

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

Representative MacGuire

Proposed Interim Topic: Government Sector Lobbyist

Contact Person:

Joe MacGuire

HD 35

Joe.MacGuire@wyoleg.gov

307 333 3653

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

I think that it is appropriate for the Committee to discuss Government Sector Lobbyists and consider it as an interim topic. Purpose – to define Wyoming Government Sector Lobbyist - the framework under which they may operate and financial disclosure. As you know, the State of Wyoming has one branch of Government with a full time lobbyist - the University of Wyoming. Why is UW the only branch of State Government with a Lobbyist? – Well because they were specifically excluded by Executive Order 1997-4. As you may recall the last two US Presidents (yes, including President Obama) campaigned vigorously against Government Sector Lobbying. It is a concern with the public at large who, in my opinion, do not want our own Wyoming Agencies lobbying the legislature or executive branch for money or programs especially when we have a reduced amount to fight over. I conducted an informal straw poll of our Legislators and executive branch policy makers: Question 1: Can Wyoming State Employees lobby the legislature? Universally,(100%) the answer was No – they can advise but not take a position. Question 2: Well, how can UW have a full-time lobbyist? Gee,... nobody seems to know. And it is not defined in Statute where it can easily be found. Thanks to research by LSO Matt Obrecht, here is no statutory prohibition for a Wyoming state entity against using public funds to promote their agenda before the legislature. In the 1997 executive order on lobbying by government employees and a follow-up memo from then AG Greg Phillips that set the policy. But those documents really don't get to the question; how can UW lobby the legislature using state funds? The difference is UW has hired a private law firm whereas most of the other public employees who appear before the legislature are called upon simply to answer questions. They are not full time lobbyists and are not compensated as such. And how many Wyoming State employees know about the executive order or memo and / or have seen them? Wyoming employees are exempted by W.S. 28-7-104 – “This act shall not apply to any public official acting in his official capacity.” I would argue - when they are providing information and not advocating for a policy or money or, more importantly, lobbying against another entity like the junior colleges – an important distinction. Right now we have an unequal playing field and that is contrary to the spirit of our State Statutes and (dare I say it, yeah might as well throw it in) our Constitution. We should have a well-defined policy spelled out in Statute, not a 23 year old executive order that nobody has seen or pays any attention. And our citizens should have the opportunity to easily see how much

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

an agency spends to lobby the legislature or the executive branch and how much those efforts pay off or benefit the employing agency. Thank you for your consideration in this matter.

Expected goal or result:

This is a matter of good government operating in an open and (shall I use another buzz word?) transparent manner and we don't end up with another exclusion for a powerful agency.

Estimated Committee time for topic:

2 hours

Resources for Committee review prior to topic consideration:

Attorney General Memorandum dated February 1, 2012 Office of the Governors Memorandum December 9, 1997 Governor Gerringer

Representative Blackburn

Proposed Interim Topic: Secession

Contact Person:

Fred Ray

Wyoming Citizen

fray48@yahoo.com

7206301178

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

In the event that Texas or a group of Red States elects to secede from this Union to begin a new Union/Government that is more aligned to the Founders Constitution Wyoming should have a plan to join them.

Expected goal or result:

To amend Section 37 of the Wyoming Constitution to prevent confusion if the State elects to secede and to have a plan to join with other States that may secede from the United States to form a government that is more in line with the Founders intentions.

Estimated Committee time for topic:

A few days initially and then follow-up may be several weeks.

Resources for Committee review prior to topic consideration:

Review GDP/capita, FRASE Index, Tax payments to the Federal Government versus Receipts, and political & economic consequences of losing Texas' 37 electoral votes and influence in future elections

Senator Driskill, Chairman

Proposed Interim Topic: Modernization/Update of Producer Licensing Statutes

Contact Person:

Jeff Rude

WY Department of Insurance

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

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3077772450

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Modernization/Update of Producer Licensing

Expected goal or result:

Update statutes to address deficiencies and improve efficiency.

Estimated Committee time for topic:

Two meetings with an estimated time of 30 minutes each.

Resources for Committee review prior to topic consideration:

WS 26-9-301 and 26-1-102.

Representative Zwonitzer, Chairman

Proposed Interim Topic: Dark money reporting requirement reform

Contact Person:

Ken Chestek

Wyoming Promise

kchestek@gmail.com

3074609139

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

1. Reform of the reporting requirements/penalties for failing to report from organizations engaged in independent expenditures and electioneering, under Wyo. Stat. 22-25 106 and 108. 2. Advocacy for campaign finance reform at the national level to allow greater autonomy for the State of Wyoming to address dark money expenditures.

