



Principles of Liberty — Wyoming  
Cumulative Report  
February 18, 2018

**HB0005** Sale of wildlife information-prohibition

**Oppose**

Under current law, you must have a license in order to guide people on big game hunts and receive compensation for it. It sounds like some enterprising entrepreneurs found a loophole: while they can't guide a hunter to an animal, there's nothing to say they can't pre-scout an area and then tell hunters about the big animals they spotted there—for a fee, of course! This bill would make that illegal unless you're licensed, you're acting as a resident guide in compliance with the resident guide laws, or you're acting as a resident landowner guiding in compliance with W.S. 4 23-2-406 through 23-2-418. As with all hunting, there's no guarantee that the animal will be where you last saw it, but if someone (who by the way, has paid for their hunting license the same as everyone else) wants to pay you for information that you have and they don't—that's the free market at work. The state has already limited a true free market in the hunting industry, and this bill continues that trend.

This legislation opposes the principles of:

- Individual Liberty
- Free Markets
- Limited Government

**HB0006** Research and wildlife information-confidentiality

**Oppose**

Transparency is a critical feature of accountable government. In Wyoming, the Public Records Act ensures that citizens can request the documents they need to see what their government is up to with a few exceptions (for example, you can't see medical records that the state might have on individual persons). Currently, the state can withhold from public examination "the specific details of a bona fide research project being conducted by a state institution." This bill would allow agencies or any other person to withhold the details of their research projects, too. Agencies conduct research projects with the tax dollars of Wyoming citizens. If citizens can't keep a close eye on what agencies are doing with their tax dollars, that's a blow to accountability. This bill would also allow the state to withhold "Sensitive wildlife location data in the custody of the game and fish department which could be used to determine the specific location of an individual animal or a group of animals." We understand that Fish & Game doesn't want to act as your outfitter, but our critique of this bill is limited to the portion pertaining to research projects.

This legislation opposes the principle of:

- Limited Government

**HB0008** Stalking Revisions

**Support**

This bill would amend stalking statutes to tighten up protection for victims, cover stalking in the technological age, and make potential penalties for stalking stricter. The bill would add, "...conduct that causes a reasonable person to fear for their safety, the safety of another person, or their property..." to the definition of harassment which is used to charge someone with stalking. The bill specifies that an offense can be deemed to have been committed at the location where the act was initiated, where the victim receives communications that constitute stalking, or is affected by the stalking while located in Wyoming. It also notes that an act that indicates a course of conduct but occurs in more than one jurisdiction may be used by any jurisdiction in which the act occurred as evidence of a continuing course of conduct. The bill would also increase the maximum term of imprisonment for misdemeanor stalking from 6 months to 1 year, the maximum term of probation from 1 year to 3 years and requires notice in protection orders that stalking violations could result in the penalties for felony stalking.

This legislation supports the principles of:

Individual Liberty (protect life, liberty)

Limited Government (proper role)

**HB0010** Worker's compensation-extraterritorial reciprocity.

**Support**

This bill would clarify that the Wyoming Worker's Compensation Act, which implemented a mandatory worker's comp program for employees engaged in "extrahazardous" employment, does not cover individuals with out-of-state employers unless the out-of-state employer's home state's worker's comp covers all injuries and deaths occurring in that state or Wyoming has an active agreement with that state. The idea here is that only employees of employers that are paying into Wyoming's comp program should be able to use it. Whether or not the state should be running an "extrahazardous" (we just can't resist using quotes around that term) worker's comp program, the program currently exists and this bill would make it a little more fiscally responsible.

This legislation supports the principle of:

Fiscal Responsibility

**HB0011** Professional licensing-time limit regarding convictions

**Support**

This bill tells licensing boards and commissions that they can't consider evidence of a conviction more than 20 years old when they are analyzing a person's criminal history in the course of their regulatory duties unless the sentence hasn't been completed or the conviction is related to the duties and responsibilities of the profession or occupation they're dealing with. Should you be blackballed by a licensing authority for something you did more than 20 years ago and is unrelated to your profession? We think not.

This legislation supports the principle of:

Individual Liberty

Limited Government

**HB0012** Speeding fines amendments

**Support**

Under current law you can't be fined for driving up to 5 mph over the speed limit as long as you're not in a school zone or urban/residential area. This bill would extend that window of grace to speeds through 5mph over the limit, and remove the qualifications. The bill also proposes a new fee schedule that puts speeding fines into three categories (general, school, and construction/residential) and reduces fine amounts by about 20%. We're iffy on the government telling you how fast it's safe for you to drive in the first place (maybe you have excellent reflexes and a car that handles well, maybe you don't—only you know), so we think reducing the government's ability to extort you when you determine how to safely conduct your vehicle at a speed above the "legal" limit is a step in the right direction.

This legislation supports the principle of:

Individual Liberty

Limited Government

**HB0013** Municipal extraterritorial jurisdiction-repeal.

**Support**

This bill would repeal current mayoral authority to assert jurisdiction over the area ½ mile outside the city limits along with the requirement that the board of county commissioners get the approval of cities/towns before approving applications for subdivision within 1 mile of city/town limits.

The bill would also repeal language allowing municipalities to assume jurisdiction over “blighted” areas an entire 5 miles outside of their jurisdictional boundaries for the purpose of undertaking urban renewal projects. Under current law, cities and towns have other statutory authority they can use to annex land and the county clerk must post notice of the required public hearing in the newspaper. This bill would require the county clerk to give notice of the public hearing by mail to all landowners in the territory in addition to posting notice in the paper. This bill helps protect the individual liberty and property of citizens who live outside city limits from overreaching city authorities that they didn’t elect, and who aren’t accountable to them. No regulation without representation!

This legislation supports the principles of:

- Individual Liberty
- Property Rights
- Limited Government

**HB0014**

Municipal jurisdiction

**No Rate**

This bill was run last year as SF0017, and we evaluated it as supporting the principles of individual liberty, property rights, and limited government because it would have helped protect citizens who live outside city limits by placing additional qualifications on municipal extraterritorial jurisdiction authority. This year we aren’t rating this bill, because 2018’s HB0013 addresses this issue in a superior manner by eliminating the municipal extraterritorial jurisdiction provisions in question entirely. Since we utilize how legislators vote on the bills we evaluate to put together a legislator scorecard at the end of the session, scoring a yes vote on HB0014 would penalize legislators who vote in favor of HB0013 but vote against this bill and it would help give the score of legislators who vote for HB0014 a boost even if they don’t vote for HB0013. Last year, factoring a vote on SF0013 as supporting our principles made sense because it was the only available option that would be an improvement to the existing situation, however this year with a superior option on the table, making it a part of our scorecard doesn’t make sense. If you still want an explanation of the changes this bill would make, keep reading:

Under current law, there are instances in which city authorities can exercise jurisdiction over land that lies outside of city limits. This bill would require city authorities to get preapproval for any extraterritorial jurisdiction they plan to exercise from the county commissioners. This would act as a check on city government and, since citizens who live outside of city limits get to vote on their county commissioners, ensure that citizens have recourse at the polls should city governments begin to violate their rights. The bill would also clarify that a plat application for land located within 1 mile of a city but that lies outside city limits only needs the approval of the municipality in addition to the approval of the board of county commissioners if the land in the plat is not regulated by zoning consistent with a comprehensive plan adopted under the commissioners’ authority pursuant to 18-5-202(b).

**HB0019**

Wyoming Money Transmitter Act-virtual currency exemption

**Support**

Wyoming statutes 40-22-101 through 129 regulates “Money Transmitters”, which basically means the state regulates sending/receiving money electronically. Banks and credit unions and the government are exempt because they are already regulated by the government. Non-banks (western union and similar places where you can go to send money to someone) are regulated as money transmitters by all states except for Montana. Wyoming’s money transmitter statutes require licensing, heavy tracking/recording burdens for every transaction, surety bonds or assets (money

or insurance) to be set aside to make someone whole if they mess up a transaction, compliance with Bank Secrecy Act regulations etc., and dictate “permissible investments.” Exchanges such as Coinbase allow a person to buy/sell virtual currencies like bitcoin for themselves. These exchanges won’t/can’t operate in Wyoming because Wyoming treats them as money transmitters. This bill would specifically exempt these types of virtual currency exchanges from regulation as money transmitters, allowing Wyoming residents easier access to utilizing virtual currencies as they see fit.

