



# *Liberty Brief*

No. 012 (Revised)

April 2013

## **Key Liberty Votes 2013**

*by Charles Curley*

### **Introduction**

Welcome to the 2013 Key Liberty Votes. The purpose of Key Liberty Votes is to capture a snapshot of a Wyoming legislative session by compiling votes on specific bills relating to issues of individual freedom and responsibility. In the tables contained in this brief, the right hand column is the legislator's total pro-liberty votes. Six is the highest possible count. The average tally is at the bottom of this column.

This year we find the Senate slightly more favorable to liberty on these key bills than the House. This is a change from the last two years.

This year, for the first time, we provide the bill summary ("AN ACT...") from the bill itself.

We remind legislators and their constituents that a call for the ayes and the nays, i.e., a roll call vote, is a call for transparency and accountability.

This vote summary is not intended as a replacement for the Wyoming Liberty Index (<http://www.wyominglibertyindex.info/>). The methodologies are different; the Index allows for finer granulation of the impact of a bill on liberty. Further, this summary may note votes on amendments or procedural votes, whereas the Index is silent on these.

All 2013 bill information is available at

<http://legisweb.state.wy.us/2013/billindex/BillCrossRef.aspx?type=ALL>

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This is a corrected version of *Key Liberty Votes 2013*. The original publication made the following errors:

1. In the record for “Public records—institutions of higher education” (HB 223), we showed Jim Anderson (SD 28) as “Excused” from the vote when in fact he voted Nay, which we count as a vote for liberty. This raises Senator Anderson’s count of votes for liberty from three to four.
2. The vote recorded for “Expansion of Medicaid” (SF 122) was the final recorded vote on the bill, but we neglected to note this was a vote during Committee of the Whole, not third reading.

## The Bills

All votes are third reading unless otherwise noted. A vote on third reading is usually the last vote on a bill in a given house; a favorable vote sends it to the other house or the governor.

### **Bills Considered in Both Houses**

#### **Education - state administration (SF 104)**

AN ACT relating to government administration; establishing the position of director of the department of education by statute; providing duties of the director of the department of education; amending duties of and transferring specified duties from the state superintendent to the director of the state department of education; requiring reporting; providing for transition; and providing for an effective date.

This was the most contentious bill in this session. It created a new Director of the Department of Education, appointed by the governor (from a pool of nominees from the State Board of Education, which is mostly appointed by the governor as well). The Director is assigned many of the duties previously assigned to the State Superintendent of Public Education. The Superintendent is an elected position created by the Wyoming Constitution. This bill opposes liberty because it reduces the value of a citizen's vote on education, an area of great concern.

A Nay vote is a vote for liberty. Senate passed 20-10; House passed 39-20.

#### **Highway funding (HB 69)**

AN ACT relating to revenue for transportation purposes; increasing the fuel tax; amending certain distributions of fuel tax revenues accordingly; restricting the expenditure of additional revenue raised; requiring a report; and providing for an effective date.

This bill has the dubious distinction of being the second most contentious bill in this session. At a time when businesses are struggling, when government jobs are growing much faster than the private jobs that fund them, when Wyoming leads the nation in government jobs per private job, and when the legislature is loath to cut spending, a tax increase is not the way to keep small businesses alive.

A Nay vote is a vote for liberty. Senate passed 18-20; House passed 35-24 .

### *Public records - institutions of higher education (HB 223)*

AN ACT relating to public records; authorizing denial of inspection of records of applications for president of institutions of higher education and associated records as specified; specifying applicability; and providing for an effective date.

A small but troubling restriction on government transparency. It adds “An application for the position of president of an institution of higher education, letters of recommendation or references concerning the applicant...” to the list of things not subject to public inspection (where that record can identify an applicant). The argument for the bill was that the current openness made it harder to find qualified candidates. As a general rule, transparency and accountability should override the ease of bureaucrats.

A Nay vote is a vote for liberty. Senate passed 23-7; House passed 41-18.

### *Hitchhiking (SF 29)*

AN ACT relating to motor vehicles; eliminating prohibition on soliciting rides on highways; and providing for an effective date.

