

SUMMARY of PROCEEDINGS



JOINT TRANSPORTATION, HIGHWAYS & MILITARY AFFAIRS COMMITTEE

COMMITTEE MEETING INFORMATION

November 2-3, 2023 | 8:30 a.m.
Capitol Extension, W006
200 West 24th Street
Cheyenne, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Brian Boner, Co-chairman
Representative Landon Brown, Co-chairman
Senator Evie Brennan
Senator Dan Furphy
Senator John Kolb
Senator Stephan Pappas
Representative Ryan Berger
Representative Tony Niemiec
Representative Jerry Obermueller
Representative Kevin O'Hearn
Representative Ken Pendergraft
Representative Scott Smith
Representative Clarence Styvar
Representative Cody Wylie

LEGISLATIVE SERVICE OFFICE STAFF

TaLise Hansen, Staff Attorney
Brian Fuller, Senior Staff Attorney
Heather Hunter, Legislative Editor
Eve Hamilton, Legislative Editor

The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

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 Transportation, Highways, and Military Affairs Interim Committee (Committee) met for two days in Cheyenne to complete its interim work. The Committee received testimony on fuel taxation administration, diesel-fuel taxation, commercial driver's license (CDL) issues, light and high-profile vehicle closures, the Wyoming Cowboy Challenge Academy, updates from the Wyoming Military Department, including the Department's sexual-assault annual report, and the State Plane Coordinate System.

The Committee voted to sponsor the following bills for the 2024 Budget Session:

- 24LSO-0247 Plane coordinate systems-amendments, as amended.
- 24LSO-0272 Fuel tax-license information deadline.
- 24LSO-0085 Light and high-profile vehicle closures, as amended.
- 24LSO-0246 Commercial driver license-hazardous materials endorsement.

THURSDAY, NOVEMBER 2, 2023

CALL TO ORDER

Co-Chairman Brown called the meeting to order at 8:30 a.m. The following sections summarize the Committee proceedings by topic. Please refer to ([Appendix 1-01](#)) to review the Committee Meeting Agenda. The meeting recordings are available on the Wyoming Legislature's YouTube page ([November 2, November 3](#))

STATE PLANE COORDINATE SYSTEM

Bill Draft: 24LSO-0247 Plane coordinates system-amendments

TaLise Hansen, Staff Attorney, Legislative Service Office (LSO), discussed 24LSO-0247 Plane coordinate system-amendments, which would amend Wyoming law to update the system of plane coordinates that is used to reference the system that the National Geodetic Survey (NGS) has most recently adopted. The plane-coordinate system is used to designate coordinates of points on the earth's surface for purposes of surveying and mapping ([Appendix 2-02](#)).

Karen Rogers, Geospatial Program Manager, Bureau of Land Management, provided background information on the plane-coordinate system. She explained the benefits of adopting the most recent version of the plane coordinate system established by NGS, over the current system specified in Wyoming law, and what risks are involved if the most recent version is not adopted.

Dr. Herbert Stoughton, Cheyenne, discussed how conflicts in the use of different coordinate systems are addressed by the law and explained how a move towards a different plane-coordinate system would improve the accuracy and calculation of geodetic locations.

T.R. Sheehan, Interim Director, Department of Enterprise Technology Services, discussed the bill draft and noted that impacts on the Department and its work would be minimal.

Public comment

There was no public comment on this topic.

Committee derivatives

Representative Berger moved that the Committee sponsor 24LSO-0247. The motion passed unanimously by roll call vote. The Committee adopted the following amendments:

Page 4-line 1 After "meter" delete balance of line.

Page 4-line 2 Delete line through "coordinates".

Page 5-line 15 Delete "; use of satellite".

Page 5-line 16 Delete "survey techniques".

COWBOY CHALLENGE PROGRAM**Bill Draft: 24LSO-0081 Youth challenge program-revisions**

Ms. Hansen discussed 24LSO-0081, Youth Challenge Program-revisions, which would authorize the Military Department to enter into contracts and expend program funds for Wyoming students to participate in National Guard youth challenge programs in other states, provide positions and funding to operate the program in this more limited fashion, and amend the sunset date for the program from 2025 to 2029 ([Appendix 3-01](#)).

