

# SUMMARY *of* PROCEEDINGS



## JOINT CORPORATIONS, ELECTIONS & POLITICAL SUBDIVISIONS COMMITTEE

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### COMMITTEE MEETING INFORMATION

October 26-27, 2023 | 8:30 AM  
Capitol Extension, W006  
200 West 24th Street  
Cheyenne, Wyoming

### COMMITTEE MEMBERS PRESENT

Senator Cale Case, Co-chairman  
Representative Jared Olsen, Co-chairman  
Senator Eric Barlow  
Senator Brian Boner  
Senator Charles Scott  
Representative Forrest Chadwick  
Representative Jeremy Haroldson  
Representative Steve Harshman  
Representative Christopher Knapp  
Representative Sandy Newsome  
Representative Pepper Ottman  
Representative Cody Wylie  
Representative Mike Yin

### COMMITTEE MEMBERS NOT PRESENT

Senator Bill Landen

### LEGISLATIVE SERVICE OFFICE STAFF

Josh Anderson, Senior Staff Attorney  
Lucas Plumb, Staff Attorney  
Kelly Lower, Associate Research Analyst  
Katie Talbott, Legislative Editor

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**OTHERS PRESENT AT MEETING**

Please refer to [Appendix 1-02](#) to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

## EXECUTIVE SUMMARY

The Joint Corporations, Elections and Political Subdivisions Interim Committee met in Cheyenne for two days. The Committee finalized their interim work and sponsored numerous bills related to elections, special districts, and utilities. The Secretary of State's Office, Wyoming County Clerks' Association, and Public Service Commission provided information related to the proposed legislation. The meeting can be viewed on YouTube – October 26, 2023 [AM](#), [PM](#), and October 27, 2023 [AM](#), [PM](#).

The Committee voted to sponsor the following bills, as amended during the 2024 Budget Session:

- 24LSO-0091.5 Voter qualifications-durational residency requirement.
- 24LSO-0099.4 Campaign reporting.
- 24LSO-0233.5 Election offenses-intimidation.
- 24LSO-0100.4 Special district vacancies.
- 24LSO-0234.5 Special districts bond elections exception
- 24LSO-0228.5 Public service commission-electricity reliability.
- 24LSO-0229.5 Reclamation and decommissioning costs.
- 24LSO-0232.4 Electricity rates for costs that do not benefit Wyoming.
- 24LSO-0273.4 Public service commission-integrated resource plans
- 24LSO-0274.3 Public utilities-net power cost sharing ratio.
- 24LSO-0275.3 Public utilities-energy resource procurement.

## CALL TO ORDER (THURSDAY, OCTOBER 26, 2023)

Co-chairman Olsen called the meeting to order at 8:30 AM. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda.

### ELECTIONS

#### **24LSO-0091 Voter qualifications-durational residency requirement.**

Luke Plumb, Attorney, Legislative Service Office (LSO), presented 24LSO-0091 Voter qualifications-durational residency requirement, which require a qualified voter to be a bona fide resident of the state of Wyoming for at least 30 days prior to the election, see [Appendix 2-01](#).

Secretary of State Chuck Gray spoke in support of the bill and would like to have “bona fide resident” further defined.

Malcolm Ervin, on behalf of the Wyoming County Clerks' Association (WCCA), stated the Association has no official position on the bill and the Clerks could administer the changes.

#### **Public Comment**

Kathy Russell, Wyoming Republican Party (GOP), indicated election integrity is a primary concern for the members of the Republican Party and would like the term “bona fide” further clarified.

Gail Symons, Civics 307, recommended that “bona fide” should either be defined or removed from the bill. Ms. Symons presented several slides discussing voter registration data and elections, see [Appendix 2-08](#).

Marguerite Herman, League of Women Voters, expressed concerns about restrictions on qualifications of votes and believes any additional changes should meet a high justification, and does not feel the bill meets that standard. Ms. Herman spoke in opposition to the legislation.

Patricia Junek of Campbell County, and Mark Koep of Crook County both spoke in favor of the bill.

### **Committee Action**

Representative Haroldson moved that the Committee sponsor 24LSO-0091.5 during the 2024 Budget Session. The Committee adopted the following amendments:

Page 3-after line 21      Conceptually insert:

"(b) Any elector who meets all the requirements of subsection (a) except has not lived in Wyoming for 30 days or more shall be qualified to vote for president and vice-president only.""

Page 4-line 9              After "resided" insert "or will have resided".