Expected goal or result:

Current Wyoming law requires organizations making independent electioneering expenditures over \$500 to file reports with the Secretary of State regarding their activity. Wyo. Stat. 22-25-106. But the penalty for failing to file those reports is only \$500. Wyo. Stat. 22-25-108. So independent expenditure groups can essentially buy their way out of filing any report by simply paying a single \$500 fine. This is viewed as a "cost of doing business" for such groups and has not deterred them from continuing to make such expenditures without filing any reports. As a result, large amounts of money are being spent in Wyoming elections by groups who may be from outside the state, and whose identities are never disclosed. The committee should consider amendments to Wyo. Stat. 25-22-108 to provide meaningful penalties to independent expenditure groups that will require those groups to actually file the required reports. In addition, the ability of the Wyoming Legislature to enact meaningful campaign finance reform is significantly curtailed by United States Supreme Court cases. A movement is underway in other states to amend the U.S. Constitution to clarify the right of the states to enact meaningful campaign finance reform. HJ005 would have added Wyoming to the list of now 21 states that have called for this

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

amendment. The measure was not referred to committee during the 2021 general session but should be considered and discussed for possible introduction in 2022.

Estimated Committee time for topic:

Unknown; probably several hours of discussion/debate.

Resources for Committee review prior to topic consideration:

1. The relevant statutory provisions. 2. Kenneth Chestek, Of Metaphors and Magic Wands: Are Corporations Really People? 89 Mississippi L. J. 1 (2019), available for download at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3316414.

Senator Driskill, Chairman

Proposed Interim Topic: Collection Agency Board structure

Contact Person:

Albert Forkner
Division of Banking
albert.forkner@wyo.gov
777-7797

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Make the Collection Agency Board (CAB) an independent licensing board separating it from the Division of Banking which currently provides administrative support to the CAB resulting from a Type III transfer in 1996.

Expected goal or result:

Legislation sponsored by the committee making the CAB an independent licensing board. The CAB is self-funded through licensing fees and would continue to be.

Estimated Committee time for topic:

Three hours in two meetings: one hour in first meeting to introduce the overall concept and get committee's instruction; two hours in follow-up meeting to present and discuss proposed legislation.

Resources for Committee review prior to topic consideration:

None.

Representative Duncan

Proposed Interim Topic: Local ordinances impact on commerce and the State revenue picture

Contact Person:

Laurie Urbigkit
ACMS, LLC
L@wyoming.com
307-851-1191

Related to 2021 legislation:

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

No

Recommended priorities Committee should consider:

Refinement and consideration of Omnibus Preemption or a Reverse Mandate legislation

Expected goal or result:

Legislation

Estimated Committee time for topic:

2 hours

Resources for Committee review prior to topic consideration:

Americans for Tax Reform - Strategic initiatives

Representative Zwonitzer, Chairman

Proposed Interim Topic: Regulation with SOS Expansion

Contact Person:

Jerry Obermueller

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Expansion of personal property owners requirements to file with Secretary of State.

Expected goal or result:

additional funding

Estimated Committee time for topic:

2 hours

Resources for Committee review prior to topic consideration:

Already discussed with Chairman

Representative MacGuire

Proposed Interim Topic: A review of the powers granted to the major political parties under Wyoming law.

Contact Person:

Joe MacGuire

HD 35

joe.macguire@wyoleg.gov

307 333-3653

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

A review of the powers granted to the major political parties under Wyoming law. Specifically whether the powers and obligations granted under the Wyoming Election Code to major political parties are

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

being followed by the parties and whether those powers adequately represents Wyoming voters.
Appropriate penalty provisions for failure to comply.

Expected goal or result:

A better definition in the statute and penalty provision

Estimated Committee time for topic:

4 hours

Resources for Committee review prior to topic consideration:

Proposed Interim Topic: Review of Lobbying Organizations, their Activities, compliance with Wyoming law and penalties.

Contact Person:

Joe MacGuire

HD 35

joe.macguire@wyoleg.gov

307 333-3653

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Review of Lobbying individuals and organizations, definition of the activity, notification to Legislatures when they are acting on behalf of an organization, membership, home base (in state or out of state) activities, financial disclosure, notification to legislators when they are dealing with a lobbyist and penalties for failure to comply (initial fine) and a substantial fine for repeat offenders.

