



**Legislative Briefing**  
**April 9, 2021**

**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.

**SUPPORT**

Last Action: House Concurred; On the Governor's desk waiting for signature.

Primary Sponsor: Barlow

---

**Bills Passed During Session**

**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.

**SUPPORT**

Last Action: Assigned Number HEA No. 0055 (April 1, 2021)

Primary Sponsor: Minerals

**WY - HB91** Removal of unenforceable property covenants.

Establishes procedures for removing unenforceable restrictive covenants for real property.

**SUPPORT**

Last Action: H Speaker Signed HEA No. 0032 (March 30, 2021)

Primary Sponsor: Duncan

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

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

**SUPPORT**

Last Action: Last Action: S President Signed HEA No. 0076

Primary Sponsor: Sherwood

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

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

**SUPPORT**

Last Action: S President Signed SEA No. 0057 (April 2, 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.

**MONITOR**

Last Action: Assigned Number SEA No. 0059 (April 2, 2021)

Primary Sponsor: Agriculture

**Bills Failed During Session**

---

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

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.

**SUPPORT**

Last Action: H No report prior to CoW Cutoff (March 23, 2021)

Primary Sponsor: Minerals

**WY - HB26** Fuel tax. **Bill Failed**

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.

**SUPPORT**

Last Action: H COW: H Did not consider for COW (March 22, 2021)

Primary Sponsor: Revenue

**WY - HB40** Industrial siting revisions. **Bill Failed**

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.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Heiner

**WY - HB59** Public health emergencies-immunity amendments 3. **Bill Failed**

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

**SUPPORT**

Last Action: H COW: H Did not consider for COW (March 22, 2021)

Primary Sponsor: Travel

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

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.

**OPPOSE**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Stith

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

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.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Sommers

**WY - HB108** Wind energy production tax. **Bill Failed**

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.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Hallinan

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

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.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Schwartz

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

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.

**SUPPORT**

Last Action: S 3rd Reading: Failed 6-22-2-0-0 (April 2, 2021)

Primary Sponsor: Henderson

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

AN ACT relating to school finance; implementing modifications to the Wyoming education resource block grant model; codifying previously uncoded 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.

**MONITOR**

Last Action: House failed to concur; negotiations did not advance to resolve differences.

Primary Sponsor: Education

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

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.

**MONITOR**

Last Action: H 3rd Reading: Failed 10-50-0-0-0 (March 23, 2021)

Primary Sponsor: H Education

**WY - HB196** Workplace transparency act. **Bill Failed**

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.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Connolly

**WY - HB211** Property taxes. **Bill Failed**

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.

**SUPPORT WITH AMENDMENTS**

Last Action: H No report prior to COW Cutoff (March 23, 2021)

Primary Sponsor: Henderson

**WY - HB218** Bias motivated crime. **Bill Failed with Commitment for Interim Discussion**

AN ACT relating to bias-motivated crimes; creating additional elements for bias-motivated crimes; creating enhanced penalties for bias-motivated crimes; providing that the court shall consider whether a crime is bias-motivated during sentencing; creating a civil cause of action; providing for antibias training of peace officers as specified; requiring reports; and providing for an effective date.

**MONITOR**

Last Action: H No report prior to COW Cutoff (March 23, 2021)

Primary Sponsor: Sweeney

**WY - SF4** Airport districts.

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.

**SUPPORT**

Last Action: H 3rd Reading: Failed 30-30-0-0-0 (April 1, 2021)

Primary Sponsor: Transportation

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

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 appropriation 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.

**SUPPORT**

Last Action: 3rd Reading: Failed 25-35-0-0-0 (March 26, 2021)

Primary Sponsor: Corporations

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

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. The bill was heard in Senate Corporations. The Department of Insurance testified and expressed concern relative to the bill removing consumer protections. Concerns remain relative to the air ambulance membership being valid for the services required by those who purchase the memberships and to ensure transparency for services provided as well as coordination with Medicare and private insurance. The bill was laid back. Amendments will be offered in a subsequent hearing.

**MONITOR**

Last Action: S No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: Case

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

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.

**MONITOR**

Last Action: H COW: H Did not consider for COW (April 1, 2021)

Primary Sponsor: Appropriations

**WY - SF99** Unfair employment practices-offsite lawful activities. **Bill Failed**

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.

**MONITOR**

Last Action: S COW: Failed 10-19-1-0-0 (March 11, 2021)

Primary Sponsor: Ellis

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

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.

**MONITOR**

Last Action: S COW: Failed 11-15-2-0-2 (March 17, 2021)

Primary Sponsor: Cooper

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

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.

**MONITOR**



Last Action: S No report prior to COW Cutoff (March 19, 2021)

Primary Sponsor: Salazar

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

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.

**MONITOR**

Last Action: S No report prior to COW Cutoff (March 24, 2021)

Primary Sponsor: French

**WY - SF144** Public funds-lobbying. **Bill Failed**

Expands the prohibition on the use of tax revenue for lobbying to include individuals who receive revenue from any Wyoming tax. The previous language included public officials, public members, or public employees. The intent of this bill is not known, but we will work to get clarification on the implications of a sole proprietorship serving as a vendor to a government entity that utilizes tax revenue to pay vendors.

**MONITOR**

Last Action: S No report prior to COW Cutoff (March 19, 2021)

Primary Sponsor: Biteman