This legislation supports the principles of:

- Individual Liberty
- Free Markets
- Limited Government

**HB0020** Game and fish agreements with federal agencies

**Support**

This bill would require Game and Fish to send any memoranda of understanding or cooperative agreement they enter into with federal agencies pertaining to ‘endangered’ or ‘sensitive’ species to the legislature for review, and make those agreements subject to approval and cancellation by the legislature. It would also require Game and Fish to report on the status of those agreements to the legislature every 3 years. Wyoming: 1 Federal bureaucrats: 0.

This legislation supports the principles of:

- Limited Government
- State vs. Federal Powers

**HB0027** Continuing teacher contracts for military spouses.

**Oppose**

This bill would allow teachers who are surviving spouses of veterans or are married to military members to achieve continuing contract status a year earlier than non-military spouses/widows. The state of Wyoming seems convinced that affiliation with the military entitles you to special privileges when it comes to educating people’s children, but we beg to differ. The rule of law is unjust if it is not applied equally to everyone.

This legislation opposes the principle of:

- Equal Protection/Rule of Law

**HB0028** Education reporting-children of military personnel.

**Oppose**

Under current law, the Wyoming Accountability in Education Act requires reporting on performance results. It specifically requires reporting on the performance of the following subgroups: “economically disadvantaged students, English language learners, identified racial and ethnic groups, students with disabilities and full-time virtual education students.” This bill would add students with a parent or guardian in the military to the list of those groups. Carving folks into groups is not a feature of good government. Studies like these always pave the way for legislation and programs providing preferential treatment/programs etc. for the specified group in question. Adding yet another group to the especially considered cadre does not support limited government or the equal application of the law.

This legislation opposes the principle of:

- Limited Government
- Equal Protection/Rule of Law

**HB0036** Move over requirement.

**Oppose**

Apparently the nanny state also believes in the old adage “if at first you don’t succeed... try, try again.” A reiteration of last year’s HB0064, this bill gives you directions on what to do when you see certain cars on the side of the road with flashing lights. The bill would require drivers approaching these vehicles while “driving on an interstate highway or other highway with two (2) or more lanes traveling in the direction of the parked vehicle” to “merge into a lane at least one (1) moving lane apart from the vehicle, except when otherwise directed by a police officer” and those on two lane roads with a speed limit of 45 mph or greater “shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a police officer.” Like we said last year: while well intended, this policy is an example of the “nanny state.” It implies that you, the citizen, cannot be trusted to behave in a reasonable manner when you see a vehicle on the side of the road. It is not the role of the government to dictate the minutia of how a citizen should exercise his or her personal responsibility. Once you allow government to do that, there is no limit to what it can mandate.

This legislation opposes the principles of:

Personal Responsibility  
Limited Government

**HB0038** Election offenses and penalties.

**Support**

Voter eligibility matters. Under current law, it’s an offense to try to register to vote or to vote if you know you’re not an eligible elector. But proving somebody tried to register or voted knowing they couldn’t do so probably isn’t easy. This bill would change Wyoming statute to impose a misdemeanor and up to a \$ 200 fine for unknowingly violating these provisions, and up to a year in jail and/or up to a \$ 5,000 fine for doing it on purpose. If you continue to willfully flout this law, penalties increase. It is a proper role of government to protect the integrity of our vote.

This legislation supports the principle of:

Limited Government

**HB0043** Tobacco tax

**Oppose**

This bill would increase the cigarette tax from \$0.60 per pack to \$1.60 per pack, the excise tax on moist snuff from \$0.60 per ounce to \$1.60 per ounce, the excise tax on cigars, snuff and other tobacco products purchased or imported by wholesalers from 20 percent to 531/3 percent of the wholesale price, and the excise tax on cigars, snuff and other tobacco products used or stored by consumers from 10 percent to 262/3 percent of the retail price. This bill would also create a floor stock tax proportionate to the tax increases on cigarettes, moist snuff and cigars, snuff and other tobacco products in wholesaler possession. Currently, tobacco taxes go directly into the general fund. (Technically, 39-18-111 does not specify where the moist snuff tax goes to, but we assume that it is going to the general fund.) Like we said about last year’s 2017 HB0168, “using tax policy in an attempt to force citizens to make healthier decisions is not the role of government.” It’s also not appropriate for government to pick particular industries to shoulder a disproportionate share of the state’s expenses.

This legislation opposes the principles of:

Individual Liberty  
Limited Government  
Equal Protection/Rule of Law

**HB0049** Unemployment compensation exemption-seasonal employment.

**Support**



Under current law, employers must pay a certain amount per employee into a state-run unemployment compensation fund. There are some exceptions to this policy for employers. This bill would add seasonal employees to the list of exceptions. This makes sense, given that seasonal employees could find themselves unemployed a large part of the year simply due to the nature of seasonal work, and shouldn't be drawing unemployment simply due to being out of season.

This legislation supports the principles of:

Limited Government  
Fiscal Responsibility

**HB0054** Interfering with or assaulting a process server.

**Oppose**

Question: do you believe that all people are worth the same amount? We think so, but this bill doesn't treat them that way. Under current law, the penalty for the assault of any person is a fine of up to \$ 750 and the penalty for battery or unlawful contact is imprisonment for up to 6 months and/or up to a \$ 750 fine. This bill would double those penalties for committing assault/battery/unlawful contact if you knowingly do it against a "process server" who is performing their duties (or should have known they were a process server). Process servers are defined as a non-peace officer "authorized by law, rules of the court or court order to serve legal process in this state." Are process servers worth 2x what you are? We don't think so. If the penalties for a crime aren't strong enough, make them stronger, but do it for everyone—creating classes for special protections violates the important principle that the law should protect everyone equally.

This legislation opposes the principle of:

Equal Protection/Rule of Law

**HB0061** Roadside waiver of property rights prohibited

**Support**

This bill would prohibit law enforcement officers from requesting, requiring, or inducing a person to execute a document purporting to waive the person's interest in or rights to property seized. The bill states that "Any document obtained by a law enforcement officer purporting to waive a person's interest in or right to property seized under this section is null and void." The bill specifies that these provisions do not prohibit the commissioner from requesting an individual to waive their interest in property if, in accordance with current law, a hearing has been conducted and it has been found that probable cause existed at the time of the seizure. Under current law this must be done by a circuit court, officers must testify under oath regarding the facts and circumstances which established probable cause to seize the property, and the hearing must be recorded. It's a big deal for the state to confiscate your property, and this bill helps protect citizens from intimidation by government officials and ensure that civil asset forfeiture is a process executed in an appropriate manner.

This legislation supports the principles of:

Property Rights  
Limited Government

**HB0062** Hemp extracts-amendments

**No Rate**

This bill is almost to identical to 2017's HB0081, which we evaluated last year as supporting the principles of individual liberty and limited government (for an explanation of that bill, read the write up on our website under 2017 House Bills). This year we are not rating this bill because there is a very similar 2018 bill HB0064 which addresses the issue in a superior manner by completely eliminating the registration card system currently in place for hemp use (whereas HB0062 would

modify it, which would be an improvement relative to the existing situation, but not as great an improvement as HB0081 would make.) Since we track how legislators vote on the bills we evaluate in order to put together a legislator scorecard at the end of the session, rating both of this year's very similar bills as a support could unfairly penalize legislators who choose one bill over the other, voting yes for one and no for the other, so we have chosen to only rate the better of the two bills this year. If you still want an explanation of the changes this bill would make, keep reading:

Current law requires the Wyoming Department of Health to issue hemp extract registration cards to Wyoming residents who submit to the department an application form, fee, and a statement signed by a neurologist specifying that the person suffers from epilepsy or seizures and may benefit from treatment by hemp extract. Parents or legal guardians in charge of medical care can receive a card on behalf of a minor by following the same procedure. This bill proposes allowing adults to receive hemp extract cards for any disorder, not just epilepsy and seizures, if a licensed physician determines that the person may benefit from treatment with hemp extract. The bill also allows parents or legal guardians to acquire hemp extract registration cards on behalf of adult dependents subject to similar requirements. Currently, adults can get a registration card on behalf of a minor but only for seizure disorders or intractable epilepsy with a signed statement from a neurologist, and adult dependents are not mentioned.

