

The third week of the 65<sup>th</sup> Wyoming Legislature concluded on Friday February 28th. Like the previous two weeks, it was a busy one. This week also saw many local elected officials in town for the WAM Winter Conference.

WAM had a good week with our legislative agenda. All our high priority bills kept moving forward. Apart from SF-134 Special Event Malt Beverage Permitting which we are still fighting, all other bills WAM expressly opposed this session have been defeated. Our highest priority bills (HB-47, SF-57, SF-22) have all passed their House of Origin and are being considered in the second house. The participation in the legislative process and lobbying efforts by WAM members this week were very effective. Thank you!

To see a spreadsheet that summarizes this tracking information please [click here](#). It is current as of the end of the day Friday. The following paragraphs provide a brief summary of the week's legislative activities.

### **Tracking Bills Online**

The WAM website contains information about all 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>

### **House Bill 19 – Municipal Franchise Fees**

This bill modifies the way cities and towns deal with franchise agreements and franchisees. During the interim, WAM worked with Charter, and other telecommunications companies to develop a bill that became HB-19. As noted last week, there is a dispute with Charter regarding the definition of gross revenues. The Senate Corporations Committee heard the bill last Thursday and directed WAM to continue to work with Charter to develop a definition. They laid the bill back until March 3<sup>rd</sup>. We are continuing to discuss the matter with Charter and hope to have a resolution next week.

### **House Bill 47 – Municipal Option Tax**

House Bill 47 authorizes cities and town to hold a city only sales tax election. It was developed in conjunction with the Wyoming County Commissioner's Association (WCCA). In addition to allowing for a city only sales tax election, it reduces the number of cities need to get on a sales tax ballot, from two-thirds to one-half. This bill also uses a point of sale for collection instead of the population-based distribution used in other sales and use taxes.

As currently written, the bill would authorize either a General Purpose or a Specific Purpose Excise Tax (SPET) election. Because the bill only allows a limited window for city only collections, any city only SPET question would need to reach its collection target within the collection period. It is likely that the SPET election option will come out of the bill during the Senate debate. This does not, in our opinion, adversely affect the bill.

This bill passed the House with an amendment that would restrict municipal sales tax elections to be held at a general election only. This amendment limits a city or town's ability to use this tool. The Senator Revenue Committee removed the amendment and passed the bill by a vote of 3-2. The bill is on General File and will be considered by the Senate on Monday March 2<sup>nd</sup>.

### **House Bill 93 – Increasing Maximum Claim Amount for Governmental Claims**

This bill would increase limits of liability for claims against local governments. This bill failed introduction and is dead for the session.

### **House Bill 124 - Cities and towns-vehicle bid guarantee.**

This bill would eliminate the requirement for bid bonds for car and trucks below \$100,000. This bill was requested by one of our WAM members. As written, the bill would prohibit a city or town from requiring a bid bond on vehicles below \$100,000. This bill was not considered for a vote and is dead for this session.

### **House Bill 134 – Wyoming Tourism Funding**

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 general fund). 2% would be sent back to the local governments. The distribution of the local funds would be the as with the current lodging tax legislation, but the use of marketing funds has been expanded. The principal difference between this bill and the one considered last year is that a local government can implement the second 2% by a vote of the town council instead of a vote of the public.

This bill has passed both the House and Senate and has been received for Concurrence. There are three differences between the House and Senate versions of the bill. These include;

- The House versions allows the imposition of the additional 2% by a vote of the people or by ordinance or resolution. The Senate version requires the additional local option by vote of the people only.
- The Senate version prohibits the use of any lodging tax funds used for lobbying efforts.
- The Senate version tightens how the lodging tax portion (either the 60% or 90%) can be spent. The House version allows for the use of these funds for social media etc.
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### **House Bill 138 – Select Committee on Governmental Consolidation**

This bill would establish a Select Committee on Governmental Consolidation. The Committee's charge is to "identify and recommend standards and options for reorganizing, consolidating or reducing the number of school districts, community colleges, counties, cities and legislative districts in the state and the number of legislative committees currently in existence or created by the Wyoming legislature. This bill passed the Revenue Committee but did not make the cut off for a Committee of the Whole vote.

