

# **WYOMING ASSOCIATION OF MUNICIPALITIES**

## **LEGISLATIVE UPDATE**

### **LEGISLATIVE INTERIM UPDATE**

The purpose of this document is provide the WAM membership with an update on legislative activities since the 65<sup>th</sup> Wyoming Legislature adjourned on March 13, 2020.

During the interim, the joint committees have been working. In addition to working on Covid issues, they developed a number of committee-sponsored bills. The Legislature's Management Council met on November 24<sup>th</sup> to discuss the upcoming general session and to make committee assignments. The 66<sup>th</sup> General Session will convene on January 12 at noon.

In addition to the interim Committee meetings, the Legislature held a special session on May 15<sup>th</sup> and 16<sup>th</sup> to consider distribution of the \$1.25 billion the State received in CARES funding. The Legislature based three bills that set forth broad guidelines for how these funds were to be used. These bills gave the Governor board powers and authority to disburse these funds.

#### **LEADERSHIP AND COMMITTEE ASSIGNMENTS**

Also, in November the legislature elected leadership and finalized committee assignments. The following are the proposed legislative leaders. They will need to be confirmed by their respective bodies when they convene next January. Committee assignments can be found via the hyperlinks below.

##### **Senate**

President - Senator Dan Dockstader, Senate District 16 (Afton)  
Majority Floor Leader - Senator Oden Driskill, Senate District 01 (Devils Tower)  
Vice President - Senator Larry Hicks, Senate District 11 (Baggs)  
Minority Floor Leader - Senator Chris Rothfuss, Senate District 09 (Laramie)  
Minority Whip - Senator Mike Gierau, Senate District 17 (Jackson)

[Senate Committee Assignments](#)

##### **House of Representatives**

Speaker - Representative Eric Barlow, House District 03 (Gillette)  
Majority Floor Leader - Representative Albert Sommers, House District 20 (Pinedale)  
Speaker Pro Tempore - Representative Mike Greear, House District 27 (Worland)  
Majority Whip - Representative Jared Olsen, House District 11 (Cheyenne)  
Minority Floor Leader - Representative Cathy Connolly, House District 13 (Laramie)  
Minority Whip - Representative Andi Clifford, House District 33 (Riverton)  
Minority Caucus Chairman - Representative Mike Yin, House District 16 (Jackson)

[House Committee Assignments](#)

#### **INTERIM COMMITTEE ACTIVITIES**

Since the 65<sup>th</sup> adjourned last March, the Interim Committees have been active. Most of these meetings occurred via mostly Zoom, but a handful included in person testimony. A good portion of the early meetings dealt with addressing Covid impacts and the

distribution of Wyoming's CAREs funding. After addressing Covid bills, each of the committees considered non covid bills and other legislation. A summary of committee activities and action that are relevant to cities and towns are listed below.

### **Judiciary Committee**

The Judiciary Committee met four times for a total of seven days. The Committee sponsored several bills that affect WAM members. These include:

#### 21LSO-0123 v0.2 – Public Meetings for Executive Session for Security Planning

This bill allows City Councils, County Commissioners and School District Trustees to discuss security planning in executive sessions. The bill can be found at

<https://wyoleg.gov/InterimCommittee/2020/01-2020102621LSO-0213v0.2.pdf>

#### 21LSO-0163 v0.6 – Public Records – Personal Files

This bill clarifies the right of inspection for personnel files and authorizes the inspection of certain performance-related data for specified public employees defined in the act.

The bill is found at <https://wyoleg.gov/InterimCommittee/2020/01-2020102621LSO-0163v0.6.pdf>

#### SF 0006 – Public Works Contracting Requirements and Amendments

This bill requires the adoption of prequalification requirements, allows for the use of equivalent materials or equipment in public works, and prohibits unbalanced unit bid prices. The committee discussed that WYDOT would prequalify contractors for horizontal construction and the State Construction Department would prequalify contractors for vertical construction. Essentially any contractor who is prequalified by the state would be able to bid a municipal job. The bill can be found at

<https://wyoleg.gov/Legislation/2021/SF0006>

#### 21 LSO-0060 v0.4 – Ethics and Disclosure Act Amendments

This bill amends and the definitions and procedures of the Ethics and Disclosure Act. It expands the scope of the Act to include local governmental entities, the judicial branch and additional state employees. The bill can be found at

<https://wyoleg.gov/InterimCommittee/2020/01-2020102621LSO-0060v0.4.pdf>

### **Corporations Committee**

The Corporations Committee met three times for a total of seven days during the interim. In addition to the Committee sponsored bills listed below; WAM was able to defeat the Municipal Services Recovery Act, which would have prohibited cities from holding landlords accountable for water and sewer bills on their rental units. The Committee sponsored bills include:

#### 21LSO-0041 v0.7 – Alcoholic Beverage Licensing and Permitting

This bill slightly modifies the manner in which liquor licenses are regulated. Specifically, it eliminates the need for applications to be posted and modifies the description of "dispensing room" for restaurant liquor licenses. The complete bill can be found at

<https://wyoleg.gov/Legislation/2021/HB0013>.

### 21 LSO-0183 v0.6 – Cities and Towns On-Line Postings

This bill would eliminate the requirement for cities, towns and counties to publish meeting minutes in the official newspaper of the city or town. If passed, this bill would require that meeting minutes and the salary list be posted on the city or town's official website. This has long been a WAM priority and we were pleased to get it out of the committee. It is being strongly contested by the Wyoming Press Association and will be a hard fight on the floor. The bill can be found at <https://wyoleg.gov/InterimCommittee/2020/07-2020110921LSO-0183v0.6.pdf>

### HB14 – Rights of Way along Public Rights of Way

This bill establishes time requirements for the processing and approving of easements and rights of way for communication infrastructure. The bill may be found at <https://wyoleg.gov/Legislation/2021/HB0014>.