Chris Smith, Senior Counsel, Wyoming Military Department (WMD), discussed the bill and gave an update on the status of the youth challenge program. He expressed the need for the 6 positions authorized in the bill, which would include a supervisor, educational coordinator, three recruiters and an administrator. He emphasized the importance of having full-time recruiters for the program. Mr. Smith further explained how the agreements with National Guard Youth Challenge programs in other states work including transportation and funding.

Major General Gregory Porter, Adjutant General, WMD, discussed recruiting for the youth challenge program and how Wyoming Air and Army National Guard recruiters are generally unable to recruit persons for the youth challenge program. General Porter further discussed how 11-15% of cadets who take part in the youth challenge program enter the military upon completion.

Patricia Bach, Director, and Erin Williams, Human Resources Division Administrator, Department of Administration and Information, outlined how state agencies can reclassify positions and adjust compensation for positions. Director Bach gave an overview of the position reclassifications that have occurred for the Youth Challenge Program. Ms. Williams discussed salaries and limitations on salary adjustments.

Guy Bonner, Program Coordinator, Idaho Youth Challenge Academy, gave an overview of how Idaho's Youth Challenge Academy started and discussed the program's staffing, salaries, and opportunities for participating students.

Public Comment

Joe Michaels, Guernsey, expressed support for the bill and discussed possible changes to Wyoming's program, including possible locations for the program.

Committee Directives

Senator Furphy moved that the Committee sponsor 24LSO-0081. The motion failed by roll-call vote with Senators Brennan, Furphy, and Pappas, Representative Smith, and Chairman Boner voting aye.

SEXUAL ASSAULT UPDATE

General Porter gave a general update on the Wyoming Air and Army National Guard, including planned deployments and updates.

General Porter provided an update on sexual-assault prevention in the Wyoming Air and Army National Guard. He discussed steps the Guard and Military Department were taking for prevention of sexual assault, described the number of cases in the past year, and emphasized that care for victims was the priority.

The Committee recessed at 12:29 p.m.

The Committee toured the Quebec 01 State Historic Site.

FRIDAY, NOVEMBER 3, 2023

CALL TO ORDER

Co-Chairman Boner called the meeting to order at 8:30 a.m.

FUEL TAX ADMINISTRATION INFORMATION COMPLIANCE

Bill Draft: 24LSO-0272 Fuel tax-license information deadline

Brian Fuller, Senior Staff Attorney, LSO, introduced Katherine Kleve, University of Wyoming College of Law Legislation Practicum student, who summarized of 24LSO-0272, Fuel tax-license information deadline, which would amend the deadline for licensees to provide missing fuel-tax or license information within 15 business days instead of 10 days ([Appendix 9-01](#)).

Darin Westby, Director, Wyoming Department of Transportation (WYDOT), Provided opening remarks.

Dennis Byrne, Chief Financial Officer, WYDOT, discussed the purpose of the bill, outlined how the suggested change came from industry and noted that the deadline change would not materially impact WYDOT.

Public Comment

Dallas Scholes, Par Pacific Holdings, expressed support for the bill and the need for changing the tax-return information deadline to 15 business days.

Committee Directives

Representative Wylie moved that the Committee sponsor 24LSO-0272. The motion passed unanimously by roll-call vote.

FUEL TAX AND USER FEES

Bill Draft: 24LSO-0270 Diesel highway user and registrations fee

Mr. Fuller discussed 24LSO-0270 Diesel highway user and registration fee, which would increase the per-gallon diesel tax and would decrease the state motor vehicle and state commercial vehicle registration fees in an effort to achieve a net-zero effect on revenues. ([Appendix 10-01](#)).

Director Westby and Mr. Byrne discussed the fiscal impact of the bill draft and changes that would be necessary to achieve a "net-zero" effect.

Public Comment

Sheila Foertsch, President and CEO, Wyoming Trucking Association, expressed opposition to the bill draft and expressed concerns about tax changes that only impacted diesel-fuel users.

Aaron Nab, Cheyenne, discussed the possible repercussions of raising the diesel-fuel tax.

Dan Benford, Executive Director, Associated General Contractors of Wyoming, expressed support for efforts that would increase highway funding but expressed opposition to the bill draft given its potential financial impact.

Committee Directives

The Committee took no action on this bill draft.