This gets rid of another obnoxious nanny state law, based on the notion that we are not competent to judge who we may take as passengers in our automobiles. Of course there is some risk in picking up a hitchhiker, as there is in hitchhiking. But it is we the people, not the legislature, who should judge that risk.

An Aye vote is a vote for liberty. Senate passed 29-1; House passed 52-6.

## **Bills Considered in the House of Representatives**

### **Food Freedom Act (HB 108)**

AN ACT relating to agriculture; creating the Wyoming Food Freedom Act; exempting certain sales from licensure, certification and inspection; providing definitions; providing conforming amendments; providing rule-making authority; providing for severability; and providing for an effective date.

An excellent step in the right direction. Down with the nanny state, especially when it inhibits access to healthy food!

An Aye vote is a vote for liberty. House passed 45-13.

### **General government appropriations (HB 1) Amendment HB0001H2042**

This is an amendment to the supplementary state budget to retain one position, an attorney in the Secretary of State's office. It is a heartfelt case: the attorney in question is a year away from retirement. This is not about cutting a useless job, this is not about streamlining the bureaucracy. This is about keeping someone on for one more year so that person can retire with a larger retirement than otherwise. On the Senate side, this same change is part of Amendment SF0001S2001.

The House vote was close on HB1, with those voting "nay" aware of the problem with single-case expenditures: they accumulate to swell the budget.

A Nay vote is a vote for liberty. House passed 31-29.

## **Bills Considered in the Senate**

### **Expansion of Medicaid (SF 122) Committee of the Whole**

AN ACT relating to Medicaid; providing for expansion of coverage to low income persons as specified; providing for the nonreversion of funds as specified; and providing for an effective date.

We don't need to expand Medicaid; we need to fundamentally reform it. Until Medicaid is reformed, it will continue to bloat and distort the market for medical care. Expanding it will exacerbate that problem. Also, while the federal government will pick up initial costs of the expansion, there is no guarantee that federal funding will continue as it has. A Nay vote is a clear message to Washington that it has gone too far.

A Nay vote is a vote for liberty. Senate voted down 8-22.

### **Highway speed limit increase (SF57)**

AN ACT relating to speed limits; allowing an increase in the maximum speed limit on specified paved roadways; and providing for an effective date.

A good bill but not a great bill. SF 57 allows the Superintendent of the Department of Transportation to raise speed limits on some highways to 70. Efforts to raise the speed limit do not fare well in Wyoming, yet traffic often flows at five to ten miles an hour over the speed limit.

This leaves discretion to the Superintendent. Bureaucrats have every incentive to not act and plenty of incentive to not act, so the danger of this bill is that nothing will happen.

An Aye vote is a vote for liberty. Senate passed 28-2.

## A Dishonorable Mention

### *Citizens' and Students' Self-Defense Act (HB 105)*

AN ACT relating to firearms; removing and repealing restriction on the carrying of firearms in certain areas as specified; providing for the carrying of firearms by permit holders as specified; and providing for an effective date.

This report, like the Wyoming Liberty Index, is based on actual recorded votes. It is by recorded votes that legislators are usually judged. But there are other events in the life and death of a bill.

HB105 was approved in the House 46-13 (1 excused), and sent to the Senate. There it was referred to the Senate Education Committee. After hours of public testimony, it died in that committee for lack of a motion to report it out. The committee couldn't even muster a motion to recommend "do not pass."

The legislature imposes all sorts of paperwork and testing on teachers in the name of accountability, but on this issue the Education Committee would not even be bothered to make or second a motion to take a vote.

