



# **2011 Wyoming General Session**

**ACLU of Wyoming  
Legislative Review**

# 2011 Wyoming General Session

## ACLU of Wyoming

### Legislative Review

Summaries written by:  
Linda Burt, Executive Director

Prepared by:  
Ryan Frost, Program Coordinator

March, 2011

*Source:* The Online Home of the Wyoming Legislature,  
<http://legisweb.state.wy.us/> (last visited on March 29, 2011)



American Civil Liberties Union of Wyoming Chapter  
P.O. Box 20706  
Cheyenne, WY 82003  
307-637-4565  
[www.aclu-wy.org](http://www.aclu-wy.org)

## **HB21 – Battery Against a Family Member**

**BILL INFO:** AN ACT relating to crimes and offenses; removing time restrictions relating to second and subsequent convictions for simple battery against a family member as specified; amending penalties for subsequent convictions; and providing for an effective date

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** HB21 extended the time period for enhancement of a subsequent domestic assault (both misdemeanor and felony) violation from 5 years to 10 years for offenders “guilty of violation. . . . against any other household member within the previous 5 (10) years is guilty of a misdemeanor punishable. . . .” “therefore imposing an enhanced sentence for a second and third offense.” In the case of a third misdemeanor there was no time limit for enhancement; the first offense could be 20 or thirty years in the past and the sentence could be 10 years and \$10,000 or both. (A misdemeanor assault of a household member would be punished by not more than 6 months in jail and a \$750 fine)

The bill passed the House but never reached the Committee of the Whole in the Senate. Legislation to stack on more and more jail time for misdemeanors and felonies have become a tradition in Wyoming even as other states are moving away from knee jerk law and order solutions. As a result of 20 years of law and order politicians the United States has experienced an explosion in our prison population and incarceration costs. Many of our prisoners are low level or non-violent offenders that would be much better served in their communities.

Restorative justice principles, family counseling, alcohol and drug treatment, and anger management programs provide a more effective and cost saving solution to incarceration.

### **VOTING RECORD:**

**House Vote Recorded:** 1/20/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gingery, Greear, Greene, Harshman, Harvey, Hunt, Illoyay, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Moniz, Nicholas B, Patton, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Miller, Peasley

**Excused:** Representative(s): Gay, Goggles

**Total:** Ayes: 55 Nays: 3 Excused: 2

***NO SENATE VOTE RECORDED***

## **HB23 – Sex Offender Registration**

**BILL INFO:** AN ACT relating to sex offender registration and notification; amending the information sex offenders are required to provide; requiring specified juveniles to register as sex offenders; amending the information that shall be provided to the public; amending the registration requirements for specified offenses; conforming provisions; requiring offenders convicted but not yet sentenced to register as sex offenders; requiring notice by an offender who will travel out of the country as specified; eliminating language that may permit an offender who has not registered as required to avoid sanctions after a specified time; clarifying conditions under which an offender may petition a court to be relieved of registration requirements; amending and creating definitions; and providing for an effective date.

**ACLU POSITION: OPPOSE**

**SUMMARY:** As the U.S. congress continues to expand the reach of the Adam Walsh Act to an ever wider group of offenders for longer periods of time, the registry itself becomes less and less effective. As a result of the passage of this bill juveniles with felony offenses will be registered as sex offenders. While this applies only to certain felony offenses and will not apply to the public registry, law enforcement, schools and community organizations will be notified regarding the juveniles offenses. This notification is detrimental to the rehabilitation of the juvenile and their reintegration in the community. Juveniles are much less likely to reoffend and more amenable to rehabilitation and this registry reduces the chance of rehabilitation for juveniles. In general, registries are not particularly effective as they isolate and stigmatize offenders reducing all offenders' chances of success.

While this bill does not require listing on the public registry, juvenile offender's names would be released to all neighbors within 750 feet, nearby schools, churches and other organizations. When community members are notified of a juvenile sex offender's presence, there are likely to be barriers erected to successful integration into the community. (Zevitz & Farkas, 2006)

The most common barriers are:

- Harassment
- Shunning by neighbors
- Discrimination
- Isolation
- Victimization of offenders
- Emotional problems for family members

Employment, education and stability are key factors in rehabilitation. Community notification decreases the chance of success for juveniles.

Treating juveniles as adults runs counter to current research which shows significant differences in neurological, cognitive and social development between adult and juveniles. (Zimring, 2000, 2004) These differences support the traditional philosophy of rehabilitation for juveniles over punishment. (Garfinkle, 2003; Trivits & Reppucci, 2002)

While registration policies were originally developed to address the risks posed by violent, repeat adult offenders, all current available research shows that registration and notification have had little to no impact on the rates of sex crimes or recidivism. (Adkins, Huff, & Stageber, 2000; Schram & Milloy, 1995; Walker, Maddan, Vasquez, VanHouten, & Ervin-McLary, 2005; Washington State Institute for Public Policy, 2005; Welchans, 2005; Zevits, 2006). Despite popular myths, sex offenders who reoffend are in the minority and juveniles are the least likely to reoffend. (Hanson & Bussiere, 1998; Hanson & Morton-Borgon, 2004)

The most effective public policy for protecting our children is accurate, research based education and information and best practices offender treatment for both adults and juveniles.