Expected goal or result:

Compliance by the lobbyists with Wyoming statutes and notice to the legislators when they are dealing with an individual or a lobbyist. Including identification in e-mails and letters if the message comes from a lobbying organization. Compliance with law, financial disclosure and notice when engaged in lobbying and revision of the penalty provision. initial fine is low, but the fine for a second or third offense should be revised.

Estimated Committee time for topic:

4 hours

Resources for Committee review prior to topic consideration:

Representative Zwonitzer, Chairman

Proposed Interim Topic: Instant Runoff Elections - Ranked Choice Voting

Contact Person:

Anastasia Marchese

Equality State Policy Center

anastasia@equalitystate.org

615-945-5488

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Asking the committee to consider the study of Instant Runoff Elections - Ranked Choice Voting in Wyoming as a cost-effective and voter-friendly way of implementing runoff elections in the Cowboy State.

Expected goal or result:

During the 2021 legislative session there was the start of a robust debate and high general interest about the possibility of implementing runoff elections in Wyoming. Senate File 145 failed in the Senate, but several senators who voted in opposition to the bill asked that the concept and its alternatives be thoroughly explored and studied as an interim topic this year. We believe that ranked choice voting would be a cost-effective and voter-friendly way of implementing instant runoff elections in Wyoming. Ranked choice voting allows voters to fully express their preferences for a field of candidates by ranking them first choice, second choice, third choice, etc., on a single ballot, only requiring them to go to the polls once. It also ensures, as has been the case traditionally in Wyoming, that candidates would only need to run one primary and one general election race. This would avoid potentially costly and time-consuming additional runoff races, avoid the voter fatigue that can come with an extended election season, and encourage voter participation by allowing voters to thoroughly express their preferences for the field of candidates on one day, on one ballot. Ranked Choice Voting ensures that if no candidate for a given office were to receive more than 50% of the first choice votes, an instant runoff would take place, with the winner of that instant runoff easily tabulated using the ranked preferences of voters. We heard testimony during the session from County Clerks who informed a Senate committee that the voting machines they already have in place would be capable of tabulating ranked choice voting ballots. We believe that the study and implementation of Ranked-Choice Voting could be a great benefit to the people of Wyoming and help encourage voter participation.

Estimated Committee time for topic:

A portion of 3 joint interim meetings.

Resources for Committee review prior to topic consideration:

Ranked-Choice Voting 101: https://www.fairvote.org/rcv#where_is_ranked_choice_voting_used 2021 State Legislation Advancing Ranked Choice Voting:

https://www.fairvote.org/2021_state_legislation_advancing_ranked_choice_voting Data & Research on

Ranked-Choice Voting: https://www.fairvote.org/data_on_rcv#research_snapshot Virginia's House Bill

1103: <https://legiscan.com/VA/bill/HB1103/2020> Ranked-Choice Voting Gains Momentum:

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/03/12/ranked-choice-voting-gains-momentum-nationwide> The Ranked-Choice Voting Act:

https://www.fairvote.org/rcv#the_ranked_choice_voting_act

N/A-Topic requested by legislator

Proposed Interim Topic: Primary Runoff Elections

Contact Person:

Senator Bo Biteman

Wyoming Senate

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

bo.biteman@wyoleg.gov
(307) 751-6178

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

To consider whether or not Wyoming should adopt a runoff election in the Primary Election.

Expected goal or result:

Sponsored legislation if the committee desires.

Estimated Committee time for topic:

Resources for Committee review prior to topic consideration:

Look at the ten other states that currently have runoff elections, especially take a close look at South Dakota and how they set their elections up.

Representative Zwonitzer, Chairman

Proposed Interim Topic: Studying Digital Platforms, creating a definition for digital platforms and evaluating technological changes in the media markets. The study includes newspapers and their on-line affiliates and digital platform publishers

Contact Person:

Representative Dan Zwonitzer
Dan.Zwonitzer@WYOLEG.Gov

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

The news landscape has changed and consumers receive news via digital platforms. Digital Publishers should be able to compete to publish Government mandated notices.

Expected goal or result:

Create a definition of digital platforms.

Estimated Committee time for topic:

3 hours

Resources for Committee review prior to topic consideration:

N/A-Topic requested by legislator

Proposed Interim Topic: Transfer of water and sewer district operations

Contact Person:

Mayor Patrick Ford
Town of Bar Nunn
PatrickFord@townofbarnunn.com

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

3072598181

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

This bill was on the agenda several times, but time constraints did not allow for it to be heard in committee due to other topics running long.