The motion to sponsor 24LSO-0091.5 passed on a roll call vote with all members voting in favor of the motion except Co-chairman Case, and Representative Yin.

### **24LSO-0098 Political party affiliation declaration and changes.**

Josh Anderson, LSO attorney, presented 24LSO-0098.5 Political party affiliation declaration and changes, which would revise provisions relating to political party affiliation changes and declarations by voters, see [Appendix 2-02](#).

Secretary Gray spoke in opposition of the bill and indicated he felt the bill was not necessary. Secretary Gray mentioned a guidance document his office provided to the County Clerks, see [Appendix 2-07](#), which sought to provide uniform interpretation regarding the prohibition of registered voters from changing political party affiliation during a primary election while allowing new registrants to register and affiliate with a major party during a primary election.

### **Public Comment**

Gail Symons spoke in support of the bill and believed it provided important clarification in the law.

Marissa Carpio, Equality State Policy Center (ESPC), spoke neither in support or opposition to the bill, but encouraged political equality.

Kathy Russell, GOP, spoke in opposition to the bill as did Mr. Koep from Crook County.

Ms. Herman believed the bill provided clarification about the blackout period and new registrants.

### **Committee Action**

Co-chairman Case moved that the Committee sponsor 24LSO-0098.5 Political party affiliation declaration and changes during the 2024 Budget Session.

The motion to sponsor 24LSO-0098.4 failed on a roll call vote with all members voting in opposition of the motion except Co-chairman Case, Senator Scott, and Representatives Chadwick, Harshman, Newsome and Yin.

**24LSO-0099 Campaign reporting.**

Josh Anderson, LSO, presented 24LSO-0099.4 Campaign reporting, which would clarify when groups would be required to file as an organization for purposes of campaign reporting, see [Appendix 2-03](#).

Secretary Gray spoke in opposition to the bill, stating he believed it is an unnecessary expansion of campaign reporting practices and questioned the constitutionality.

**Public Comment**

Julie Freese, Fremont County Clerk, provided background information on the request for the bill draft, citing uncertainty around reporting requirements concerning political action committees (PACs).

Gail Symons provided information regarding her own experience with campaign reporting requirements and discussed the confusion with the requirement to have a treasurer. Ms. Symons spoke in favor of the bill.

Steve Klein, Wyoming Liberty Group spoke in opposition to the bill.

**Committee Action**

Co-chairman Case moved that the Committee sponsor 24LSO-0099.4 Campaign reporting.

The motion to sponsor 24LSO-0099.4 passed on a roll call vote, with all members voting in favor of the motion except Senator Scott and Representatives Haroldson, Knapp and Ottman. Representative Harshman was excused by Co-chairman Olsen and was not in attendance for the vote.

**24LSO-0233 Election offenses-intimidation.**

Luke Plumb, LSO, presented 24LSO-0233.5 Election offenses-intimidation, which would create a misdemeanor offense of election intimidation and a felony offense of aggravated election intimidation, see [Appendix 2-04](#).

**Public Comment**

Andy Craig, Director of Election Policy, Rainey Center, spoke in favor of the bill. Mr. Craig believed adding the misdemeanor as a possible charge will likely increase prosecutions of election intimidation.

**Committee Action**

Co-chairman Case moved that the Committee sponsor 24LSO-0233.5 Election offenses-intimidation.

The motion to sponsor passed on a roll call vote, with all members voting in favor of the motion. Representative Harshman was excused by Co-chairman Olsen and was not in attendance for the vote.

**24LSO-0277 Electioneering too close to a polling place.**

Josh Anderson, LSO, presented 24LSO-0277.2 Electioneering too close to a polling place, which would amend the distance to a polling place where electioneering activities are limited, see [Appendix 2-05](#). The legislation was requested in response to a federal district case. The case had been recently overturned in the 10<sup>th</sup> Circuit Court, making the draft unnecessary.

**Public Comment**

Mary Lankford, representing the County Clerks', Julie Freese and Debra Lee, county clerks of Fremont and Laramie County respectively, provided background on the lawsuit and the recent decision, which

reinstated Wyoming's law that you cannot campaign within 100 feet of a polling place at any time and 100 yards on election day.

Steve Klein, Wyoming Liberty Group, provided information regarding ongoing cases pertaining to campaign laws. Mr. Klein encouraged the Committee to consider any amendments to the draft.