In addition HB23 requires people convicted of offenses January 1, 1985 or later to register. SORNA (the act governing these changes) went into effect in 1996. *USA v. Male* (9<sup>th</sup> Cir., issued 9/1/09) found that requiring juveniles convicted of crimes prior to enactment of SORNA is punitive, violates the ex post facto clause, and therefore is unconstitutional. This law is certainly subject to court challenge.

**VOTING RECORD:**

**Senate Vote Recorded:** 2/28/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Hines, Jennings, Johnson, Landen, Martin, Nicholas P, Nutting, Perkins, Peterson, Ross, Schiffer, Von Flatern

**Nays:** Senator(s): Case, Meier, Rothfuss, Scott

**Total:** Ayes: 26 Nays: 4

**House Vote Recorded:** 3/1/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Goggles, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Moniz, Patton, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Greear, Miller

**Excused:** Representative(s): Pederson

**Absent:** Representative(s): Nicholas B, Peasley

**Total:** Ayes: 54 Nays: 3 Excused: 1 Absent: 2

## **HB24 – Voting Rights**

**BILL INFO:** AN ACT relating to voting rights; repealing the time period required before restoration of voting rights to certain convicted felons; making conforming amendment; and providing for an effective date.

**ACLU POSITION:** *SUPPORT*

**SUMMARY:** HB24 failed the Committee of the Whole vote. There were problems with the way the bill was written and many legislators are opposed to the idea of allowing felons to vote. Another issue reported was few felons have taken advantage of the current statute that allows for restoration of rights. The current statute only applies to non-violent felonies and is somewhat complicated to maneuver. A much cleaner and easier fix would be automatic restoration of rights to all felons on completion of their sentence.

The origins of felony disfranchisement lie in explicit efforts to keep African Americans from the ballot box. After passage of the 15<sup>th</sup> Amendment in 1870, southern states began to tailor their felony disfranchisement laws to target African Americans. Many of these laws remain in effect today. In order to support our model of a democratic society the fundamental right to vote must be protected for all citizens.

**VOTING RECORD:**

**House Vote Recorded:** 1/19/2011

**Ayes:** Representative(s): Barbuto, Blake, Blikre, Bonner, Byrd, Cannady, Connolly, Craft, Esquibel, K., Freeman, Greene, Loucks, Lubnau, Nicholas B, Patton, Roscoe, Stubson, Throne, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Berger, Botten, Brechtel, Brown, Buchanan, Burkhart, Campbell, Childers, Davison, Edmonds, Eklund, Gay, Gingery, Greear, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Madden, McKim, McOmie, Miller, Moniz, Peasley, Pederson, Petersen, Petroff, Quarberg, Semlek, Shepperson, Steward, Teeters, Vranish

**Excused:** Representative(s): Goggles

**Absent:** Representative(s): Harshman

**Total:** Ayes: 21 Nays: 37 Excused: 1 Absent: 1

**NO SENATE VOTE RECORDED**

## **HB29 – DUI – Elimination of Right to Refuse Test**

**BILL INFO:** AN ACT relating to driving under the influence; eliminating the driver's right to refuse to undergo a test to determine the alcohol or controlled substance concentration in his body as specified; conforming provisions; repealing conflicting provisions; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** After much discussion, HB29 passed with an amendment allowing for a warrant to be obtained from a judge via text, phone or fax for testing. The Wyoming Constitution requires a warrant with an affidavit for all searches and many felt this bill went too far as the taking of bodily fluids is clearly considered a search and seizure and there would be no written affidavit to support the Warrant with probable cause. While other states have allowed for electronic warrants and affidavits, Wyoming courts have never accepted such. An additional concern centered on the refusal to be tested and the problems incurred for law enforcement. Expect there to be a challenge to this bill from the private bar.

**VOTING RECORD:**

**Senate Vote Recorded:** 2/28/2011

**Ayes:** Senator(s): Anderson, Barnard, Christensen, Coe, Cooper, Dockstader, Driskill, Esquibel, F., Hastert, Hicks, Hines, Jennings, Johnson, Martin, Nutting, Perkins, Peterson, Ross, Scott, Von Flatern

**Nays:** Senator(s): Bebout, Burns, Case, Emerich, Geis, Landen, Meier, Nicholas P, Rothfuss, Schiffer

**Total:** Ayes: 20 Nays: 10

**House Vote Recorded:** 3/1/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Davison, Eklund, Freeman, Gay, Gingery, Greene, Harshman, Harvey, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Madden, McKim, Moniz, Petersen, Petroff, Roscoe, Steward, Stubson, Teeters, Throne, Vranish, Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Buchanan, Edmonds, Esquibel, K., Goggles, Greear, Hunt, Loucks, Lubnau, McOmie, Miller, Patton, Peasley, Quarberg, Semlek, Shepperson, Wallis, Zwonitzer, Dn.