Expected goal or result:

This is a current issue for the Town of Bar Nunn and the City of Mills. However, as other municipalities grow and annex areas surrounding their communities, this will become a problem for other communities unless this bill is passed. Without the clarification provided by this bill, it will continue to leave a gap in statute that allows water and sewer districts to restrict municipalities from growing or directly serving their residents. The entire town of Bar Nunn must get water from the Wardwell water district located in between Bar Nunn and Mills. Roughly 20% of Mills area is in the service area of Wardwell. This accounts for roughly 81% of the Wardwell Water district is actually located in a municipality. Clearly water districts were never intended to operate in this fashion.

Estimated Committee time for topic:

In a hearing, I anticipate roughly 1-1.5hrs. Obviously lobbying entities will try to oppose this bill because there is currently no way for a municipality to deal with this issue unless the water district willing offers to dissolve itself.

Resources for Committee review prior to topic consideration:

HB0072 provides the essential points of the issue. I am happy to provide any other additional information as needed. Other existing statutes only address improvement districts and this bill addresses water and sewer districts.

Representative Zwonitzer, Chairman

Proposed Interim Topic: Election Code Revisions

Contact Person:

Karen Wheeler, Deputy Secretary of State

Secretary of State's Office

karen.wheeler@wyo.gov

307-777-7378

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

1. Election Runoffs 2. Campaign Finance - Clarifications for Organizations and PACs 3. Absentee Polling Place Timeframes

Expected goal or result:

To study the aforementioned topics for statutory changes that would be implemented in the 2024 Election season.

Estimated Committee time for topic:

Priority 1. 2 meetings Priority 2. 1 meeting Priority 3. 1 meeting

Resources for Committee review prior to topic consideration:

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

Priority 1. SF145 with additional information provided by the Secretary of State's Office and the county clerks. Priority 2. Information provided by the Secretary of State's Office. Priority 3. Information provided by the Secretary of State's Office.

Senator Nethercott

Proposed Interim Topic: Service & Improvement District Limitations

Contact Person:

Bill Winney
bill.winney@hotmail.com
307-413-1506

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Service & Improvement Districts are limited in scope of authority to services or other limitations set out in founding documents.

Expected goal or result:

Service & Improvement Districts are limited to the services for which formed. Statute should ensure district voters are required to validate expansions of authority beyond that of founding documents. Statute provides a balloting process for that.

Estimated Committee time for topic:

1-2 hours

Resources for Committee review prior to topic consideration:

Previous testimony and other information to be submitted and presented.

Representative Zwonitzer, Chairman

Proposed Interim Topic: The Wyoming Sovereignty Act

Contact Person:

Marti Halverson
mhalverson@silverstar.com
307-883-0250

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Wyoming Sovereignty - 2021 HB 256

Expected goal or result:

2022 Committee Bill to create a Joint Standing Committee on Federalism, charged as in HB 256

Estimated Committee time for topic:

6-8 hours over three interim meetings

Resources for Committee review prior to topic consideration:

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

The United States Constitution and the Wyoming Constitution. The Federalist Papers and the records of the Constitutional Convention debates.

Proposed Interim Topic: Wyoming Sovereignty Act

Contact Person:

Scott A. Brown

Republic Review Sub-Committee of the Wyoming Republican Central Committee

scott.rep.rev@gmail.com

307-272-5910

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

1. Provide procedures to enforce the integrity of the United States Constitution and to audit Wyoming's relationship with the federal government in accordance with that constitution; 2. Establishing the joint standing committee on federalism; 3. Establishing procedures for declaration of unconstitutional federal action;

Expected goal or result:

Goal is to bring a bill in 2022 authorizing a mechanism to achieve the priorities listed above and which will require all Wyoming laws, regulations, statutes, and policies must be compliant with the U.S. Constitution and the Wyoming Constitution and which will hold the Federal Government responsible for its breaches of the Constitutional Contract and provide a plan of implementation.

Estimated Committee time for topic:

Time should be one hour at each of three interim committee meetings.

Resources for Committee review prior to topic consideration:

Numerous materials relating to the constitutionality of Republic Reviews and state sovereignty

N/A-Topic requested by legislator

Proposed Interim Topic: Federalism

Contact Person:

Representative Robert Wharff

House of Representatives

robert.wharff@wyoleg.gov

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

#1

Expected goal or result:

Establish a process wherein Wyoming can protect its sovereign powers and push back against the expansion of federal government

Estimated Committee time for topic:

2-4 hours

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

Resources for Committee review prior to topic consideration:

Numerous materials relating to the constitutionality of Republic Review, state sovereignty and the concept of state nullification

Representative Zwonitzer, Chairman

Proposed Interim Topic: Third party self generation

Contact Person:

Bob Jensen
Wyoming Industrial Energy Consumers
rkjensen@hollandhart.com
3074211911

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Consider legislation that would allow for industrial customers of utilities to have self generated electricity provided by a third party contractor

Expected goal or result:

Sponsor legislation that allows for third party self generation.