Bill Draft: 24LSO-0271 Highway user and state registration fees

Mr. Fuller gave an overview of 24LSO-0271, Highway user and state registration fees, which would increase the gasoline, diesel fuel and alternative fuel taxes by two cents per gallon and decrease state motor vehicle registration fees by \$20 ([Appendix 10-03](#)).

Director Westby and Mr. Byrne discussed the fiscal impact of this bill and the need for a 4-cent increase to avoid a net revenue loss. They explained the need for funding for WYDOT to meet needs for road maintenance and construction.

Public Comment

Ms. Foertsch expressed support increasing both the diesel-fuel tax and a gasoline tax to increase revenue but shared concern with decreasing registration fees. She discussed the taxes Utah imposed for funding for road maintenance and construction.

Mr. Benford expressed concern with the limited fiscal impact the bill draft would have and discussed how other states' highway funding.

Committee Directives

The Committee took no action on this bill draft.

HIGHWAY ISSUES

Bill Draft: 24LSO-0085 Light and high-profile vehicle closures

Chairman Brown moved that the Committee reconsider 24LSO-0085. The motion to reconsider passed unanimously by roll-call vote.

Ms. Hansen presented 24LSO-0085, Light and high-profile vehicle closures, which would create a separate penalty for violating signs specifying road closures to light and high-profile vehicles ([Appendix 11-01](#)).

Misty Zimmerman, Drivers Services Deputy Program Manager, and Taylor Rossetti, Support Services Administrator, WYDOT, discussed the penalties proposed in the bill and suggested changes to the bill to make the penalties applicable to noncommercial vehicles.

Ms. Foertsch encouraged the Committee to include noncommercial vehicles. She also noted the lack of a definition of light and high-profile vehicles in the bill draft. Ms. Foertsch noted that, considering WYDOT's changes to more targeted closures for light and high-profile vehicles, the bill draft may be premature.

Public Comment

Mr. Benford echoed the need for a definition of light and high-profile vehicles for this bill to apply to all drivers. Mr. Benford also discussed challenges with recruiting commercial vehicle drivers.

Mr. Nab expressed the need to apply this rule to drivers who have campers or trailers and the need to add all drivers to this bill.

Lt. Colonel Josh Walther, Wyoming Highway Patrol (WHP), discussed the WHP's approach to addressing light and high-profile vehicles closures and the challenges with defining light and high-profile vehicles.

Lieutenant Dustin Ragon, WHP, discussed accidents and crashes involving light and high-profile vehicles and the amount of time the WHP spends addressing those incidents.

Committee Directives

Representative Styvar moved that the Committee sponsor 24LSO-0085. The motion passed unanimously by roll-call vote. The Committee adopted the following amendments:

- | | |
|---------------------------|--|
| Page 1-line 7 | After "vehicle" delete ";" and insert "as specified; providing that a violation of a closure to light and high-profile vehicles may result in a mandatory revocation or suspension of a license or nonresident operating privilege as specified;". |
| Page 2-line 2 | After "(d)" delete balance of line. |
| Page 2-line 3 | Delete "(x)" and insert ", 31-7-102(a)(xli) by creating a new subparagraph (K), 31-7-127(a) by creating a new paragraph (viii), 31-7-128 by creating a new subsection (o)". |
| Page 3-line 4 | After " <u>subsection.</u> " insert " <u>For purposes of 49 C.F.R. § 383.51, a conviction under this subsection shall be deemed reckless driving.</u> ". |
| Page 3-lines 6 through 14 | Delete entirely and insert: |

"31-7-102. Definitions.

(a) As used in this act:

(xli) "Serious traffic violation" means:

(K) A violation of W.S. 24-1-109(d).

31-7-127. Mandatory revocation of license for certain violations.

(a) The division shall revoke the license or nonresident operating privilege of any person, upon receipt of a record of conviction of the person of any of the following violations:

(viii) A conviction under W.S. 24-1-109(d), a similar local ordinance or a similar statute or ordinance in another jurisdiction, if the person has been previously convicted two (2) or more times under W.S. 24-1-109(d), a similar local ordinance or a similar statute or ordinance in another jurisdiction within a five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of the conviction at issue.

31-7-128. Mandatory suspension of license or nonresident operating privilege for certain violations; suspension of registration.

