



### **WEEK 3 AT THE CAPITOL**

Week 3 at the Capitol continued with the introduction of additional new bills. As of the writing of this report, 273 House Bills, 162 Senate Files, 10 House Joint Resolutions and 11 Senate Joint Resolutions have been introduced. We expect the number of bills to continue to grow until January 29 which is the last day for the House to submit bills; the Senates deadline was January 24.

The WAM Website [www.wyomuni.org](http://www.wyomuni.org) contains information on all the bills we are tracking and identifies bills that directly and indirectly relate to WAM. The following is a summary of several of the most important bills WAM is tracking. Please note these are not all the bills we are following, but the ones that most directly affect our members. As noted, the full legislative summaries and bill status are on the WAM website.

#### House Joint Resolution HJ02

HJ02 is a joint resolution that would modify the Wyoming Constitution to remove the constitutional 4% limitation on debt for sewage disposal systems and replace it with a limit to be established by Wyoming voters. If approved, this issue would be placed on the statewide ballot in November 2020. This bill passed the House is awaiting action in the Senate. WAM supports this bill.

#### House Bill 66 - Statewide Lodging Tax

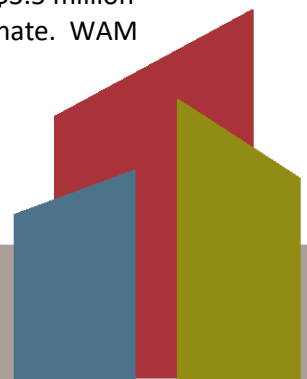
This bill would impose a 5% statewide lodging tax on short term lodging. Of this amount, 3% would be used to fund the Department of Tourism (effectively taking it out of the state general fund), and 2% would be distributed to the local governments. This bill passed the House this past week by a wide margin and is awaiting action in the Senate. WAM supports this bill.

#### House Bill 67 – Sales Tax Modifications

This bill would reduce the state sales tax by .5% and eliminate a number of sales tax exemptions. On January 22y, the House Appropriations Committee tabled this bill until further notice. Discussion/rumor around the capital is that it is going to come back with only the food exemption removed. It is WAM's understanding that there will be a means testing for lower income people that will allow them to be exempted from the tax. As noted, there is no official comment on this, but rather comments from some legislators involved in the revenue and appropriation process. WAM is monitoring this bill.

#### House Bill 69 – Marketplace Facilitators

This bill would effectively tax internet sales. As noted last week, it is estimated to generate \$3.5 million for local governments in FY 2020. This bill passed the House and is awaiting action in the Senate. WAM supports this bill.





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#### House Bill 81 – Omnibus Water Bill - Planning

HB 81 funds a number of water projects around the state. The bill appropriates \$6.4 million from the Water Development Funds for planning of water projects around the state. Project details can be found in the bill. WAM supports this bill.

#### House Bill 93 – Tourism Improvement District

This bill authorizes counties, cities and towns to establish tourism improvement districts to fund specified tourism and marketing activities. It would require a majority vote of those in the established district. Only tourism related businesses would be assessed fees. Fees would be assessed on these tourism businesses and used for purposes identified by the oversight authority. The district could be used in lieu of or to supplement a lodging tax revenue. WAM supports this bill.

#### House Bill 95 – Specific Purpose Tax Excess Funds (SPTE)

This bill address how excess SPET funds are to be allocated. This bill was approved by the House Corporations Committee and is awaiting action in the House. WAM supports this bill.

#### House Bill 98 – Rights of Way Communication Services

This bill authorizes the use of rights of way for communication services, (telephone, internet, broadband, etc.). The bill acknowledges a statute change that communication companies are distinct from public utilities. This bill still requires a franchise agreement and allows for the imposition of a franchise fee. This bill passed the House is awaiting action in the Senate. WAM is monitoring this bill.

#### House Bill 105 - Municipal Services Recovery Action

The bill will preempt cities and towns who provide service (water, sewer, sanitation, etc.) to collect unpaid final bills from property owners. When a renter defaults on the fees, most cities/towns in Wyoming seek payment from the property owner. This bill has been referred to the House Corporations Committee. WAM opposes this bill.