### **Travel, Tourism and Wildlife (TRW) Committee**

The Travel, Tourism and Wildlife Committee (TRW) met four times for a total of six days during the interim. While they dealt with a number of important issues such as Covid relief for the tourism sector and state parks, the most relevant actions for the WAM Membership involved modifications to the gaming statutes.

### **Joint Appropriations Committee**

The JAC met 6 times for a total of 16 days over the interim. On December 18<sup>th</sup>, the completed 10 full days where they reviewed the Governor's recommendations for expenditure reductions. While there are remain differences between House Appropriations and Senate Appropriations regarding education funding, the Joint JAC reduced general fund expenditures.

As you may recall, Governor Gordon recommended a reduction to Direct Distribution of 10% (\$10,500,000). However, because this reduction would occur in 2<sup>nd</sup> year of the biennium, it would be effectively be a 20% reduction. The JAC did not accept the Governor's recommendation and reduced Direct Distribution by 5%. Thanks to all the local elected officials who contacted JAC members to get this budget cut reduced. LSO will distribute the funding break out by city or town in the next few weeks.

Although it was not discussed, it will likely be a 10% reduction in subsequent bienniums.

### **Revenue Committee**

The Revenue Committee met four times for a total of eight days during the interim. The committee considered a number of bills that would raise revenue. These included a state income tax (for those with incomes in excess of \$300,000), Corporate Income Tax (for out of state companies), Real Estate Transfer Tax, Wind Energy Tax, and a number of others. Most of these bills were soundly defeated. However, the Committee agreed to sponsor two revenue bills, a fuel tax increase and a tobacco tax increase.

### 21 LSO-038 Tobacco Tax

This bill increases the state excise tax on cigarettes by \$.24 per pack and moist snuff tobacco by \$.12 per ounce. The bill passed and will be a committee sponsored bill. The bill may be found at <https://wyoleg.gov/InterimCommittee/2020/03-2020121721LSO-0138v0.4.pdf>.

### LSO21-0139 v0.3 Fuel Tax

This bill would increase the tax on gasoline and diesel fuel from .24 to .33. Most of these funds would go to WYDOT and be used for road maintenance. The local share back to cities, towns and counties would remain constant. The complete bill may be found at <https://wyoleg.gov/InterimCommittee/2020/03-2020111921LSO-0139v0.3.pdf> Cities and towns are estimated to receive an additional \$5.8 million for street and road maintenance.

### **Gaming**

Wyoming Gaming Commission Director Charles Moore and Department of Revenue Director Dan Noble presented several gaming updates. For a full presentation and complete detail of this issue, please click the links below:

- [Wyoming Gaming Commission Study](#)
- [Wyoming Gaming Commission Presentation](#)
- [Gaming Consolidation Study](#)

### **Transportation, Highways and Military Affairs Committee**

The Transportation, Highways and Military Affairs Committee met four times for a total of seven days during the interim. While they sponsored a number of bills, there were no bills that directly affected cities and towns. They did, however, discuss two issues that will likely affect cities and towns in the not to distance future. These include Roadway User Charge (RUC) and WyoLink.

A substantial portion roadway maintenance for WYDOT, cities, towns and counties and funded by a .24 cent fuel tax. Because new vehicles are more fuel efficient and therefore use less fuel, they pay less fuel tax. Electric vehicles do not use fuel and therefore pay no fuel tax at all. Even with anticipated increases in fuel tax rates, this revenue source will not be able to provide the funds necessary to fund road maintenance.

WYDOT has begun to explore moving away from fuel tax to a concept called Roadway User Charge (RUC). This concept involved a charge for miles traveled by vehicles. While technically challenging WYDOT believes it will be preferable method for funding highway maintenance.

Another issue the Transportation Committee discussed but no legislation was proposed was funding of the WyoLink system. The Committee discussed the possibility of requiring cities, towns and counties to pay for their usage of the WyoLink system, but passed no legislation requiring it.

### **GENERAL SESSION**

The 66<sup>th</sup> General Session of the Wyoming Legislature will convene on Tuesday, January 12, 2021 at noon. Pursuant to the Wyoming Constitution, the legislature has 40 days to conduct its business. There has been much discussion about the schedule (whether the session be postponed until spring); whether to meet in person or via zoom and if the session is shortened and whether to utilize a mirrored bill process.

Although the schedule and format for the general session cannot be finalized until the new legislature is sworn in, the most recent talk among legislators is to convene on January 12<sup>th</sup>, hear the governor's speech appoint the leadership and decide on a schedule for the remainder of session. They will also assign bills to the committees.

There is would a 10 day zoom session at the end of January early February. Between Jan 12th and the 10-day session the committees will hold hearings and take testimony.

When they reconvene in late January, they will use a mirror bill process to each of the bodies. The balance of days would likely be allocated in May. Having said this, there is strong push from some legislators who want to hold a full session in person in January. We do not think this will happen but with the legislature you never know.

In the meantime, committee bill are being finalize and prefiled. To see the most recent list of prefiled bills go to <https://wyoleg.gov/Legislation/2021>.

If you have questions or need more information about interim bills or the upcoming session, please contact Dave, Bob, or Justin.