The members of the Senate Education Committee are:

Henry H.R. "Hank" Coe	S18	Chairman
Jim Anderson	S02	
Paul Barnard	S15	
Bill Landen	S27	
Chris Rothfuss	S09	

# Wyoming House 2013

Education -  
state  
administrati  
on (SF 104)

Highway  
funding  
(HB 69)

Public  
records -  
institutions -  
of higher  
education  
(HB 223)

Hitchhiking  
(SF 29)

Food  
Freedom  
Act (HB  
108)

General  
government  
appropriations  
(HB 1)  
Amendment  
HB0001H2042

Total  
Votes  
for  
Liberty

<u>Representative</u>	Nay for liberty	Nay for liberty	Nay for liberty	Aye for liberty	Aye for liberty	Nay for liberty	Total Votes for Liberty
Mark Baker	N	N	A	A	A	N	5
Eric Barlow	A	N	N	A	A	A	4
Rosie Berger	A	E	A	A	A	N	3
Stan Blake	A	N	A	A	A	A	3
David Blevins	A	A	A	A	N	A	1
Gregg Blikre	A	A	N	A	A	A	3
Kermit Brown	A	A	A	A	N	A	1
Donald Burkhardt, Jr	A	A	A	N	A	N	2
James Byrd	A	N	A	A	N	A	2
Rita Campbell	A	A	A	A	A	A	2
Richard Cannady	A	A	A	A	A	N	3
Kathy Coleman	A	A	N	A	A	A	3
Cathy Connolly	A	A	N	A	N	A	2
Kathy Davison	N	N	N	E	A	N	5
John Eklund	A	A	A	A	A	A	2
Ken Esquibel	A	A	N	N	A	A	2
Lee Filer	A	N	N	A	A	A	4
John Freeman	A	A	A	A	A	A	2
Gerald Gay	N	N	E	A	N	A	3
Keith Gingery	N	N	N	A	A	A	5
W. Patrick Goggles	A	A	A	A	A	A	2
Mike Greear	A	A	A	A	A	N	3
Matthias Greene	A	A	A	A	A	A	2
Marti Halverson	N	N	A	A	A	N	5
Steve Harshman	A	A	A	A	N	N	2
Elaine Harvey	A	A	A	E	E	A	0
Hans Hunt	N	N	A	A	A	N	5
Lynn Hutchings	N	N	N	A	A	N	6
Allen Jaggi	N	N	A	A	A	A	4
Norine Kasperik	A	A	A	A	A	N	3
Dan Kirkbride	N	A	A	A	A	A	3
Kendell Kroeker	N	N	N	A	A	N	6
Samuel Krone	A	A	A	A	A	N	3
Lloyd Larsen	A	A	A	A	N	N	2
Thomas Lockhart	A	A	A	A	A	N	3
Bunky Loucks	N	N	A	A	A	N	5



# Wyoming House 2013 (con't)

Education - state administration (SF 104)    Highway funding (HB 69)    Public records - institutions of higher education (HB 223)    Hitchhiking (SF 29)    Food Freedom Act (HB 108)    General government appropriations (HB 1) Amendment HB0001H2042

Representative	Nay for liberty	Nay for liberty	Nay for liberty	Aye for liberty	Aye for liberty	Nay for liberty	Total Votes for Liberty
Thomas Lubnau	A	A	N	A	A	N	4
Michael Madden	A	A	A	A	A	A	2
Robert McKim	N	N	A	A	A	N	5
David Miller	E	N	A	A	E	N	3
Glenn Moniz	A	A	A	A	N	A	1
Bob Nicholas	A	A	N	A	A	N	4
David Northrup	A	N	A	A	N	A	2
John Patton	A	A	A	A	N	A	1
Jerry Paxton	N	A	A	A	A	N	4
Ruth Petroff	A	A	A	A	A	A	2
Garry Piiparinen	N	N	A	A	A	A	4
Tom Reeder	N	N	A	N	A	N	4
Mark Semlek	N	N	N	N	N	N	4
Albert Sommers	N	A	A	A	A	A	3
Tim Stubson	A	A	A	A	A	N	3
Matt Teeters	A	N	A	N	A	N	3
Mary Throne	A	A	N	A	N	A	2
Sue Wallis	A	N	A	A	A	N	4
Tom Walters	A	A	A	A	N	A	1
Stephen Watt	N	N	A	A	A	N	5
Sue Wilson	N	A	N	A	A	N	5
Nathan Winters	N	N	N	N	A	N	5
Dan Zwonitzer	A	A	N	A	A	A	3
David Zwonitzer	A	A	N	A	A	A	3

