

## Weekly Report - January 22, 2021

*In its first week of committee meetings, the Wyoming Legislature addressed around 85 legislative proposals. All bills considered were Committee bills that had been discussed and worked over the past legislative interim period. With new legislators taking seats in January, Committee assignments have changed and the bills are required to undergo official consideration in this session before they can advance.*

### Bills of note include:

- Measures to create immunity from civil liability for actions and omissions during public health emergencies; these provisions are intended to protect businesses who might face allegations that they did not act in good faith to protect others during the pandemic. If the legislation is passed, the immunity provisions will be afforded to those who were in substantial compliance or were consistent with federal, state, county or municipal requirements. See [HB59](#) and [SF19](#).
- [SF04](#) will allow counties to create airport districts by passing a resolution. The bill offers a mechanism for local communities to generate revenue for their airports, but before taxes can be levied, local voters will need to approve the tax. The tax measures would be passed in a manner similar to other local bond initiatives.
- A measure to increase tobacco taxes passed out of committee. [HB55](#) would increase tobacco taxes for the first time since 2003 if it is passed this session.
- Bills are moving through the system to **reduce funding for local governments** from \$105 million to \$99.75 million. The reduction will impact funds available for local government infrastructure programs.

This week's bill list is below:

### [WY - HB2](#) School buildings and facilities study.

MONITOR: Requires a study on the suitability, capacity and condition of school buildings and facilities; authorizing contracting with a consultant; requiring reporting; providing an appropriation; and providing for an effective date.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Sel Sch Fac

### [WY - HB7](#) Air ambulance membership organizations-regulation.

MONITOR: 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.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Minerals

### [WY - HB8](#) Consumer credit amendments.

MONITOR: The bill offers an update to consumer credit provisions governing supervised loads to modernize and clean up statutes, consolidating two sections of the statutes into one section and ensuring language is conforming. The proposal authorizes sales finance activities for specified licensees; provides for refunds upon termination of consumer credit sales and loans; exempts supervised financial institutions

from specified notification and fee requirements; provides payoff calculations by assignees; amends the scope and applicability of the Wyoming Uniform Consumer Credit Code; makes conforming amendments; repeals obsolete provisions; authorizing rulemaking;  
Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Minerals

**WY - HB10** COVID-19 large business relief program.

SUPPORT: 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.

Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Minerals

**WY - HB11** Oil and gas production tax exemption.

SUPPORT: Providing an exemption on taxes for the production of 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.

Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Minerals

**WY - HB12** Bond elections.

MONITOR: Stipulates that bond elections may only be held during general elections  
Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Styvar

**WY - HB26** Fuel tax.

SUPPORT: 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.

Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Revenue

**WY - HB28** Wind tax exemption-repeal.

MONITOR: The proposal repeals a three-year tax exemption on energy production from wind, a provision that has helped make the state's wind industry more viable.

Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Corporations

**WY - HB32** Ethics and Disclosure Act amendments.

MONITOR: This bill amends the Ethics and Disclosure Act to expand the scope of the act to include local government entities, the judicial branch and additional state employees. Among other things, the bill expands the definition of "public employee" to include any employee of a governmental entity in Wyoming, including state, local, and county employees.

Last Action: H Received for Introduction (January 12, 2021)  
Primary Sponsor: Judiciary

**WY - HB33** Interference with public contracting.

MONITOR: This bill establishes criminal offenses and penalties related to interference with public contracts, including prohibitions against bid rigging, bid rotating, acquiring or disclosing certain bidding information, interfering with contract submission and award, bribery of officials pertaining to public

contracts, and kickbacks. The bill is being monitored to ensure it does not create burdens that interfere with the timely bidding of projects.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Judiciary

#### **WY - HB37** Road usage charge.

MONITOR: This bill establishes a road usage charge (RUC) and the program to administer the charge. A road usage charge is a per mile charge for vehicle use on Wyoming highways, which deviates from the existing per gallon charge for fuel. The funds from road usage charges would be distributed in the same manner as fuel taxes. The bill provides for WYDOT rulemaking, reporting and recommendations, and allows participation in regional or national RUC programs. The provision also allows for an inflationary increase of rates every three years. RUC's are trending as an option to help maintain roads, especially as fuel tax collections decrease with fuel-efficient vehicles that pay less tax but continue to utilize and cause wear on roads.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Transportation