**HB0064**      Use of hemp extracts.

**Support**

This bill would authorize people over 18 years of age to possess and use hemp extract, and eliminate the registration requirements for the use hemp that are currently in place. A parent or guardian can still administer hemp extract to a minor under this bill. If you're reading this, you probably already know that at POL we believe the role of government is to protect life, liberty, and property. Our definition of the protection of life does not include protecting people from themselves. We think that you should be free to make your own choices (that would be our principle of individual liberty) and live with the consequences of those choices to your gain or to your detriment (that would be our principle of personal responsibility). We think you're capable of making your own decisions when it comes to the use of hemp extract just like you're capable of making your own decisions when it comes to anything else.

This legislation supports the principles of:

- Individual Liberty
- Personal Responsibility
- Limited Government

**HB0070**      Open blockchain tokens-exemptions

**Support**

Advancements in technology have defined the progress of civilization. From the lightbulb to smart phones, new technologies change the way we live our lives in a profound way. Enter blockchain technology. To oversimplify, blockchain technology, also sometimes called distributed ledger technology, uses cryptography and a protocol to record transaction data in a way that is publicly and independently verified by multiple parties and cannot be altered later in time. It provides a way for multiple parties to interact in a public manner while maintaining individual security. BitCoin is built on blockchain technology. While BitCoin has taken up the headlines as an alternative currency, there are many other uses of blockchain technology. Unfortunately, this cutting edge tech and its applications are being hampered by existing regulations that shouldn't really apply to them. This bill would clarify that certain open blockchain tokens are not securities, and therefore shouldn't be regulated as securities. These tokens are more analogous to pre-paid gift cards or reward points



than investments. This bill would exempt a person that develops, sells or facilitates the exchange of an open blockchain token from the laws intended to regulate securities.

PO's analysis of this bill is conceptual in nature – that is, we are not experts in blockchain technology. But we do know enough to see what this bill is doing, which is eliminating potential regulatory burdens that shouldn't be inappropriately applied to this technology. We heard testimony in committee that companies travelled to the hearing from outside the state because of Wyoming's work in this area, and a company from Nova Scotia has already moved to Cheyenne and begun to hire folks because bills like this are in the works. Maintaining a free market open to new technologies would be yet another reason for businesses to be attracted to our great state!

This legislation supports:

Free markets  
Limited Government

**HB0073** Safety belt usage.

**Oppose**

Nanny state is here, no need to fear! Just kidding. You actually should fear—fear the nanny state, that is. Under current law, drivers must require anyone in their car under 12 years old to wear a seatbelt. This bill would extend that requirement to apply to all passengers under 16 years of age. Is it smart to wear a seatbelt and make your kids wear them? Yup. But if you let the state start telling you how to comport yourself and take care of your kids in every conceivable situation, what principled basis do you have to tell the nanny state it can't weigh in on things like how much sugar your kids should eat, what activities (or sports!) are "too dangerous" for children etc.? After all, the state just wants what's best for you, right?! (sarcasm.) They say that roads to bad places are paved with good intentions. Well-intentioned government overreach is still government overreach, and it leads to bad places.

This legislation opposes the principles of:

Individual Liberty  
Personal Responsibility  
Limited Government

**HB0090** Country of origin recognition-USA beef

**Oppose**

A very similar bill to this one has been run unsuccessfully in the Colorado legislature the last two years. Current law already requires that retailers clearly label meat that is the product of other countries as "imported," naming the country of its origin. This bill would require every retailer who sells beef in Wyoming to "place in the immediate vicinity of the beef a conspicuous placard that is clearly visible and readily viewable by the public to designate the beef as imported beef or USA beef. The placard for imported beef shall indicate each country in which the animal was born, raised or slaughtered." At POL we love us some locally sourced beef, but it's not the role of government to require retailers to post signs identifying where their beef was born and raised. If consumers really want to know, they can demand that information—without the state mandating that retailers provide a placard. You can find 'gluten free' food offered and advertised everywhere, without a state law/mandate. That's what happens when consumers create a demand. If consumers don't create a market for something via their purchasing choices, it's not the role of government to do it for them. In Colorado one of the arguments for this bill was that there are problems with consumers being defrauded as a result of bad federal labeling laws, but more government intervention in the free market is not the answer to problems started by government intervention in the free market.

This legislation opposes the principles of:

Personal Responsibility  
Free Markets

**HB0101**      Electronic corporate records

**Support**

It seems like everyone has heard of BitCoin. What most people don't understand is that while BitCoin is very intriguing, the even bigger story is the blockchain technology upon which BitCoin is built. It is hard to overstate the magnitude of the effect that blockchain technology will have on our lives in the future.

To oversimplify, blockchain technology, also sometimes called distributed ledger technology, uses cryptography and a protocol to record transaction data in a way that is publicly and independently verified by multiple parties and cannot be altered later in time. It provides a way for multiple parties to interact in a public manner while maintaining individual security. It's sort of a new form of database management.

While BitCoin has taken up the headlines as an alternative currency, there are many other uses of blockchain technology. Basically any transaction that you would want to verify, document, and 'set in stone' that can uniquely and securely identify each participant is a candidate for blockchain application. Whether it's transmitting currency to someone, transferring a car title, recording stock ownership, recording a shareholder vote, or recording a marriage license, blockchain technology can be used for many types of transaction. Wall street firms are using it today in ever-expanding ways.

This bill basically allows the use of blockchain technology for corporate records such as identifying shareholders, authorizing corporations to accept blockchain verifications/signatures for shareholder voting, and tells the secretary of state to check the state's rules to be compliant with this new way of documenting these types of records. PO's analysis of this bill is conceptual in nature – that is, we are not experts in blockchain technology. But we do know enough to see what this bill is doing, which is really quite innovative and forward thinking and opens up opportunities for corporations to utilize this ground breaking technology if they choose to do so to conduct their business in our state. Yet another reason for businesses to be attracted to our great state.

This legislation supports the principles of:

Free Markets  
Limited Government

**HB0103**      Wyoming Legal Tender Act

**Support**

This bill would recognize "specie" as legal tender in the state of Wyoming and exempt it from taxation as property or taxation when you buy, sell or exchange one form of legal tender for another form of legal tender (because it's being treated as money—not taxable property). Specie is defined in the bill as "(A) Coin having gold or silver content; or (B) Refined gold or silver bullion which is coined, stamped or imprinted with its weight and purity and valued primarily based on its metal content and not its form." The bill directs Wyoming courts to "require specific performance as a remedy for breach of any contract provision that specifically provides for a type or form of specie as tender, regardless of whether the specie is legal tender under this article." Treating money as money, and enforcing private contracts? Sounds like the proper role of government to us!

This legislation supports the principle of:

Property Rights  
Limited Government

**HB0105** Prohibition on sanctuary cities and counties

**Support**

This bill would prohibit governing bodies of cities, towns, and counties from implementing or enforcing any policy that prohibits or restricts local officials or employees from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while the local official or employee is acting within the scope of their official duties. Under the bill, any governing body of a city or town that violates this prohibition is subject to the withholding of state funding and state administered federal funding (unless otherwise specifically provided by law) and state agencies that provide funding to cities or towns must require certification of compliance as a condition of funding. Cities, towns, and counties must certify to the secretary of state that they are in compliance with these provisions by July 1, 2018. It's appropriate for the federal government to enact and enforce federal immigration law. The state should not undermine the federal government's execution of its proper role. This bill ensures that cities, counties, and towns within the state of Wyoming don't usurp or undermine federal immigration authority. This helps support a proper balance of state and federal powers and helps ensure that federal immigration law will be applied equally to those in violation of that law in the state of Wyoming, which supports the equal application of the rule of law.