**Committee Action**

Senator Barlow moved to table 24LSO-0277.2 indefinitely. The motion passed with on a voice vote.

**SPECIAL DISTRICTS**

**24LSO-0100 Special district vacancies.**

Josh Anderson, LSO, presented 24LSO-0100.4 Special district vacancies, which would clarify the term of office for members of a special district governing body that filled a vacancy, see [Appendix 8-01](#).

The Secretary of State's Office commented in support of the bill, and indicated they thought it would close a loophole for special districts.

**Public Comment**

Mark Pepper, Wyoming Association of Rural Water Systems (WARWS), spoke in support of the bill. Mr Pepper explained the difficulty in getting people to serve on boards and presented a proposed amendment, see [Appendix 8-03](#).

**Committee Action**

Representative Haroldson moved that the Committee sponsor 24LSO-0100.4 Special district vacancies.

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion, except Co-chairman Case and Representatives Wylie and Yin. Representative Harshman was excused by Co-chairman Olsen.

**24LSO-0234 Special districts bond elections exception.**

Luke Plumb, LSO, presented 24LSO-0234.5 Special districts bond elections exception, which would provide an exception to special district bond elections for improvement and service districts and water and sewer districts, see [Appendix 8-02](#).

**Public Comment**

Mark Pepper, WARWS, and Rick Thompson, Hathaway & Kunz, explained that this draft would not affect any current practices for dissolution of a district. Mr. Pepper provided some suggested language that was partially incorporated into the bill draft.

**Committee Action**

Senator Boner moved that the Committee sponsor 24LSO-0234.5 Special districts bond elections exception, with the following amendments:

Page 3-line 2	Delete "improvement or".
Page 3-line 7	Delete "proposed improvement or".
Page 3-lines 10 through 12	Delete entirely.
Page 5-lines 7 through 20	Delete entirely and insert:

"(i) Repayment is to be made solely from revenues generated by the service with which a financed improvement or service is associated; and

(ii) Security for the loan or borrowed funds is restricted to a claim on the revenues generated from the service or to a claim on the assets of the improvement or service.".

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion, except Representatives Haroldson, Knapp and Ottman. Representative Harshman was excused by Co-chairman Olsen.

## **MEETING RECESS**

The Committee recessed at 5:27 PM.

## **FRIDAY, OCTOBER 27, 2023**

### **CALL TO ORDER**

Co-chairman Case called the meeting to order at 8:30 AM. Co-chairman Olsen was excused from the meeting per Co-chairman Case.

### **TELECOMMUNICATIONS UPDATE**

John Burbridge, Chief Counsel for the Public Service Commission (PSC), provided a brief update on telecommunications. The topic is expected to carry into the 2024 interim as part of a 2-year study by the Joint Corporations, Elections & Political Subdivisions Committee. Admittedly, the PSC's focus has been on utility and electricity issues.

Mr. Burbridge informed the Committee that the Wyoming Universal Service Fund (WUSF) currently supports ten local exchange companies and approximately 22,000 essential access telephone lines. Approximates \$168,000.00 per month is dispersed from the WUSF to support those lines, which is around \$2,000,000.00 annually. The current fund balance is \$1,000,037.00. The fund is supporting a large number of customers.

Mr. Burbridge, in response to a question posed during the previous meeting, indicated that the PSC has received a total of 108 complaints concerning telecommunications and utility services.

### **ELECTRIC UTILITIES**

#### **24LSO-0228 Public service commission - electricity reliability.**

Josh Anderson, LSO, presented 24LSO-0228.5 Public service commission-electricity reliability, which would require the PSC to establish standards related to electricity reliability and specifying that failure to comply with those standards would be subject to penalties, see [Appendix 12-01](#).

Mr. Burbridge, PSC, was neutral on the bill, and believed the penalty provision was not significant enough, and recommended something similar to W.S. 37-2-128 .



**Public Comment**

Bruce Asay, representing Montana-Dakota Utility (MDU), David Bush, representing Black Hills Energy (BHE), Richard Garlish, representing Rocky Mountain Power (RMP), and Shawn Taylor, representing Wyoming Rural Electric Association (WREA) all generally support the bill and expressed the same concerns over the penalty provision.