#### House Bill 126 – Revenue Recalibration Task Force

This bill establishes a task force to work in the interim. The task force is charged with recommending standards and options for developing “a fair, viable and economically competitive state and local tax structure capable of generating sufficient revenues to meet the state's future, expected needs”. The task force is directed to review the Tax Reform 2000 committee report. This bill has been introduced and waiting to be assigned to a committee. If the bill is introduced WAM will propose that a member of the task force represent municipalities. WAM supports this bill.





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#### House Bill 138 – Sales Tax payments

This bill would use the 1% collection fee that the Department of Revenue receives that is deposited in the General Fund for administrating sales tax collections to create a reserve account of \$5 million. This new account would be used to repay cities, towns and counties when sales tax payments have been made to an incorrect entity. This bill was prompted by an incorrect payment to Natrona County and municipalities with in the county when it was due to Sweetwater County and municipalities within that county. All local governments that received the incorrect payments were required to repay the incorrect payment. The bill died in the House Revenue Committee. WAM supported the bill.

#### House Bill 146 – Local Government Publication Requirements

This bill modifies the publication requirements for local governments. It continues to require the publication of the salaries of public officials, but no longer requires that names of the officials be published. This passed House Corporations and is awaiting action in the House. WAM supports this bill.

#### House Bill 151 – Ban on Sanctuary Cities

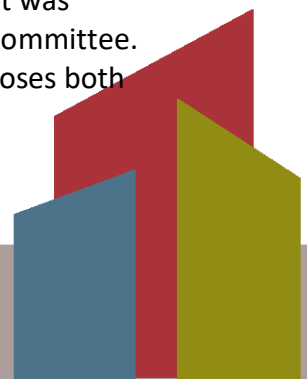
This bill prohibits the implementation of immigration sanctuary policies by cities, towns and counties. If the bill passes it would withhold federal and state funds from a local government if the local government created a sanctuary city. This bill was heard by House Corporations Committee and passed 5-4 and is awaiting action in the House. WAM opposes this bill.

#### House Bill 179 – Food Truck Bill

This bill provides for the state to be the licensure of food trucks. It authorizes a licensee to operate a food truck “within any city, town or county in the state, including public rights of way”. It restricts local governments from unduly interfering with the operation of food trucks, but does allow some limited regulation (reasonable time, place and manner) as necessary to provide for public health and safety. This bill has been introduced and referred to the House Corporations Committee. WAM opposes this bill.

#### HB 183 - Repeal of Gun Free Zones

This bill repeals the gun free zones established in previous legislation. This bill has been received for introduction but has not been assigned to a committee. It is like Senate File 75 which was not approved by the Senate Judiciary Committee this past week. An effort was made on the Senate floor to resurrect SF75 and have it assigned to another Senate Committee. After spirited debate the motion to reconsider failed 20-8 with 2 excused. WAM opposes both bills.





#### HB 188 – City and Town Zoning Protests

This bill modifies the requirements for protesting zoning changes in city or town regulations. It reduces the number of protests (from 20% to 10%) and increases the area considered immediately adjacent (from 140 feet to 200 feet). A protest would require 2/3 majority to be effective. WAM opposes this bill.

#### House Bill 196 – Local Regulation – Subdivisions

This bill would preempt Counties from establishing minimum lot sizes in family subdivisions. This bill does not affect cities and town's but is another local government preemption bill. WAM is monitoring this bill.

#### House Bill 201 – Cities and counties – publication of notices

This bill would allow cities, towns and counties to publish meeting minutes and ordinance titles on the city, town or county website instead of publishing them in the official newspaper. This bill has been introduced and referred to House Travel, Recreation and Tourism Committee. Expect a lively discussion from the Wyoming Press Association. WAM supports this bill.

#### House Bill 200 – Retail Fairness Act

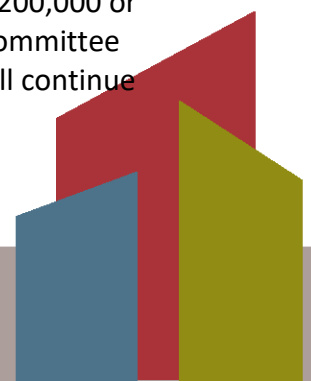
This bill would impose an income tax on out of state corporations who do business in Wyoming. These corporations are domiciled in states (i.e. Walmart, Target, etc.) that have a state corporate income tax. Income from the Wyoming business are taxed in the home state, with no revenue going to Wyoming. This bill would require taxes be paid to Wyoming where the businesses conduct business in other states. This bill has passed 2<sup>nd</sup> reading in the House. This bill is expected to raise \$45 million in revenue and would go the School Foundation Fund. WAM supports this bill.