This legislation supports the principles of:

Equal Protection/Rule of Law  
State vs. Federal Powers

**HB0113** Violence against a health care provider-enhanced penalties

**Oppose**

We addressed a similar issue in our last report with HB 0054 Interfering with or assaulting a process server. What we said in our write up of that bill still applies: "Do you believe that all people are worth the same amount? We think so, but this bill doesn't treat them that way. Under current law, the penalty for the assault of any person is a fine of up to \$ 750 and the penalty for battery or unlawful contact is imprisonment for up to 6 months and/or up to a \$ 750 fine." HB0013 would make it a high misdemeanor punished by imprisonment for up to a year, and/or a fine of up to \$ 5,000.00 to commit one of those offenses against a health care provider while the health care provider is acting within the scope of their employment. These are much higher fines and imprisonment penalties for the same crime if committed against different people. Are health care providers worth 2x the jail time and over 6x as much in fines as compared to other people? We don't think so. If the penalties for a crime aren't strong enough, make them stronger, but do it equally for everyone—creating classes and giving them "extra" protection under the law by enacting stricter penalties for harming them violates the important principle that the law should protect everyone equally.

This legislation opposes the principles of:

Equal Protection/Rule of Law

**HB0117** Domestic abuse-adverse landlord actions and phone numbers

**Oppose**

This bill does two things: First, it prohibits a landlord from taking "adverse action" against a tenant, an applicant or a household member's request for assistance from a law enforcement agency relating to domestic abuse or sexual violence. Adverse action includes terminating a tenancy, refusing to enter into or renew a tenancy, increasing rent, decreasing services, or imposing different

rules/conditions/standards on the tenancy. The bill does qualify that this does not apply “if the landlord has previously given the tenant a written warning regarding the conduct of the perpetrator relating to domestic abuse or sexual violence” and “(A) The tenant consents to the perpetrator’s presence on the landlord’s premises knowing that the perpetrator is an actual and imminent threat to the safety of other persons on the premises; or (B) the perpetrator is an unauthorized occupant and the tenant consents to the perpetrator living on the premises owned by the landlord and covered by the lease without the landlord’s permission.” While we feel for the victims of domestic violence, the principle of property rights means you’re entitled to use your property however you see fit—including using any criteria you want when determining who to rent to. Sometimes people will refuse to do business with you for reasons you don’t like, but using government to violate the liberty of those people isn’t an appropriate response. The second thing this bill would do is allow the court to transfer the sole right to use and sole financial responsibility for a telephone number to a petitioner as part of an order of protection. The government shouldn’t be able to transfer the property of the account holder (in this case the contract holder’s contractual right to a phone number) to someone else, because the government should not be able to alter private contracts. The free market depends upon property rights and the sanctity of private contracts.

This legislation opposes the principles of:

Property Rights  
Free Markets

**HB0124** Health care transparency act

**Oppose**

This bill would require health care providers to tell patients at the time of the appointment and give them notice in writing before providing nonemergency services which health care plans in the health care provider participates in/is affiliated with. If the health care provider does not participate in the network of a patient’s (or prospective patient’s) health care plan, the provider must inform the patient/potential patient of the amount that the provider will bill them (or at least give them an estimate) before providing nonemergency services. This must be in writing if the patient so requests. The bill also requires providers to “establish and update a list of the provider’s standard charges for items and hospital services, including for diagnosis related groups established under section 1886(d)(4) of the Social Security Act and a statement that physician services provided in a hospital may not be included in the hospital’s charges and physicians who provide services in the hospital may or may not participate with the same health care plans as the hospital. This list shall be provided upon request.” Liberty and personal responsibility go hand in hand. Liberty means you are free to make your own choices as long as you don’t infringe upon the rights of others; personal responsibility means you must accept the consequences of your decisions, to your betterment or your detriment. It is not appropriate for government to separate personal responsibility from liberty by imposing mandates on providers to “ensure” you get you all the information that you should ask for prior to getting health care. Government isn’t your mother. If something is missing a price tag at a store, we hope you don’t just say “just charge it to my card.” If you do, that’s on you. See also our explanation of 2018’s HB0161.

This legislation opposes the principles of:

Personal Responsibility  
Free Markets

**HB0127** Online obscenity prevention

**Oppose**

This bill would prohibit businesses from manufacturing, selling or distributing an internet enabled device (cell phone, lap top, tablet...) in this state unless the device contains software blocking

the device from accessing “obscene” internet websites. Obscene internet websites are defined by the bill as sites containing pornography, child pornography, or facilitating illegal acts like human trafficking, prostitution, and sexual servitude. The bill requires people making/selling/distributing electronic devices to make “reasonable and ongoing efforts” to ensure that their software is updated and continues to function effectively. Consumers over 18 can have the software be disabled, but they must make that request in writing and receive and acknowledge a document describing “the potential dangers of the content that may be accessible as a result of deactivating the blocking software.” The bill requires any person making/selling/distributing electronic devices to maintain a way for people to report websites that should be blocked, or are blocked but shouldn’t be, and if the person doesn’t respond a court can order the manufacturer/seller/distributor to make “reasonable efforts” to remedy the situation. The bill makes people who violate the provisions of these proposed statutes guilty of the crime of promoting obscenity.

It is not the role of government to determine what is best for you and to violate your liberty and the liberty of people providing goods and services to impose that on you “for your own good.” We aren’t arguing that pornography doesn’t have a negative impact; but it’s not the role of government to protect you from your choices by mandating that manufacturers censor obscene materials any more than it’s the role of government to define and censor “dangerous political ideas.”

This legislation opposes the principles of:

- Individual Liberty
- Personal Responsibility
- Free Markets

**HB0141**      Concealed weapons in places of worship

**Support**

This bill eliminates Wyoming’s current statutory prohibition on carrying a concealed firearm into “any place where persons are assembled for public worship, without the written consent of the chief administrator of that place.” Under the current law, even if your church is on private property and fully supports your right to protect yourself, the state forces you to get a permission slip to exercise your Second Amendment rights.

This legislation supports the principles of:

- Individual Liberty
- Personal Responsibility

**HB0145**      Pharmaceutical manufacturers-promotion of off label use

**Support**

Let’s start with some definitions so it’s clear what we’re talking about. “Off-Label Use” is defined by this bill as, “the use of a United States food and drug administration approved drug, biological product or device in a manner other than the use the United States food and drug administration approved.” When the FDA, in its infinite wisdom after an insanely expensive and bureaucratic approval process finally approves the use of a drug for a specific condition, then that drug can only be promoted/prescribed for that condition. If it turns out that the drug is also great for treating a different condition, then the drug manufacturer would have to go through the approval process again to get the FDA’s blessing to use the drug for the other condition too.

A highly simplified hypothetical example would be something like this: Drug A has been FDA approved for use in stopping runny noses. It later turns out that the drug is also good for lowering cholesterol and it’s WAY cheaper than the currently approved cholesterol drugs they can promote for prescription. However, manufacturers can’t promote this already FDA approved drug for



lowering cholesterol— they can only promote it for use on runny noses. What’s a doc to do? Lie and say that they’re giving you this Rx for a runny nose when really it’s to treat your high cholesterol at a cheaper price? How would the doctors know that this option exists if the manufacturer can’t tell him about it? This bill would allow drug manufacturers to engage in the “truthful promotion” of an off-label use of a prescription drug, biological product, or device and specify that doing so doesn’t classify as “misbranding” under WY state statute. The bill would not force insurers to provide coverage for off label use, but they could if they wanted to.

