



Principles of Liberty – Wyoming  
Legislative Report  
February 19, 2018

# Weekly Report #4

If you like fairy tales, central planning, and having your tax dollars re-distributed to select industries, don't forget to check out SF0108 Economic diversification and development!

## 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

## 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

## 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)

**SF0102** National teaching certification.

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