### **House Bill – 183- Municipal Elections Political Parties**

This bill would make municipal elections partisan elections. Candidates running for office would need to declare their party affiliation and would require Republican and Democratic

primaries. Any vacancies would need to be filled with a person of the same party. This bill was heard by the House Corporations Committee and the bill failed 5-4 due in large part to your overwhelming response to a call to action on the bill.

#### **House Bill 186 – K-12 and Local Government Structural Deficit Repair Act**

This bill would increase the state sales tax from 4 to 5 percent if the Legislative Stabilization Reserve Account drops below \$500 million. The local portion (31%) of this increase would be distributed in accordance with the Madden Formula. This bill was introduced in the House and approved by the House Appropriations Committee but was not considered for a vote by the Committee of the Whole.

#### **Senate File 22 – Surface Water Drainage**

This bill would authorize cities and towns the ability to issue bonds and create an enterprise fund for surface (storm) water improvements. This bill passed the Senate and was approved by the House Revenue Committee on Friday. This bill is scheduled for consideration by the House sometime next week.

#### **Senate File 57- Direct Distribution**

The Governor's Recommended Budget contained \$105 million for the biennium (\$52,500,000 per year). The Joint Appropriations Committee modified the formula to increase distributions to smaller towns, while the larger cities will see decreased revenue. The House Appropriations Committee voted to strip the amendment and restore the original Madden Formula. The bill is on the General File and is scheduled for a House vote on Monday.

#### **Senate File 108 – Public Employment Retirement**

This bill increases contributions to the retirement plan and modifies the retirement age of new hires. Increased contributions are to be paid 0.33% from employees and 0.33% from employers in FY 2023 and FY 2024 and 0.34% from employees and 0.34% from employers in FY 2025. These increases total 2.00% (paid 1.00% from employees and 1.00% from employers) by FY 2025. These changes increase the plan funding 90.7% in 30 years. Without these changes, the plan would be funded at only 71.5%.

This bill also creates a third tier for newly hired employees and these employees will have a retirement age of 67. This bill has passed this Senate and been received for Introduction in the House.

#### **Senate File -128 Unemployment Compensation-Seasonal Workers**

This bill would authorize the department of workforce services to designate seasonal employers and provides that unemployment compensation benefits shall not be payable to a designated seasonal employee under specified conditions. This was a high priority bill last year. This bill did not make the deadline for a Committee of the Whole vote.

### **Senate File – 134 Special Event Liquor Licenses**

Senate File 134 is a preemption bill that was originally directed at the City of Cheyenne. It arose out of a dispute between the City of Cheyenne and Cheyenne Frontier Days over the cost of providing police services for the event. It mandated that the City of Cheyenne issue a malt beverage permit for the event and that the permit could not be withheld.

On the floor of the Senate the bill was amended to include events that occur on any indoor or outdoor rodeo or fairgrounds with the State. This is a serious preemption of local authority and WAM is strongly opposing this bill. This bill is also being opposed the by the Wyoming County Commissioners Association and the Wyoming Association of Sheriffs and Chiefs of Police.

This bill passed the Senate and is awaiting introduction in the House. WAM will continue to strongly oppose this bill.

### **MRG Funding**

The budget approved by the Joint Appropriations Committee included a reduction in funding for Mineral Royalty Grants. Much of this funding was diverted to other uses, leaving only \$5 million for emergency grants. The budget bill was amended in the House to move \$10 million from the Business Ready Community Grant program back into the Mineral Royalty Grant Program. A similar amendment was made to the Senate budget bill, but this amendment failed. Also, Representative Sommers filed an amendment to House Budget that would move \$10 million from the General Fund back into the BRC account. There was no similar amendment in the Senate budget. The bills will be resolved in a conference committee of the House and Senate.

For those who are coming down to Cheyenne in the coming weeks, we want to invite you to stop by the WAM office. Your WAM legislative team meets each morning prior to morning committee meetings and invites you to join us as we prepare for the legislative day. In addition to free parking, we have coffee, juice, snacks and supplies to make sandwiches.

If you have questions about any legislative issue, please do not hesitate to call Bob McLaurin (307) 413-3483, or Dave Fraser at (307) 414-0265.