This legislation supports the principles of:

- Individual Liberty
- Personal Responsibility
- Limited Government

**HB0163** Physician noncompete clause

**Oppose**

The free market means employers and employees are free to set and commit to the terms of a mutually agreeable arrangement. If an employer sets terms that you don’t like, you are free to utilize your individual liberty not to work from them. Enter noncompete clauses. Noncompete clauses are a clause in a contract under which one party (usually an employee) agrees not to enter into competition against another party for a certain period of time upon leaving employment. Example: a potential employer says, “Hey, you’re such a great salesman (or doctor, or whatever...) that if we offer you an employment contract, then as part of that contract we need you to agree that you won’t start working for a competing company for a 12 month period within 100 miles of us if you up and leave after getting fully trained by us and taught all about our secret sauce.” You can either agree to those terms, negotiate them, or say no thanks and find employment elsewhere. An argument you might hear for this bill is that there are a limited number of medical employers in Wyoming, and individuals HAVE to sign such an agreement in order to work here because there’s not enough competitive offers for employment. But much of the reason that the healthcare is in such a bad position right now is because of government intervention. In a truly free market, competition creates lower prices and incentivizes better services. The government should not be able to dictate the terms of private contracts, and the fact that they do so extensively in the health care market is much of the reason we have such high prices etc. The free market is built upon the freedom for two parties to freely come to a mutually beneficial arrangement. This bill would continue the cycle of government intervention creating government problems creating more government “solutions” creating more government problems...

This legislation opposes the principles of:

- Individual Liberty
- Personal Responsibility
- Free Markets

**HB00168** Stand your ground-2

**Support**

Please see our explanation of SF0071, which is very similar to HB00168. We explain both bills there. If both SF0071 and HB0061 make it out of their chambers of origin and cross over, we will determine how to factor legislator votes into our scorecard in a way that doesn’t penalize legislators who choose to support one form of the bill over the other. Until then, both of these bills will be evaluated as supporting our principles and legislator votes will be factored into our scorecard accordingly.

This legislation supports the principles of:



Individual Liberty  
Property Rights  
Limited Government

**HB0171** Minimum wage

**Oppose**

This bill was run last year as HB0140, and but failed on first reading in the House. This bill would raise the minimum wage from \$ 5.15 to \$ 9.50 but permit a training wage of no less than \$ 7.50 for a period of less than 6 months. The bill would have changed tipped employee minimum wage from \$ 2.13 per hour to \$ 5.50 per hour. According to current law, if the wage paid by the employer combined with the tips received by the employee during a given pay period does not equal the minimum wage for untipped employees, the employer must pay the employee the difference. This bill would have made employees who fail to pay this difference liable in a civil action for three times the amount that was due, but specifies that in no case would employers be liable for less than \$ 100.00. Employees substantially prevailing in an action for underpayment under this provision would have also been entitled to “reasonable attorney fees and the costs of the action.” Dictating the terms of contract between employees and employers violates individual liberty, upsets free market mechanisms such as price signaling, and is not the role of government. The negative consequences of minimum wage law violations of the free market are pretty well documented.

This legislation opposes the principles of:

Individual Liberty  
Free Markets  
Limited Government

**HB0192** Legislator communications on recordings and broadcasts

**Support**

This bill would specify that “the recording or broadcast of a communication made by a legislator or legislative staff which would otherwise be confidential and privileged under this section shall not be deemed confidential and privileged to the extent that the communication is audible on the official legislative service office recording or broadcast of a public meeting of a joint interim committee, select committee or task force.” Currently, interim committee meetings are recorded and those recordings are allegedly available to the public. The problem is that they aren’t made available to the public until LSO has an attorney review them (interim committee meetings often last for two days, so it’s a lot of audio) to make sure that there were no privileged or confidential communications between an attorney and a legislator accidentally caught by the audio recording. The thinking is that a legislator could ask for a legal opinion while sitting in the committee hearing, and in the course of whispering it to the legislator the communication could accidentally get recorded by the legislator’s microphone for all to hear. The problem with this is it means you can’t get the audio recordings for months. Principles of Liberty is still waiting to receive audio from an interim committee meeting held in September, 2017 that apparently has not been reviewed yet. It is now January, 2018. That’s not transparency in government. This bill will make it much easier for the public to actually get and use the audio that’s allegedly being recorded for their benefit. If legislators need a legal opinion, we’re confident they can exercise their personal responsibility and step away from the microphone.

This legislation supports the principle of:

Limited Government (Transparency)

**SF0003**

Antelope hunt licenses

**Oppose**

A long, long time ago, in a galaxy far away... just kidding, we're talking about Wyoming. In 1940, the single shot antelope hunt in Lander was established. Under current law, the state sets aside 80 antelope licenses for that hunt. Participation in the hunt is by invitation only, so you can make your own assumptions about who gets to participate (maybe government officials, etc.?) This bill would set aside 80 additional antelope licenses for the purpose of "not more than" two antelope hunts per year, for a total of 160 antelope licenses reserved for special hunts. So what's the big deal? It's not ok for state to pick out groups of citizens for special treatment or privileges under the law. This bill would double down on the policy of giving out special privileges to some people rather than applying the law with respect to game tags equally to every Wyoming citizen, which is especially ironic given that we're the "Equality State." You might hear the argument that "they already do it for one group, so this will allow more groups/people to participate and make it more fair!" Don't be fooled. As your mama used to say, two wrongs don't make a right. When a problem exists, we think you should eliminate it—not compound it.

This legislation opposes the principle of:

Equal Protection/Rule of Law

**SF0004**

Regulation of bingo and pull tab games.

**Oppose**

Think the citizenry can handle playing bingo without the nanny state getting involved? Think again! This bill specifically authorizes localities to regulate bingo and pull tab games (and charge fees for licensure, of course!), and prohibits organizations from conducting them without a permit if the local jurisdiction requires one. We wonder if the nanny state will employ Big Brother to peek through your windows to make sure your family game night is in compliance (my mom is pretty ruthless at Monopoly...)? (sarcasm.) The bill restricts conducting bingo/pull tab games to non-profit organizations that have been in the state for at least 3 years (we smell cronyism), requires you to be 18 or older to play, tells you who can help conduct the event, and specifies what percentage of the game proceeds go where (supplies, charity, etc.). If you think an organization is conducting a game of bingo unfairly, don't go there—you don't need the government to step in and run everything for you.

This legislation opposes the principles of:

Free Markets

Limited Government

**SF0014**

Biennial energy strategy.

**Oppose**

Want to know what has propelled the United States to the status of world superpower, made it famous for the "American dream," and made it a place that people are willing to risk death by getting on homemade rafts to traverse the ocean over here? It's liberty: political, individual, and economic. If you undermine any one of these, the others fall too. This bill replaces the free market approach that took us from the invention of the telegraph to super computers in our pockets in under 200 years with the central planning approach to the market characteristic of North Korea, Venezuela, and Cuba. There's a reason the U.S. is a better place to live. This bill directs the Wyoming Business Council (WBC) to develop a "biennial energy strategy" that "Includes programs and initiatives intended to increase economic competitiveness, expansion and diversification, to provide for efficient and effective regulation and natural resource conservation, reclamation and mitigation and to develop education, innovation and new technologies." This language is code for the state will take YOUR hard earned money in the form of tax dollars and redistribute it to

industries, probably “innovative” ones like electric car companies/wind energy programs/etc. or else whichever industry has the most powerful lobby. We’ve seen this happen loads of times. The bill would also create an Energy Strategy Committee and directs them to review/revise/adopt the strategy prepared by the WBC. Ever heard of crony corporatism? Bills like this make it possible. It is not the role of government to develop new technologies. It the role of government to protect a free market (property rights, etc.) that will accomplish that feat for us. What do you think would have happened if the government had been in charge of developing smart phones? We would not have anything close to what the market offers us now. This is a bill in which special interests will win, and individuals across the state will lose because your hard earned tax money will be wastefully funneled to crony corporate winners.

This legislation opposes the principles of:

Free Markets  
Limited Government

**SF0020** Custody in the best interest of the children

**Support**

This bill addresses an issue of judicial overreach in the arena of child custody. Under Wyoming statute, there are a number of factors for a judge to consider when deciding custody but W.S. 20-2-201 permits “any disposition of the children that appears most expedient and in the best interests of the children.” Subsection (d) specifically allows the judge to “include any combination of joint, shared or sole custody.” Enter the WY Supreme Court. Since 1983 the Wyoming Supreme Court has warned lower courts that joint custody is not favored. Imposing this opinion about child-rearing via the judicial process is not the appropriate role of the judicial branch, not to mention the fact that it’s plain bad policy to decide that one form of custody is always preferable without knowing the merits of a particular case. This bill would codify in statute that “In determining custody a court shall not favor or disfavor any form of custody”, helping ensure that judges can make custody determinations based on the merits of the case and in the best interest of the child—not based on a higher court’s presuppositions. It is entirely appropriate for the state legislature to curb overreach by the judicial branch.