**Committee Action**

Representative Haroldson moved that the Committee sponsor 24LSO-0228.5 Public service commission-electricity reliability. The Committee adopted the following amendments:

- |                     |  |
|---------------------|--|
| Page 2-line 16      | After adequate, insert “reliable” dispatchable power.  |
| Page 3-line 7       | Replace the penalty language with language similar to W.S. 37-2-128 "may be subject to a civil penalty not to exceed one hundred thousand dollars (\$100,000.00) for violation for each day that the violation persists. However, the maximum civil penalty shall not exceed one million dollars (\$1,000,000.00) for any related series of violations." Apply the penalty to all of subsection (a).                 |
| Page 3-after line 7 | Add a new subparagraph D "(D) In considering new or modified generation facilities for inclusion in a utility's investment on which the utility is entitled to earn a rate of return, the Commission shall not allow the inclusion of any facilities generating power that is intermittent in availability if it is likely operation of the facilities will result in failure to comply with reliability standards." |

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion except Representative Yin. Co-chairman Olsen was excused by Co-chairman Case.

**24LSO-0229 Reclamation and decommissioning costs.**

Josh Anderson presented 24LSO-0229.5 Reclamation and decommissioning costs, which would require a study to identify already incurred liabilities for the decommissioning and cleanup of coal-fired electric generation facilities, and would specify responsibility for additional decommissioning and cleanup costs, see [Appendix 12-02](#).

Mr. Burbridge, PSC, discussed the decommissioning process and the potential costs and time required of the PSC under this legislation.

**Public Comment**

Richard Garlish, RMP, provided information about what is required of utilities in terms of studies necessary for potential decommissioning and remediation around power plants.

Pat Sweeney, Natrona County, provided comment and was supportive of additional funding and staff for the PSC.

Shannon Anderson, Powder River Basin Resource Council (PRBRC), commented she saw potential issues arising from the bill and wanted to emphasize concerns about what is included in the study and further thought coal plants might not be subject to the study.



**Committee Action**

Senator Scott moved that the Committee sponsor 24LSO-0229.5 Reclamation and decommissioning costs. The Committee adopted the following amendments:

Page 5-lines 2 through 5 Delete entirely.

Page 5-line 21 Change the appropriation to five hundred thousand dollars (\$500,000.00).

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion except Representatives Haroldson and Yin.

**24LSO- 0232 Electricity rates for costs that do not benefit Wyoming.**

Josh Anderson, LSO, presented 24LSO-0232.4 Electricity rates for costs that do not benefit Wyoming, which would specify that costs of interstate electric public utilities that do not benefit Wyoming ratepayers may be excluded from costs apportioned to Wyoming, see [Appendix 12-03](#).

**Public Comment**

Mr. Asay, and Mr. Garlish, did not object to the bill but felt it had little effect moving forward.

Brett Moline, Wyoming Farm Bureau Federation (WyFB) spoke in support of the bill.

**Committee Action**

Representative Haroldson moved that the Committee sponsor 24LSO-0232.4. The Committee adopted the following amendments:

Page 2-line 7 Delete “capital” and insert “proportional”. After “built” insert “or operated for”.

Page 2-line 8 Delete entirely.

Page 2-line 9 Delete “technologies required by”.

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion except Representative Yin.

**24LSO-0273 Public service commission-integrated resource plans.**

Josh Anderson, LSO, presented 24LSO-0273.4 Public service commission-integrated resource plans, which would provide for the review of integrated resource plans by the PSC, see [Appendix 12-04](#).

Mr. Burbridge, PSC, expressed concerns about having additional contested case proceedings and indicated the PSC currently did not have adequate staff to assume new tasks.

**Public Comment**

Shawn Taylor, WREA, expressed concerns about maintaining the cooperative’s current exemption under the law.

Thor Nelson, Holland & Hart, representing Wyoming Industrial Energy Consumers (WIEC), provided suggestions to either exempt those who are already exempt from rate-regulation, including rural electric cooperatives.

Mr. Garlish was neutral on the bill.

Mr. Bush indicated an exemption would be welcome and acknowledged it would increase their workload.

Ms. Anderson, PRBRC, expressed concerns that statutes should be of general applicability to all three regulated utilities, but these seem to focus on specific utilities. Ms. Anderson spoke in support of the bill.

### **Committee Action**

Senator Barlow moved that the Committee sponsor 24LSO-0273.4. The Committee adopted the following amendments:

Page 3-lines 17 through 19      Amend the definition of “affected electrical utility” to mean any public utility other than a cooperative electric utility as defined in W.S. 37-17-101(a)(i).

Page 4-line 25                      Delete “brief”.

Page 4-line 26                      Delete “if available”.

