members, or public employees. The intent of this bill is not known, but we will work to get clarification on the implications of a sole proprietorship serving as a vendor to a government entity that utilizes tax revenue to pay vendors.

MONITOR

Last Action: S No report prior to COW Cutoff (March 19, 2021)

Primary Sponsor: Biteman