Average 3.1

Ayes	39	35	41	52	45	31
Nays	<u>20</u>	<u>24</u>	<u>18</u>	<u>6</u>	<u>13</u>	<u>29</u>
Total	59	59	59	58	58	60

Legend:

Red is a vote for liberty	Blue is a vote against Liberty	A: Aye; N: Nay; E: Excused / Absent
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# Wyoming Senate 2013

Education - state administration (SF 104)    Highway funding (HB 69)    Public records - institutions of higher education (HB 223)    Hitchhiking (SF 29)    Expansion of Medicaid (SF 122) Committee of the Whole    Highway speed limit increase (SF57)

<u>Senator</u>	Nay for liberty	Nay for liberty	Nay for liberty	Aye for liberty	Nay for liberty	Aye for liberty	Total Votes for Liberty
Jim Anderson (SD02)	A	A	A	A	N	A	3
Jim Anderson (SD28)	A	A	N	A	N	A	4
Paul Barnard	N	N	A	A	N	A	5
Eli Bebout	A	N	A	A	N	A	4
Bruce Burns	N	A	A	A	N	A	4
Cale Case	N	N	A	A	N	A	5
Leland Christensen	A	A	A	A	A	A	2
Henry H.R. "Hank" Coe	A	N	A	A	N	A	4
Stan Cooper	N	N	A	A	N	A	5
Bernadine Craft	A	A	A	A	A	A	2
Dan Dockstader	N	N	N	A	N	A	6
Ogden Driskill	A	N	N	A	N	A	5
Fred Emerich	A	A	A	A	N	A	3
Floyd Esquibel	A	A	N	A	A	A	3
Gerald Geis	N	A	A	A	N	N	3
John Hastert	A	A	A	A	A	A	2
Larry Hicks	N	N	A	A	N	A	5
John Hines	N	A	A	A	N	A	4
Wayne Johnson	A	A	A	A	A	A	2
Bill Landen	A	A	A	A	N	A	3
Curt Meier	N	N	N	N	N	A	5
Phil Nicholas	A	A	A	A	N	A	3
Leslie Nutting	N	A	A	A	N	A	4
Drew Perkins	A	N	A	A	N	A	4
R. Ray Peterson	A	N	N	A	N	A	5
Tony Ross	A	A	A	A	N	A	3
Chris Rothfuss	A	A	A	A	A	A	2
John Schiffer	A	A	N	A	A	N	2
Charles Scott	A	N	A	A	N	A	4
Michael Von Flatern	A	A	A	A	A	A	2

Average 3.6

Ayes	20	18	23	29	8	28
Nays	<u>10</u>	<u>12</u>	<u>7</u>	<u>1</u>	<u>22</u>	<u>2</u>
Total	30	30	30	30	30	30

Legend:

Red is a vote for liberty	Blue is a vote against Liberty	A: Aye; N: Nay; E: Excused / Absent
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## Sources

All 2013 bill information is available at

<http://legisweb.state.wy.us/2013/billindex/BillCrossRef.aspx?type=ALL>

Specific bill information includes:

### Education – state administration (SF 104):

**Bill:** <http://legisweb.state.wy.us/2013/Enroll/SF0104.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/SF0104.htm>

### Highway funding (HB 69):

**Bill:** <http://legisweb.state.wy.us/2013/Enroll/HB0069.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/HB0069.htm>

### Public records – institutions of higher education (HB 223):

**Bill:** <http://legisweb.state.wy.us/2013/Enroll/HB0223.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/HB0223.htm>

### Hitchhiking (SF 29):

**Bill:** <http://legisweb.state.wy.us/2013/Enroll/SF0029.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/SF0029.htm>

### Food Freedom Act (HB 108):

**Bill:** <http://legisweb.state.wy.us/2013/Engross/HB0108.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/HB0108.htm>

### Expansion of Medicaid (SF 122):


**Bill:** <http://legisweb.state.wy.us/2013/Introduced/SF0122.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/SF0122.htm>

### Highway speed limit increase (SF 57):

**Bill:** <http://legisweb.state.wy.us/2013/Introduced/SF0057.pdf>

**Voting Record:** <http://legisweb.state.wy.us/2013/Digest/SF0057.htm>



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