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion except Representative Yin. Representative Harshman was excused by Co-chairman Case.

### **24LSO-0274 Public utilities-net power cost sharing ratio.**

Josh Anderson, LSO, presented 24LSO-0274.3 Public utilities-net power cost sharing ratio, which would specify the maximum amount of increases in electric costs occurring between rate cases that are the responsibility of customers, see [Appendix 12-05](#).

John Burbridge, PSC, expressed concern regarding the bill draft and that establishing a cost sharing ratio in statute could be a very difficult thing to accomplish. Secondly, Mr. Burbridge indicated the PSC was concerned it might also constitute a takings issue without utility companies being afforded due process to recover necessary business expenses.

### **Public Comment**

Mr. Nelson, WIEC, provided a brief history of cost sharing. He said that a potential amendment to the bill would be to either make the bill applicable only to a public utility with more than one hundred thousand (100,000) customers in Wyoming or to remove the seventy percent (70%) and thirty percent (30%) sharing ratio specified in the bill and instead clarify that the sharing ratio cannot be one hundred percent (100%) on the customers.

Mr. Garlish and Mr. Bush, both spoke in opposition to the bill.

### **Committee Action**

Senator Boner moved that the Committee sponsor 25LSO-0274.3. The Committee adopted the following amendments:

Page 3-line 7                      After “mechanism”, insert “pursuant to this section”.

Page 3-line9                      Delete “where” and insert “between the public utility and its customers”.

Page 3-lines 10 through 13      Delete entirely.

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion. Co-chairman Olsen and Representative Harshman were excused by Co-chairman Case.

**24LSO-0275 Public utilities-energy resource procurement.**

Mr. Anderson presented 24LSO-0275.3 Public utilities-energy resource procurement, which would establish a solicitation process for specified electrical utilities acquiring or constructing significant energy resources, provide a waiver process, provide for the use of independent evaluators, and rulemaking authority, see [Appendix 12-06](#).

Mr. Burbridge, PSC, told the Committee he had not been able to thoroughly review the bill, but had concerns about the utility cooperatives being bound by the legislation and it would be restricted to larger utilities. Mr. Burbridge indicated that, potentially with this bill, the PSC would be able to do a deeper dive into proposed projects.

**Public Comment**

Mr. Nelson and Mr. Garlish were supportive of the bill.

**Committee Action**

Senator Barlow moved that the Committee sponsor 24LSO-0275.3. The Committee adopted the following amendments:

- |                    |  |
|--------------------|--|
| Page 5-line 11     | Delete “The rules shall include:” and delete the remainder of that subsection, page 5-line 13 through page 7-line 6. |
| Page 9-lines 21-23 | Amend the bill to use the same definition of "affected electrical utility" from 24LSO-0273.                          |

The motion to sponsor passed on a roll call vote with all members voting in favor of the motion except Representative Yin who voted against the motion. Co-chairman Olsen and Representative Harshman were excused by Co-chairman Case.

**24LSO-0276 Third party electrical generation.**

Josh Anderson, LSO, presented 24LSO-0276.3 Third party electrical generation, which would specify that certain electricity producers shall not be considered public utilities, see [Appendix 12-07](#).

Mr. Burbridge indicated that this issue was began with the understanding that small nuclear or other electrical productions is being developed and that the PSC would like to be on the front end of the issue. Mr. Burbridge indicated perhaps the issue could be dealt with in rulemaking.

**Public Comment**

Mr. Nelson indicated he believed there was some ambiguity in the legislation and would like a definition of public utility.

Bruce Asay for MDU, David Bush for BHE, Rick Garlish for RMP, Shaun Taylor for WREA, Darick Eisenbraun for High Plains Power, Shawna Glendy for Niobrara Electric Association, a representative of Carbon Power and Light and Travis McNiven for Basin Electric all spoke opposed the third party electrical generation legislation.

Dave Picard for Merit Energy, Pete Obermueller for the Petroleum Association of Wyoming and Pat Sweeney of Casper, all spoke in favor of the bill draft.

***Committee Action***

Senator Scott moved that the Committee sponsor 24LSO-0276.3. The motion failed for lack of a second.

***Committee Discussion***

The Committee discussed combining election bills that were discussed throughout the interim. The Committee took no action.

**MEETING ADJOURNMENT**

There being no further business, Co-chairman Case adjourned the meeting at 5:45 PM.

Respectfully submitted,

Senator Cale Case, Co-chairman

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