(o) The division shall suspend the license or nonresident operating privilege of any driver upon receiving a record of the driver's conviction under W.S. 24-1-109(d), a similar local ordinance or a similar statute or ordinance in another jurisdiction for:

(i) Ninety (90) days, for the first conviction;

(ii) Six (6) months, if the person has been previously convicted once under W.S. 24-1-109(d), a similar ordinance or a similar statute or ordinance in another jurisdiction within the five (5) year period preceding:

(A) The date of the offense upon which the conviction is based; or

(B) The date of conviction at issue."

Bill Draft: 24LSO-0246 Commercial driver license-hazardous materials endorsement

Ms. Hansen presented 24LSO-0246, Commercial driver license-hazardous materials endorsement, which would allow for CDL drivers between ages 18-21 to receive a hazardous materials endorsement for a CDL to transport hazardous materials within Wyoming ([Appendix 11-02](#)).

Ms. Zimmerman and Mr. Rossetti expressed that there was a small amount of 18-21-year-old CDL drivers in the state. They also discussed potential impacts on federal funding if the bill were enacted.

Ms. Foertsch described concerns with impacts on funding but noted that if funding were not impacted, the bill would be helpful.

Public Comment

Mr. Benford expressed support for this bill so long as there was no negative impact on recruiting commercial vehicle drivers.

Committee Directives

Senator Kolb moved that the Committee sponsor 24LSO-0246. The motion passed unanimously by roll call vote.

Senator Kolb moved to have LSO draft a letter to WYDOT to support WYDOT promulgating rules that would allow a driver who has reached 18 years of age to receive a hazardous materials endorsement for a commercial driver's license. The motion passed by voice vote.

Adopt-A-Highway Update

Tom Dehoff, Assistant Chief Engineer, WYDOT, gave an update on the volunteer Adopt-a-Highway program. He explained that less than half of the adopted highways had cleanups this year and noted the decline in volunteer groups. He stated that WYDOT would remove highway signs designating groups if those groups failed to complete their biannual highway cleanups.

Public Comment

There was no public comment for this topic.

Update on CDL downgrade rulemaking

Mr. Rossetti and Ms. Zimmerman gave an update on the CDL downgrade rulemaking, a topic that the Committee discussed in September concerning a license downgrade if a driver failed to present an updated medical certificate. They explained that new language was added to a current WYDOT rulemaking and, the rule is currently under legal review.

Public comment

There was no public comment for this topic.

MEETING ADJOURNMENT

There being no further business, Chairman Boner adjourned the meeting at 10:53 a.m.

Upon adjournment, the Committee toured WYDOT's traffic-control and dispatch centers.

Respectfully submitted,

Representative Landon Brown, Co-Chairman

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	Legislative Service Office (LSO)
1-02		Sign-In Sheet	LSO
2-01	State Plane Coordinate System	State Plane Coordinate Slides	Bureau of Land Management
2-02	State Plane Coordinate System	24LSO-0247 Plane coordinates system-amendments	LSO
3-01	Cowboy Challenge Program	24LSO-0081 Youth challenge program-revisions	LSO
3-02	Cowboy Challenge Program	WYMD Slides	Wyoming Military Department
3-03	Cowboy Challenge Program	Follow Up Letter	A&I HRD
5-01	Sexual Assault Update	Annual Sexual Harassment and Sexual Assault Report	WYMD
9-01	Fuel Tax Administration Information Compliance	24LSO-272 Fuel tax-license information deadline	LSO
10-01	Fuel Tax and User Fees	24LSO-0270 Diesel highway user and registrations fee	LSO
10-02	Fuel Tax and User Fees	Diesel Fuel Tax Registration Fees	LSO
10-03	Fuel Tax and User Fees	24LSO-0271 Highway user and state registration fee	LSO
10-04	Fuel Tax and User Fees	WYDOT-Fuel Tax Increase	WYDOT
10-05	Fuel Tax and User Fees	WYDOT Vehicle Registration-State Comparisons	WYDOT

10-06	Fuel Tax and User Fees	Memo-Fuel Tax Information Deadline	LSO
10-07	Fuel Tax and User Fees	Proposed Amendments to 24LSO-0271	LSO
11-01	Highway Issues	24LSO-0085 Light and high-profile vehicle closures	LSO
11-02	Highway Issues	Commercial driver license-hazardous materials endorsement	LSO
11-03	Highway Issues	WYDOT Hazmat Certification for Under 21 CDL Drivers	WYDOT