This legislation supports the principles of:

Individual Liberty  
Limited Government

**SF0031** Veterans’ skilled nursing center.

**Oppose**

If you like the government taking your hard-earned money to do things that aren’t the role of government and bills that authorize spending on projects that we don’t have details on yet, then you’ll love this bill! This bill would authorize the state to build and run a veterans nursing home. This is the state trying to do something that can, and should, be done by the private sector. The bill contains borrowing authority of up to \$ 5,000,000 from the legislative stabilization reserve account or any other account selected by the State Treasurer to the State Construction Department or up to 35% of the actual development costs for a facility with the number of beds authorized by the U.S. Department of Veterans Affairs (whichever is less), but we actually have no idea how much the project will cost. Details regarding facility construction, location, number of beds and funding are unknown until the studies directed by the bill are completed. Anybody else hearing Nancy Pelosi’s infamous words on another health care bill: “we have to pass the bill so that you can find out what’s in it”? The state will also use the info from one of the studies to apply to the VA for a 65% federal government construction cost match (so this bill also redistributes the hard earned income of you and your fellow Americans via the federal government, too).

So just how much will this cost, you ask? According to the State Construction Department (SCD), the construction cost of the facility cannot be determined until level I and II planning and design are completed and construction costs could vary substantially depending on the design and the programming of the facility (uh, duh). Not to worry though, the SCD provided a broad construction cost range for a 10-12 bed cottage from \$1.84 million to \$ 3.4 million per cottage. Aside from the fact that this still isn't the role of government, we hope you realize that state projects that come in on-budget are about as rare as unicorns.

Upon construction completion of the facility, the Department of Health would provide care in the nursing center either directly or by contracting out the operations of the facility to a third party. Yep: they're going to take your tax dollars to build the facility, and then (potentially) continue to expend your tax dollars by giving them to a private contractor to provide a service that the free market could provide if the government would get out of the way. The costs of these additional responsibilities are... you guessed it, currently unknown.

Let's look at an example of government health care from our neighbor to the south, Colorado. The Denver VA hospital was originally projected to cost \$ 328 million. It is now estimated (it's still not finished) to cost over \$ 1,730 million. That's \$ 1.73 billion, over 5 times the original estimate. The construction is many years overdue and there seems to be no end in sight!

This legislation opposes the principles of:

- Free Markets
- Limited Government
- Fiscal Responsibility

**SF0038** Service contracts-automatic renewal provisions.

**Oppose**

It's the role of government to enforce private contracts. It is not the role of government to dictate the terms of private contracts. This bill would prohibit automatic renewal provisions in service contracts that causes the contract to be enforceable for more than 6 months after the first day the contract becomes enforceable unless the seller provides the consumer a written reminder between 30 and 90 days before the contract is set to renew. The bill also mandates that a service contract that containing an automatic renewal provision providing for a renewal term exceeding 12 months must prominently display the provision on the first page of the contract. We get it, reading all the fine print when you sign a contract is annoying. But it's not the role of Big Brother to make sure that if you don't do your due diligence before signing a contract, you get another shot. Freedom from government interference in a voluntary transaction between two parties is kind of part of the "free" part of the free market.

This legislation opposes the principle of:

- Personal Responsibility
- Free Markets
- Limited Government

**SF0040** Commercial air service improvement.

**Oppose**

Let's take a quiz! The state of Wyoming should to run airline service with your tax dollars because: A) the state is more efficient than the free market B) tax dollars grow on trees, they're not really citizen money C) all of the above, D) none of the above. You get the point. This bill reflects the idea of some legislators that the state government needs to get involved in centrally planning airline service, to help economic development of course! The bill would create the Wyoming Commercial

Air Service Improvement Council to develop a 10 year plan “to improve commercial air service in this state.” The commission is authorized to enter into contracts to procure commercial air service, and a fund is created but no money is appropriated to it—yet. The commission’s plan must include recommendations for initiatives and specific actions “to develop efficient and effective implementation of a long-term, viable strategy for sustainable commercial air service in this state” among other things. The bill goes so far as to require the plan to include a 1 carrier system offering up to 3 daily flights to a major hub each participating commercial air service community in the state.

Newsflash: if the free market isn’t doing something, it’s because there isn’t enough demand for it (so it’s not a profitable venture). This is the state taking your money by force and using it to pick winners and losers for tax dollar handouts. Sucks extra if you’re someone who doesn’t live anywhere near one of these “major hubs,” doesn’t it? It’s immoral for the government to take your money just to give it away to other people. Not only that, but although the state would like you to think that it can help “develop” the economy, the state isn’t smarter than the free market. If there isn’t enough demand for a service for the free market to provide it, the state can’t possibly make that service a feasible venture unless it uses your money to subsidize it. On top of that, government interference just makes things worse. When the state gets involved in providing services it competes with private industry, it makes it even harder for businesses to compete in the marketplace and often drives them out. Central planning is the opposite approach to a free market. For thoughts on why the free market is the system most conducive to liberty and human flourishing, attend one of our classes.

This legislation opposes the principles of:

Free Markets  
Limited Government

**SF0041** Organ donation promotion-task force.

**Oppose**

This bill would create the organ donation task force to consider means of improving and promoting the organ donation process and system in Wyoming. While we may personally support organ donation, we do not think it’s the role of government to promote organ donation or to study the “means of increasing the number of Wyoming residents who volunteer to be anatomical donor,” the “means of improving public outreach and organ donation education,” or to “increase the number of volunteer organ donors in Wyoming.” This is a clear expansion of government, and it does not fulfill a proper government role of protecting ones life, liberty, or property. This is extra, feel-good, government over-reach.

This legislation opposes the principles of:

Personal Responsibility  
Limited Government

**SF0051** Wind energy facilities-industrial siting.

**Oppose**

Under current law, no person may start constructing an industrial facility as defined in 34-12-102(a)(vii) in the state of Wyoming without first obtaining a permit for that facility from the Industrial Siting Council. This policy opposes the principles of property rights, free markets, and limited government. If you need the state’s permission to do something on your property that doesn’t actively violate the life, liberty, or property of someone else your “liberty” and “property rights” don’t really exist. This bill lets people apply to the siting council for a hearing to argue that even if a wind facility doesn’t currently meet the definition of an industrial facility under current



law (so they don't have to get a siting permit from the council), they should still be regulated because they'll probably get big enough later. The bill then establishes a form to facilitate this collusion between individuals, competitors, groups, and the government to interfere with property rights. Expanding and tightening up regulations isn't "more fair," it's increasing governmental overreach.

This legislation opposes the principles of:

Property Rights  
Free Markets  
Limited Government

**SF0059** Passing stopped school bus.

**Oppose**

This bill would make it so that if the identity of a driver unlawfully passing a stopped school bus isn't known, it's assumed to be a primary operator and owner of the vehicle. You weren't the one driving your car at the time? You'll have to prove it. This bill is "guilty until proven innocent."

This legislation opposes the principles of:

Individual Liberty  
Limited Government

**SF0071** Stand your ground

**Support**

Under current Wyoming Statute 6-2-602, you are presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to yourself or another when using defensive force if you're in your home or habitation and somebody is unlawfully/forcefully entering or trying to remove you. Essentially, you have a right to defend yourself and other people in your home or other place designed to house you overnight (like a tent, camper trailer, etc.) from intruders. This bill would further strengthen your right to defend yourself by specifying that if you defend yourself pursuant to 6-2-602, you're immune from any arrest, detention, charging, citation or prosecution for using defensive force even if you're wrong in your estimation of the danger or the force necessary to repel the danger as long as there was a reasonable basis for your belief. Under the bill, officers can still investigate the use of defensive force but they can't arrest you unless they find probable cause that defensive force was not reasonable. The bill also allows a person arrested or prosecuted who believes that he is entitled to immunity under the new statutes created by this bill to file a motion with the court asserting that he used reasonable defensive force and upon the filing of the motion the court must hold a hearing prior to trial and grant the person's motion unless the party seeking to overcome the immunity proves beyond a reasonable doubt that the person did not use reasonable defensive force under W.S. 6-2-602.

