Legislative Report
Top Issues
March 5, 2021
**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.

Position: **SUPPORT**

Last Action: H 2nd Reading: Passed (March 5, 2021)

Primary Sponsor: Minerals

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

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.

Position: **SUPPORT**

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

Primary Sponsor: Minerals

**WY - HB26 Fuel tax.**

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.

Position: **SUPPORT**

Last Action: H02 - Appropriations: Recommend Do Pass 7-0-0-0-0-0 (March 3, 2021)

Primary Sponsor: Revenue

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

Repeals a three-year tax exemption on energy production from wind, a provision that has helped make the state’s wind industry more viable.

Position: **OPPOSE**

Position based on the need to diversify the state's economic base and lower dependence on revenue from energy production.

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

Primary Sponsor: Corporations
**WY - HB40** Industrial siting revisions. – Bill Failed in Committee

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.

Position: **MONITOR**

Last Action: H09 - Minerals: Do Pass Failed 4-5-0-0-0 (March 1, 2021)

Primary Sponsor: Heiner

**WY - HB59** Public health emergencies-immunity amendments 3. – **PRIORITY**

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

Personal Notes: **SUPPORT**

Last Action: H06 - Travel: Recommend Amend and Do Pass 8-1-0-0-0 (January 27, 2021)

Primary Sponsor: Travel

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

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.

Position: **OPPOSE**

Last Action: H03 - Revenue: Do Pass Failed 3-6-0-0-0 (March 1, 2021)

Primary Sponsor: Stith

**WY - HB91** Removal of unenforceable property covenants. – Priority Issue

Establishes procedures for removing unenforceable restrictive covenants for real property.

Position: **SUPPORT**

Last Action: S Received for Introduction (March 4, 2021)

Primary Sponsor: Duncan

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

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.

Position: **MONITOR**

Last Action: H03 - Revenue: Do Pass Failed 2-7-0-0-0 (March 4, 2021)

Primary Sponsor: Sommers
**WY - HB108 Wind energy production tax. - Bill Failed in Committee**

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.

Position: **OPPOSE**

Last Action: H03 - Revenue: Do Pass Failed 2-7-0-0-0 (March 4, 2021)

Primary Sponsor: Hallinan

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**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.

Position: **SUPPORT**

Last Action: H Introduced and Referred to H07 - Corporations (March 3, 2021)

Primary Sponsor: Barlow

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

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.

Position: **MONITOR**

Last Action: H Introduced and Referred to H03 - Revenue (March 2, 2021)

Primary Sponsor: Schwartz

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**WY - HB156 Twenty-four hour wine permits.**

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

Position: **SUPPORT**

Last Action: Re-refer to H06 - Travel (March 4, 2021)

Primary Sponsor: Sherwood

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

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.

Position: SUPPORT
Last Action: H Introduced and Referred to H09 - Minerals (March 2, 2021)
Primary Sponsor: Henderson

**WY - HB173** School finance funding-2.

Last Action: H Received for Introduction (March 2, 2021)
Primary Sponsor: HEducation

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.

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

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.

Position: MONITOR
Last Action: H04 - Education: Recommend Amend and Do Pass 6-3-0-0-0 (March 3, 2021)
Primary Sponsor: HEducation

**WY - HB191** Statewide mill levy for education.

Assesses four (4) mills for school purposes to be credited to the school foundation program permanent account. The mills will be assessed for the industrial property class and the "all other" property class but will not be assessed in any year when the balance in the corpus of the school foundation program permanent account is two billion dollars ($2,000,000,000.00) or more on December 31 of the preceding calendar year.

Position: MONITOR
Last Action: H Received for Introduction (March 4, 2021)
Primary Sponsor: Brown

**WY - HB196** Workplace transparency act.

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.

Position: **MONITOR**

Last Action: H Introduced and Referred to H09 - Minerals (March 5, 2021)

Primary Sponsor: Connolly

**WY - HB200 Sales and use tax exemptions-repeal.**

Repeals all sales and use tax exemptions.

Position: **OPPOSE**

Last Action: H Received for Introduction (March 4, 2021)

Primary Sponsor: Connolly

**WY - HB208 Defend the guard act.**

Creates language to support the "Defend The Guard Act" which purports that only Congress has the exclusive power to declare war. The Act declares that by abdicating the war powers to the executive branch, the United States Congress has failed to follow the United States Constitution and the intent of the founders. Stipulates that the Wyoming national guard and any member thereof shall not be released from the state into active duty combat unless the United States Congress has passed an official declaration of war or has taken an official action pursuant to Article I, section 8, clause 15 of the United States Constitution to explicitly call forth the Wyoming national guard and any member thereof for the enumerated purposes to expressly execute the laws of the union, repel invasion or suppress an insurrection.

Position: **OPPOSE**

Last Action: H Received for Introduction (March 4, 2021)

Primary Sponsor: Andrew

**WY - HB211 Property taxes.**

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.

Position: **SUPPORT WITH AMENDMENTS**

Last Action: H Received for Introduction (March 4, 2021)

Primary Sponsor: Henderson
**WY - SF19** Public health emergencies-immunity amendments. **PRIORITY**

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

Position: **SUPPORT**

Last Action: H Received for Introduction (March 4, 2021)

Primary Sponsor: Judiciary

**WY - SF25** Animal impound proceedings - bond and disposition.

This bill creates bonding provisions for owners of domesticated animals charged with a criminal offense. The bill requires a defendant to post a bond to pay for the reasonable costs of impoundment, provides for the renewal of a posted bond, and allows for the disposition of an animal when bond isn’t posted or renewed. The bill creates a procedure to allow for a forfeiture hearing related to the impounded animal and conforms current bonding provisions relating to livestock animals to the new language for domesticated animals. SF 24 is a companion bill. Local governments are faced with increasing costs of housing domesticated animals for those charged with criminal offense and the bill is intended to offer alternate options for care of the animals.

Position: **MONITOR**

Last Action: S 2nd Reading: Passed (March 5, 2021)

Primary Sponsor: Agriculture

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

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. 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.

Position: **SUPPORT**

Last Action: S02 - Appropriations: Recommend Do Not Pass Amended 3-2-0-0-0-0 (March 4, 2021)

Primary Sponsor: Corporations

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

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.

Position: **MONITOR**

Last Action: H Received for Introduction (February 1, 2021)

Primary Sponsor: Appropriations
**WY - SF99 Unfair employment practices-offsite lawful activities.**

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 of 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 particular 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.

Position: **MONITOR**  
Last Action: S Introduced and Referred to S09 - Minerals (March 1, 2021)  
Primary Sponsor: Ellis

**WY - SF125 Consumer merchandise-sale, marketing and use protection.**

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.

Position: **MONITOR**  
Last Action: S07 - Corporations: Recommend Do Pass 3-2-0-0-0 (March 4, 2021)  
Primary Sponsor: Cooper

**WY - SF131 Workplace transparency act-2.**

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.

Position: **MONITOR**  
Last Action: S Introduced and Referred to S10 - Labor (March 2, 2021)  
Primary Sponsor: Salazar

**WY - SF134 Lodging tax-exemption for residents.**

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.

Position: **MONITOR**  
Last Action: S03 - Revenue: Do Pass Failed 1-3-0-0-1 (March 5, 2021)  
Primary Sponsor: French