Estimated Committee time for topic:

2 - 4 hours

Resources for Committee review prior to topic consideration:

SF 124 from 2019 <https://wyoleg.gov/Legislation/2019/SF0124>

Representative Roscoe

Proposed Interim Topic: Primary Elections

Contact Person:

Gail Symons
Civics307
gailsymons@mac.com
3077518016

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Current Elections Law provides for plurality. In recent elections, large slates of candidates in the Primary Elections have resulted in winners with less than 50% of votes. The question is whether plurality remains appropriate or if changes should be made to Primary Elections

Expected goal or result:

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

A clear recommendation should be made on whether Primary Elections warrant any changes from current statute. If so, then consideration should be made on possible alternatives taking into consideration cost, time, impact on participation.

Estimated Committee time for topic:

This would take at least three meetings with the first a determination on whether any change is warranted. If no, then just one meeting. If yes, then two separate to obtain public input, testimony, research findings and explore alternatives before drafting legislation.

Resources for Committee review prior to topic consideration:

- NCSL reports on Primary Elections in the US. - Fair Vote and other references on Ranked Choice Voting (Instant Runoff)

Representative Zwonitzer, Chairman

Proposed Interim Topic: Recall of Elected Officials

Contact Person:

Representative Bear HD31
House of Representatives
john.bear@wyoleg.gov
3076701130

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Recall of all elected in Wyoming including federal elected.

Expected goal or result:

A resolution or bill

Estimated Committee time for topic:

2 hours

Resources for Committee review prior to topic consideration:

Other state statutes which include recall provisions for federal electeds.

Senator Case

Proposed Interim Topic: Siting of renewable energy projects, particularly wind power projects

Contact Person:

Jennifer Kirchhoefer
Albany County for Smart Energy Development
jmkirchhoefer@gmail.com
317-258-1311

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

Corporations Committee

2021 Interim Planning – Proposed Interim Topics

The study will enable the committee to: 1. Assess the source(s) of controversy surrounding these developments. 2. Consider impacts on state wildlife beyond the effects on migration corridors, including use of winter range by ungulates, effects on nesting by grouse, and potential deleterious effects on at-risk bird and other species. 3. Determine whether the Industrial Siting Council's regulations guiding these developments sufficiently address health and safety concerns such as: ☐ set-backs needed for airports, residences, roads, public buildings, landmarks, historic trails and scenic byways; ☐ fire suppression systems; ☐ audio impacts; ☐ marker lights; ☐ blade flicker; ☐ ice throw; ☐ blade shear; ☐ tower collapse; ☐ lightning protection; ☐ and any other safety, health and welfare matters. 4. Review the implementation of 2020 EA No. 45 by the Department of Environmental Quality and the Industrial Siting Council, particularly its requirement that companies have financing in place to build, operate and maintain a facility. 5. Assure proper notice to affected landowners, including assurance of the right of potential lessees to share information about offers from developers. 6. Determine whether specific areas in the state should be declared off-limits to renewables development. 7. Review decommissioning and reclamation rules, including bonding requirements.

Expected goal or result:

Ensure that these industrial facilities are sited properly to minimize negative impacts to local residents, communities, and wildlife.

Estimated Committee time for topic:

4-8 hours over 2 meetings

Resources for Committee review prior to topic consideration:

<https://www.wyoenergyforum.org/updates/state-wind-regulations-do-not-protect-homeowners>

<https://www.wyoenergyforum.org/updates/grouching-about-wind-energy-development>

<https://www.wyofile.com/wind-project-doesnt-belong-in-laramie-basin/>

Representative Zwonitzer, Chairman

Proposed Interim Topic: Public Depositories- Allowance of Credit Unions as Public Depositories in Wyoming

Contact Person:

Representative Dan Zwonitzer

Dan.Zwonitzer@WYOLEG.Gov

Related to 2021 legislation:

No

Recommended priorities Committee should consider:

To determine if, and to what extent, credit unions could be listed as public depositories under Wyoming law.

Expected goal or result:

-

Estimated Committee time for topic:

3 hours

Resources for Committee review prior to topic consideration:

Review of parameters and the number of other states who allow credit unions to be public depositories.