The bill requires a court to award reasonable attorney fees, court costs, compensation for any loss of income and all other expenses incurred by a person in defense of any civil action arising from the person's use of reasonable force pursuant to W.S. 6-2-602 if the court finds that the defendant is immune from civil action under the statutes proposed by the bill.

The bill also specifies that a person who is not engaged in illegal activity has no duty to retreat from any place where the person is lawfully present before using reasonable defensive force, and that a finder of fact (like a jury) can't consider the possibility of retreat as a factor in determining whether a person who used reasonable defensive force reasonably believed that the force was necessary to prevent death or serious bodily injury to himself or another. In plain terms: should an innocent and law-abiding victim have a duty to retreat rather than defending himself or another innocent



person? No. You have a right to defend your life if it's threatened, and the state exists to help you protect that right—not to curtail it. This bill supports that fundamental principle.

This year's HB0168 is very similar to SF0071. The only differences between the two bills at the time of their introduction are as follows: HB00168 uses the language of a "good faith belief" that that defensive force was necessary to prevent an injury or loss to himself or another person, whereas SF0071 uses the term "reasonable belief." Unlike SF0071, HB00168 also specifies that people who use defensive force in accordance with W.S. 6-2-602 are immune from civil forfeiture action brought by the state of Wyoming—i.e. the state can't confiscate your gun and refuse to give it back if you lawfully defend yourself. Both bills bolster your right to protect your life, and HB00168 adds protections to your property rights as well.

If both SF0071 and HB0061 make it out of their chambers of origin and cross over, we will determine how to factor legislator votes into our scorecard in a way that doesn't penalize legislators who choose to support one form of the bill over the other. Until then, both of these bills will be evaluated as supporting our principles and legislator votes will be factored into our scorecard accordingly.

This legislation supports the principle of:

Individual Liberty  
Limited Government

**SF0077** Agency reporting transparency

**Support**

Getting "public" information in the state of Wyoming can be a challenge. Currently, most state agencies are required to post a summary of their unbid contracts that includes who got the contract, the date it was awarded, and how much the contract was for. Sometimes the information contained in these reports is vague. If you want more details, you can submit a public records request but agencies aren't required to get the information to you within a certain amount of time so you may not get it for weeks or months or longer. If you request a large quantity of records electronically, you'll get charged for the cost of processing time. You could also be told to come to Cheyenne to view the records—not super helpful if you live across the state, especially if it's wintertime. It can be a slow process to get salary information for public employees, too. The current system isn't particularly transparent if you're a concerned citizen trying to exercise your right to oversee your government.

This bill would require the Department of Administration and Information to make "a copy of any request for bids or proposals by an agency for supplies or services or any contract or other agreement entered into by an agency for supplies or services" available on the Wyoming Public Finance and Expenditure of Funds Website. Note: the bill requiring the creation of that website was run in 2009, but the website still doesn't exist yet. But, the website is required. The term "agency" does not include the University of Wyoming, community college districts or school districts for that portion of the bill, but at least it's a start. This bill also specifies that state employee information including position classification, rate of compensation, job title, position description and service tenure be posted on the website for public inspection and updated annually. This would apply to employees at the University of Wyoming, any community college in the state, community college districts, school districts, and employees of the executive or judicial branches of government. The bill also requires each state entity participating in the website to provide quarterly reports accounting for all revenues, regardless of source, received by the entity that qualify as public financial information so that the department can make those reports available on the website.

This legislation supports the principles of:  
Limited Government (Transparency)

**SF0078**      Opioid addiction task force

**Oppose**

This bill would create an opioid addiction task force and appropriates \$ 60,000 over the next three years. The task force is charged with looking at grants relating to substance abuse education/prevention/treatment made available by the federal government/the state of Wyoming/other organizations, strategies to reduce the administration of opioids including promotion of alternative treatments, and prescriber education relating to opioids amongst other topics. Ah, task forces. There is a time and place for the deployment of a task force. But it's not on spending tax dollars to create task forces to get involved in things like "educating" prescribers and seeking grants to "prevent" substance abuse, which aren't the role of government.

This legislation opposes the principles of:  
Personal Responsibility  
Limited Government

**SF0079**      Vertical takeoff and landing aircraft-regulation.

**Oppose**

Sometimes, we see bills pertaining to cutting edge of technology that liberate it from burdensome regulation. Other times, we see bills that regulate new technologies as quickly as possible (sometimes before they even exist. No joke). Take a wild guess which type of bills support free markets, and which do not. Last year's SF 0170 Unmanned Aircraft pre-emptively mandated the creation of regulations regarding unmanned aircrafts based on the idea that unmanned aircrafts with passengers are an innovation coming down the pipeline and that Wyoming "needs to be prepared" when they arrive. That bill passed. That went so well, that we need to find more things to regulate (/sarcasm). Pro tip: if folks ignore this, this trend will continue next year. And the next year. And the year after that... you get the point.

Current law directs the commission to promulgate "reasonable" rules about where unmanned aircraft may take off and land, "giving consideration to public health and safety, aesthetics and the general welfare." Yep, aesthetics. This bill would direct the commission to do the same thing for vertical takeoff and landing aircraft. The bill also adds vertical takeoff and landing aircraft to the list of things the commission may study for the purpose of "assist[ing] communities in coordinating efforts, facilitating, recruiting and attracting and promoting the development, improvement and retention of commercial air service..." none of which is the proper role of government. For a rant on the free market and air service, see our write up on 2018 SF0040 Commercial air service improvement. But back to SF0079: this bill would also add vertical takeoff and landing aircraft to the statutory provisions on dangerous flight and to the statutes that prohibit landing on somebody's property without their permission. However, if these particular crafts landing on people's property illegally is currently an issue it can be addressed without all the other governmental overreach in this bill.

This legislation opposes the principle of:  
Free Markets  
Limited Government

**SF0092**      Electronic logging devices-enforcement

**Support**

Under current law, the Wyoming Department of Transportation is required to "adopt rules and

regulations prescribing the permissible operating time and other requirements of motor carrier drivers, equipment and the transportation of hazardous materials which are consistent with comparable regulations of the United States department of transportation.” The problem with these types of provisions are that sometimes the federal government may adopt rules that aren’t beneficial to or suited for Wyoming. The federal government has promulgated rules requiring electronic logging devices for commercial vehicles. SF0092 would qualify the current statutory requirement that the Wyoming Department of Transportation adopt rules and regs consistent with federal law to specify that our rules should be in accordance with the rules established by the feds before their December 16, 2015 rules, and specifically directs the WY Department of Transportation to look at the Federal Register volume 80:241 page 78292 rules as their guide, i.e. the rules that didn’t have this electronic logging device requirement. The bill also says that: “In Wyoming no officer... shall enforce any rule or regulation for permissible operating time and equipment standards except as provided in this subsection and department rules promulgated according to this subsection.” In plain terms: we will NOT be enforcing federal regulatory overreach with respect to electronic logging devices in our great state of Wyoming, thank you very much.

You might be thinking: didn’t you just support the bill saying Wyoming localities must cooperate with federal officials on immigration enforcement? Here’s the difference: enforcing federal immigration law is the proper role of the federal government. Neither the federal government nor the state government should upset the proper balance of state vs. federal power. The states and the federal government were not set up like the J.V. and Varsity team—they were established as entities with separate duties, each sovereign within their appropriate sphere of governance. We don’t necessarily support the existing provisions requiring the Wyoming Department of Transportation to regulate intrastate commerce in accordance with federal rules and regs at all, but this bill does push back at least in the instance of increasing federal overreach with respect to electronic logging devices, which is a substantive improvement to the existing situation.

