

4/25/2020

Hello Sublette County, this is Albert Sommers reporting to you from the Sommers Ranch. Citizens of Sublette County, due to COVID 19, we have a hard road ahead of us, whether you are a business owner, self-employed, private business employee, or public sector employee. Every segment of society is being affected by the consequences of this disease. I want to thank all health care workers, first responders, elected officials, government workers, business owners, school personnel, senior centers, food baskets, churches, and volunteers that are pulling our community through this difficult moment in history. When you step back and reflect on this moment it seems surreal, as if we are reading a book whose length and end remain a mystery. I have great faith in the people of Sublette County to persevere.

As Speaker Pro Tempore of the Wyoming House of Representatives, I serve on the Wyoming Legislature's Management Council. This committee sets governing policies and procedures for the Legislature, as well as interim committee topics for the House and Senate. Management Council met remotely on April 24 to consider legislative responses to the current public health emergency caused by the COVID-19 pandemic. Initially, the Legislature will conduct meetings virtually through an internet meeting platform. Management Council's first meeting on April 16 was the first time a committee of the legislature had tried a virtual format, but at that time we hadn't solved the issue of how to effectively allow public comment. Our first order of business on April 24 was to pass policy that would allow for a public comment process during these virtual committee meetings, and we then allowed both agency and public comment through our remote format. It seemed to work reasonably well. Public comment is essential in the legislative process, as this is how the public can engage in the development of State policy.

The Governor and State Health officer have broad statutory powers during a pandemic emergency to protect the citizens of Wyoming and operate state government. However, without additional powers from the Legislature, the Governor is very limited in his ability to stand up new programs to address pandemic-related citizen and business impacts. At its April 24 meeting, Management Council considered two bills that would grant additional authority to the Governor to provide impact assistance to health care workers and facilities, local and state

government, employers, landlords, the judiciary, and the legislative branch of government. Management Council will allow one week to receive public, agency, gubernatorial, and legislative feedback on these bills. Public comment can be provided to me, or to lso@wyoleg.gov. Management Council will meet again May 1 to address these bills after reviewing comments, and to decide upon the next steps for the Legislature. If we pass the bills, the expectation would be to take them to a special session of the Legislature, if one is convened.

Either the Governor or the Legislature can call a special session, if it is deemed to be essential to the State's response to the COVID crisis. The federal government granted the State of Wyoming \$1.25 BILLION to relieve impacts caused by the COVID crisis, but with the following conditions:

“The CARES Act provides that payments from the Fund may be used only to cover costs that:

- 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);**
- 2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and**
- 3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”**

On April 22, U.S. Secretary of the Treasury Steven Mnuchin released guidance for State, Local, and Tribal Governments regarding the Coronavirus Relief Fund (Section 5001 of the CARES Act). This guidance establishes how CARES ACT money can be spent, and you can view the guidance at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

The State of Wyoming through the Governor and Legislature has authority to spend money from the CARES ACT dollars that were allotted to Wyoming, but it can only be spent according to the guidance. The Legislature has the “power of the purse,” which means the legislature determines how money is spent, and when that authority can be granted to the Governor.

Specifically, the constitution states: **Article 3, Section 35. Money expended only on appropriation.**

- Except for interest on public debt, money shall be paid out of the treasury ***only on appropriations made by the legislature***, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

There is a natural tension between the three branches of government, which is what the founders envisioned. No one branch of government should assume too much power. As we move forward in a time of declared emergency, we must remember that there must remain a balance of power between the executive, judicial, and legislative branches in order to preserve our republic form of democracy and to successfully steer our state through this crisis. I have confidence that the Governor, Legislature, and Judiciary will navigate our state through this crisis, and into a bright future. Rest assured we will turn over every rock to utilize these federal dollars to the greatest benefit of the people of Wyoming.

Every five years, statute requires that the Legislature conduct a recalibration of the K12 school funding model, to ensure it provides an equitable and adequate education to every child in Wyoming. This process was mandated by the Supreme Court in its famous Campbell decisions. Based upon this five-year schedule, the Legislature passed a bill during the 2020 Budget Session, to create a Select Committee to examine education funding. The Legislature hires an educational consultant to see if our cost-based model is still providing the appropriate funding for K12 education. The committee includes six members each from the House and the Senate. I have been selected to be the House Chairman of the Select Committee on School Finance Recalibration. There will be contentious debate on education funding, considering the cost of education and the huge slump in the state's revenues during the COVID crisis.

As always, I can be reached at albert@albertsommers.com with questions or concerns.

Thank You
Albert