#### **WY - HB40** Industrial siting revisions.

MONITOR/POTENTIALLY OPPOSE: 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.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Heiner

#### **WY - HB50** Local government distributions-revisions.

MONITOR: Reduces the appropriate from the legislative stabilization reserve account for local cities, towns and communities from \$105 million to \$99.7 million; \$52.5 million will be available in first fiscal year of the biennium and \$47.25 million will be available in the second biennium.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Appropriations

#### **WY - HB55** Tobacco tax.

SUPPORT is based on principles supporting increases in user fees. The bill proposes increasing the cigarette tax from \$0.03 to \$0.042 and the snuff tax from \$0.60 to \$0.72. It should be noted the tobacco tax has not been increased since 2003.

The bill passed the House Revenue Committee on a 6-3 vote and will move to General File.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Revenue

#### **WY - HB56** Public health orders-2.

OPPOSE: The bill establishes limitations of authority for public health orders, including the duration of public health orders, the closure of facilities, requirements for self isolation and quarantine unless ratified by both the legislature and the local governing body supervising the local health officer. The proposal appears to create cumbersome processes for health officers who may need to act quickly to protect citizens of the state.

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Laursen

#### **WY - HB59** Public health emergencies-immunity amendments 3.

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

Last Action: H Received for Introduction (January 12, 2021)

Primary Sponsor: Travel  
Amendments: [HB0059HS001](#)

**WY - HB67** Geothermal energy review.

MONITOR: The bill creates a task force on geothermal energy tasked with reviewing the potential development of geothermal energy for residential, commercial and industrial use in Wyoming. The bill includes a \$7,000 appropriation and the report is due November 1, 2021.

Last Action: H Received for Introduction (January 21, 2021)

Primary Sponsor: Harshman

**WY - SF3** Automated vehicle identification systems.

MONITOR: The bill authorizes the use of an automated vehicle identification system to support the enforcement of fines for traffic violations, specifically speed and weight limits. The system records data and a photograph of the vehicle, the operator of the vehicle and the license plate of the vehicle, similar to systems used on school buses to record violations in the proximity of the bus. The intent is to protect contractors or employees in school or construction zones.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Transportation

**WY - SF4** Airport districts.

SUPPORT: 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.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Transportation

**WY - SF6** Public works contracting requirements-amendments.

MONITOR: This bill would amend certain requirements for public works contracting. The bill requires a public entity to specify performance standards for materials and equipment, specifies requirements for allowing substitutions, requires a public entity to accept a bidder as pre-qualified if they meet requirements set by rule, prohibits rejection based on financial strength of the bidder so long as sufficient bonds are secured, and prohibits unbalanced bids.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Judiciary

**WY - SF10** Department of transportation-statutory amendments.

MONITOR: The bill results from an interim study to review and make updates to WYDOT statutes. One provision relates to highway closures and establishment of alternate routes as well as approval from WYDOT for highway closures. The requirement has implications for closures related to community events.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Transportation

**WY - SF17** Governmental publication requirements.

MONITOR: This bill would amend publication requirements for cities, towns, counties and school districts. Cities, towns and counties would no longer be required to publish meeting minutes of their governing bodies in newspapers. Instead, cities, towns and counties would be required to post and maintain this information online. This includes the publication of salaries. The measure is expected to offer a considerable cost savings for local public entities.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Corporations

**WY - SF19** Public health emergencies-immunity amendments.

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

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Judiciary

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

MONITOR: 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 appropriate of \$10,000.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Corporations

**WY - SF36** For-profit public benefit corporations.

MONITOR: Provides for for-profit public benefit corporations; providing definitions; specifying requirements and applicability; imposing duties on boards of directors.

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: BlockChain/Technology

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

MONITOR: Companion bill to HB7

Last Action: S Received for Introduction (January 12, 2021)

Primary Sponsor: Case

**WY - SF61** Amortization of sales and use tax.

MONITOR: Provides for amortized payments of sales and use taxes for projects with expenditures expected to exceed \$5 million over the first two years of construction and operations. Allows for a lien process to recoup funds if necessary.

Last Action: Bill Number Assigned (January 12, 2021)

Primary Sponsor: Minerals

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

MONITOR: 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.

Last Action: Bill Number Assigned (January 12, 2021)

Primary Sponsor: Appropriations

Amendments: [SF0064SS001](#)