This legislation supports the principle of:  
State vs. Federal Powers

**SF0094** Tobacco use nondiscrimination-repeal

**Support**

Under current law, there is a list of things the state dubs “discriminatory or unfair employment practice” when it comes to hiring folks. One of the things dubbed discriminatory is “For an employer to require as a condition of employment that any employee or prospective employee use or refrain from using tobacco products outside the course of his employment, or otherwise to discriminate against any person in matters of compensation or the terms, conditions or privileges of employment on the basis of use or nonuse of tobacco products outside the course of his employment unless it is a bona fide occupational qualification that a person not use tobacco products outside the workplace.” Side note: under the existing law, employers can still have different health policies for tobacco/non-tobacco users due to the difference in coverage costs. The “free” part of the free market means that employers are free to hire people (or not) based on any criteria they want. Sometimes people will refuse to hire you for reasons you don’t like, but it’s their business - they are the ones who will cut the checks. Using the force of government to violate the liberty of business owners is not the role of government. This bill would eliminate at least one instance of government overreach.

This legislation supports the principle of:  
Free Markets

Ah, government incentivized broadband. A favorite of those who believe that central planning can and should do what the free market won't. This bill would create a state (i.e. taxpayer) funded broadband development program administered by the Wyoming business council to subsidize broadband infrastructure for "unserved" or "underserved" areas. After all, why use your own funds to finance the infrastructure to expand your broadband service if you can just apply for tax dollars to finance it? But not only does this bill allow localities to subsidize broadband service to unserved areas, under the bill, there can already be a broadband provider servicing an area—and this bill allows local governments to hand out your tax dollars to a potential competitor to come in and provide "better" subsidized service. Level free market playing field? Umm, no. This. Is. Cronyism. The bill specifies that no agreement made under the program may fund more than 50% of the total cost of a project (oh, such restraint in giving our tax dollars away), local governments must provide some funds (so it's a double tax whammy for people actually in the 'underserved' service area!). However, they can also use federal funds and funds from other state grant programs to subsidize their project - it's a Triple Tax Trifecta! And get this: "No single project shall exceed five million dollars (\$5,000,000.00) in funding provided under this article." No more than \$ 5 million of your tax dollars may be spent on a single project (which may be across the state from you)?! What limited government! (sarcasm.)

Let's borrow a little excerpt from our write up on SF0040: "Newsflash: if the free market isn't doing something, it's because there isn't enough demand for it (so it's not a profitable venture). This is the state taking your money by force and using it to pick winners and losers for tax dollar handouts... It's immoral for the government to take your money just to give it away to other people. Not only that, but although the state would like you to think that it can help "develop" the economy, the state isn't smarter than the free market. If there isn't enough demand for a service for the free market to provide it, the state can't possibly make that service a feasible venture unless it uses your money to subsidize it. On top of that, government interference just makes things worse. When the state gets involved in providing services it competes with private industry, it makes it even harder for businesses to compete in the marketplace and often drives them out. Central planning is the opposite approach to a free market. For thoughts on why the free market is the system most conducive to liberty and human flourishing, attend one of our classes."

So what exactly is an underserved area, anyway? "(a) In evaluating applications and providing funding under this article, the council shall give highest priority to applications which the council determines are unserved or underserved, as defined by the council through consultation with the broadband advisory council." This alone should scare you. Passing legislation that has the force of government, backed by a gun, is supposed to be the job of our ELECTED state Representatives and Senators. This bill would put a group of people, who with the exception of the governor are not elected by the people of Wyoming, in charge of setting definitions that will determine how legislation will be interpreted, enacted, and applied. Just say NO to the ever-growing Administrative State.

This legislation opposes the principles of:

- Free Markets
- Limited Government
- Fiscal Responsibility

Currently, state statute requires the Professional Teaching Standards Board to run a program

under which school districts reimburse up to 50 teachers or licensed service providers employed by Wyoming school districts for the cost of receiving national certification. Right now, in order to receive funding recipients must have taught in the state of Wyoming for at least 3 years, must have successfully received the national certification, and must agree to mentor at least one other teacher employed in the state of Wyoming through the national certification process. Right now, school districts can apply to the state for an innovative program grant under W.S. 21-22-106(a)(iii) to recover amounts reimbursed to teachers and service providers funded by the program.

This bill would remove the 50 person cap on the number of teachers/service providers funded by the program, remove the requirement that teachers/service providers have completed the requisite 3 years of teaching in the state of Wyoming and the requirement that recipients need to complete the certification process prior to receiving funding. Instead, under the bill recipients must make “timely pays the teacher’s or service provider’s portion of the certification fees and timely completes progress toward certification as required by the program” and “reimburse the program for any certification fee payments made by the program on behalf of the teacher or service provider in the event the teacher or service provider fails to formally withdraw from the process or to submit an entry that can be scored, as determined by the program.”

The bill would move the administration of the program from the hands of the Professional Teaching Standards Board to a nonprofit contracted by the board and expand the scope of the program to allow “professional development and mentoring specific to national certification, along with other activities related to national certification.” The bill would also eliminate the school district authorization to apply for funds via the innovative program grant, and instead authorize the legislature to appropriate funds to implement the program. There’s no fiscal impact noted on this bill now, but mark our words—this is an expansion of the program, and it will lead to the expenditure of more “funds” (i.e. your tax dollars) on this program in the future.

This legislation opposes the principle of:

- Limited Government
- Fiscal Responsibility
- State vs. Federal Powers

**SF0108** Economic diversification and development

**Oppose**

We interrupt your regularly scheduled legislative oversight to bring you this fairy tale:

Once upon a time, the state decided that it needed to stimulate the economy. In a magnificent act of hubris, the state decided that it could centrally plan the economy to produce outcomes “superior” to the outcomes produced by the free market. But however could the state influence the economy? Why, by picking winners and losers with your tax dollars, of course! So the state developed initiatives and programs...

Enter SF0108. This bill adds to the directives of the Wyoming Business Council (WBC), requiring the council to “employ or contract with persons for purposes of developing new markets and expanding foreign trade efforts, including expanding international markets for Wyoming services, Wyoming agricultural and other products and commodities, and targeted consumer advertising...” Newsflash: developing markets, conducting trade, and advertising are the role of businesses, not the state. The bill also directs the WBC to work with the ENDOW Executive Council to “Develop a strategy to create small regionally located beef processing plants” and to “Market Wyoming grown agricultural products in-state, regionally, nationally and internationally,



through market development, trade shows and social media and other media outlets; and (iii) Enhance the council’s website to promote Wyoming grown agricultural products including match making services between key food system partners.” Remember what we just said about the role of businesses vs. the role of the state? But we’re not done. This bill also creates an “agriculture marketing subaccount” in the economic diversification account. (Seriously, is no one listening to our comments about the role of businesses vs. the role of the state?!)

This bill would also expand the ENDOW Executive Council from 15 to 20 members and includes new directives to the council pertaining to career technical education. What is ENDOW? Last year the governor proposed a scheme designed to “stimulate” the economy... by handing out your tax dollars to select industries. That scheme was christened the ENDOW Initiative, and it was presented to the legislature as SF0132 in 2017. You can see our explanation of that bill in 2017 Senate Files on our website. The council created by ENDOW has proposed all sorts of ways to spend your money, including a state-run airline (see our write up of 2018’s SF0040). And now, less than a year after the creation of ENDOW, there is legislation proposing to expand the scope of the program.

Last but not least, the bill makes the following appropriations: \$ 400,000 from the general fund to the Wyoming Business Council “to conduct international marketing and trade activities,” and \$ 2,000,000 from the strategic investments and projects account to the agricultural marketing subaccount.

This legislation opposes the principles of:

- Free Markets
- Limited Government
- Fiscal Responsibility

**SF0111** Property taxation-digital currencies

**Support**

This bill would exempt virtual currencies (bitcoin etc.) from property tax. As we said in our write up of 2017 HB0103, “Treating money as money... Sounds like the proper role of government to us!”

This legislation supports the principle of:

- Property Rights
- Limited Government