#### HB-206 - Video Skill Games.

This bill would allow establishments with liquor licenses and truck stops to install and operate video skill games. Each location could have up to 5 machines (amended to 2 this past week). The program would be administrated by the State Liquor Division. It is estimated that local governments would receive \$500,00 annually as provided by the vide skill game industry. Local governments cannot prohibit these machines anywhere in their community. Law enforcement lobby is strongly opposed to this bill. WAM is monitoring this bill.

#### House Bill 233 – State Income Tax

This bill would establish a statewide income tax for those with a taxable income of \$200,000 or more annually for individuals and businesses. It was heard by the House Revenue Committee this past week and died in the committee for lack of second to the motion. WAM will continue to monitor this bill if an effort is made for reconsideration.





#### SF 20 – Surface Drainage Systems

This bill grants cities and towns the authority to fund surface water drainage systems by service charges. This bill effectively allows a city or town to establish an enterprise fund to pay for storm water improvements. The bill was approved by the Senate Corporation Committee and was also approved by the Senate Committee of the Whole on first reading this past week. WAM supports this bill.

#### SF 48 - Unemployment Compensation

This bill allows an employer to apply to the Department of Work Force Services (DWFS) to be a designated seasonal employee and not be required to pay unemployment for seasonal workers when not justified. This bill was tabled indefinitely as the Department of Work Force Services stated it would cost \$700,000 to implement a software change to manage this portion of unemployment insurance. WAM was asked if municipalities would cost share in the estimated \$700,000, and responded no. WAM has worked on this topic for 7+ years, the reason for requesting a change in statute was to save money and it would be counter intuitive to cost share, and WAM has stated that there is no reason to pay for services not provided. It is anticipated that the Senate Corporations Committee will address this bill one more time this session. WAM supports the bill, but not with the cost sharing concept.

#### SF 49 County Zoning - Schools

As note in the last update, this bill preempts the ability of counties to regulate private schools through county zoning regulations. This bill treats private school like public schools. This bill has passed the Senate and awaiting action in the House. WAM is monitoring this bill.

#### SF 57 – Public Records

This bill relates to the production of public records to include setting time limits for production, designating a public records person, provides for appeal processes, sets penalties including felonies for noncompliance to include termination of employment. The proposed bill causes numerous concerns for municipalities and many other entities. The bill has been amended to a point where we believe it is workable to include removal of severe penalties. A group of the entities drafted amendments to the bill and delivered to the Chairman of the Senate Corporations Committee that were adopted in an amended bill. WAM opposed the bill in its current form and will monitor the amended bill.

#### SF 75 - Repeal of Gun Free Zones

This bill repeals the gun free zones established in previous legislation. This bill was heard by the Senate Judiciary Committee this past week. The bill was defeated by a vote of the 3-2. An effort was made on the Senate floor to resurrect SF75 and have it assigned to another Senate



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Committee. After spirited debate the motion to reconsider failed 20-8 with 2 excused. WAM opposes this bill.

#### SF 79 - Employee Group Insurance – Local Governments

This bill allows municipal and county employees to opt into the State Health Care plan. This bill was defeated in the Senate. WAM supported the bill.

#### Senate File 88 – Fireman’s fund B

This bill reduces the amortization schedule for this fund from 40 years to 30 years. The bill proposes to increase the percentage contribution by the employer by 4% over a four-year time period. The Wyoming Retirement System states this is necessary to keep the fund adequately funded. This bill passed the Senate and is headed to the House. We have requested an amendment to would allow in the increase cost be divided between the employer and the employee. This is the method that was used when fiscal deficiencies in the General employee plan were addressed. WAM is monitoring this bill.

#### Senate File 100 – Firearms Preemption

This bill clarifies the applicability of the preemption of firearms regulation by the state as specified. WAM is monitoring this bill.

#### Tracking Bills on Line

The WAM website contains all the information about the bills and their status in the legislative process. If you prefer to see this data in the excel format, you can click the excel button and it will format the information into an excel spread sheet. A direct link can be found at

<https://wyomuni.org/follow-legislation>

If you have questions about any legislative issue, please do not hesitate to call Bob McLaurin (307) 413-3483, or Rick Kaysen at (307) 287-4218.

