

4/12/2021

Hello Sublette County, this is Representative Albert Sommers reporting to you from the ranch, after the end of the 2021 General Session of the 66th Wyoming Legislature. Prior to and during this session, there were 690 drafting requests for bills. Of these, only 441 bills were numbered for introduction. Of the 441 numbered bills, 101 (36 percent) House Bills and 77 (48 percent) Senate Files passed both bodies and were headed to the Governor. I was the prime sponsor on three bills that made it through the entire process this session. They were [HB0039](#), Optometrist practice act amendments; [HB0101](#), Elk feedground closings-requirements; and [HJ0011](#), State sovereignty impacted by federal actions.

One of the more heavily debated issues that swirled around Wyoming during this pandemic was whether an appointed state health officer should be able to restrict the rights of Wyomingites, or should those decisions be made by elected individuals. The Legislature took that issue up through several bills, but the one that passed the legislative process was [HB0127](#), Public health amendments. The bill passed by the House would allow a local health officer's order to stand for only 10 days. Any extension of the health order would be decided by the Governor or by a locally elected body. This was designed to address the issue of restriction of movement and business, but did not apply to health orders that quarantined individuals. Further, the bill provided that the state health officer will be appointed and removed by the Governor, not by the Director of the Department of Health, as current law states.

The Senate passed [SF0080](#), Public health orders-local and legislative oversight, which would have required a 48-hour notice of a health order and legislative ratification to continue a health order after 60 days. This bill did not get heard in the House, because HB127 was determined to be a better vehicle for the discussion. [SF0095](#), Election of state health officer, would have made the state health officer position a statewide elected position. The bill failed in a Senate standing committee.

When the Senate worked HB127, it turned the bill into SF80, which required a vote of the Legislature to continue a health order. The House did not concur with those changes, and the bill went to a conference committee. The compromise put in place a 48-hour notice to allow for

public comment, except when the delay will result in immediate and life-threatening physical harm, exposure or transmission beyond the existing affected area. The rest of the bill remained the same as when it left the House.

I was a co-sponsor of HB127, because I believe that the Governor and locally elected officials should be the ones who decide whether a health order should continue after its initial timeframe. I do not believe the Legislature should be the decision maker on health orders. The Legislature is slow, unwieldy, and is not nimble enough to act in a timely manner to respond to a crisis. The Legislature has the power to bring ourselves into a special session, if we choose to question a Governor's order. The Legislature must be careful not to violate the separation of powers, as prescribed by the Wyoming Constitution in Article 2 Section 1. The Legislature makes the laws, it does not execute the law, enforce the law, or interpret the law. I believe HB127 walks a fine line between listening to the science and listening to the people.

The federal American Recovery Plan (ARP) Act will provide the State of Wyoming with over \$1 billion to allocate. The ARP Act will also provide K12 education with at least \$303 million, local government \$175 million, and higher education \$44 million. The Legislature will likely convene a special session sometime in July to appropriate the ARP dollars through various programs. I worry about the debt that our nation is taking on, and the long-term consequences of that debt for future generations. I can be reached at [albert@albertsommers.com](mailto:albert@albertsommers.com) with question or comments.