**Excused:** Representative(s): Pederson

**Absent:** Representative(s): Nicholas B

**Total:** Ayes: 40 Nays: 18 Excused: 1 Absent: 1

## **HB40 – Compensation for Persons Exonerated Based on DNA**

**BILL INFO:** AN ACT relating to criminal procedure; authorizing compensation for persons exonerated based on DNA testing; specifying conditions, requirements and limitations on authorized compensation; conforming provisions; and providing for an effective date.

**ACLU Position: SUPPORT**

**SUMMARY:** HB40 authorized compensation for those that had been exonerated by DNA evidence and provided for limits on compensation. The bill failed on third reading in the Senate.

More than half of the states now have compensation laws on the books, the median compensation provided is \$240,000 which is a median of \$24,000 per year of time served. (Innocence Project)

States should have compensation statutes in order to assist those wrongfully convicted in reentering society and to help facilitate and restore lives to the best of the states ability. Compensation laws provide for compassion as well as faith in the justice of our legal system.

**VOTING RECORD:**

**House Vote Recorded:** 1/18/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Eklund, Esquibel, K., Freeman, Gingery, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Moniz, Nicholas B, Patton, Pederson, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Davison, Edmonds, Gay, Kroeker, Miller, Peasley, Petersen

**Excused:** Representative(s): Goggles

**Total:** Ayes: 51 Nays: 8 Excused: 1

**Senate Vote Recorded:** 2/28/2011

**Ayes:** Senator(s): Anderson, Burns, Esquibel, F., Geis, Hastert, Hines, Landen, Martin, Nutting, Rothfuss, Scott, Von Flatern

**Nays:** Senator(s): Barnard, Bebout, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Hicks, Jennings, Johnson, Meier, Nicholas P, Perkins, Peterson, Ross, Schiffer

**Total:** Ayes: 12 Nays: 18

## **HB69 – Prescriptions for Marijuana Invalid**

**BILL INFO:** AN ACT relating to controlled substances; providing that prescriptions for marijuana are not valid; and providing for an effective date

**ACLU POSITION: OPPOSE**

**SUMMARY:** Fifteen states currently have some type of medical marijuana statute, 5 states have pending legislation to approve medical use of marijuana and 11 states recently considered legislation that did not pass. The American Civil Liberties Union Policy # 215 states: The ACLU opposes laws which criminalize the cultivation, possession, use and sale or delivery of marijuana, for the following reasons. (1.) They impose arbitrary, often harsh, and cruel penalties for private conduct for which no criminal penalty is appropriate; 2.) They impose all of the hardships of an arrest, and arrest record, and often a prison term on otherwise law-abiding young people: (*In the case of this particular law all of these hardships will be imposed on individuals who have a medical necessity and authority to use this drug; often the result of serious or fatal disease.*) 3) They are selectively enforced; 4) Their enforcement

relies on entrapment, illegal searches, and other means which violate civil liberties; and, 5) They divert law enforcement money and manpower from the enforcement of laws against serious crimes. (Board Minutes, October 15-16, 1983)

**VOTING RECORD:**

**House Vote Recorded:** 1/25/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Nicholas B, Patton, Peasley, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Connolly, Loucks

**Excused:** Representative(s): Davison, Goggles

**Total:** Ayes: 56 Nays: 2 Excused: 2

**Senate Vote Recorded:** 2/18/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nicholas P, Nutting, Perkins, Peterson, Ross, Schiffer, Scott, Von Flatern

**Nays:** Senator(s): Case, Hastert, Rothfuss

**Total:** Ayes: 27 Nays: 3

## **HB74 – Validity of Marriages**

**BILL INFO:** AN ACT relating to marriage; providing that marriages other than of a male and a female person are void; providing that marriages between more than two parties are void; specifying that Wyoming courts do not have jurisdiction over any domestic legal union involving parties who are not a male and a female person or where there are more than two parties to the contract; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** The Wyoming Statutes state that marriage is between a man and a woman: the statutes also provide recognition for marriages that are solemnized in other states or countries. (foreign marriages) This is the “loophole” that was supposedly to be closed by HB74 and SJ5. A divorce case from Goshen County between 2 women married in Canada is being reviewed by the Wyoming Supreme Court as District Court Judge Kautz felt that our statutes did not give him the authority to grant a divorce to this couple. The Wyoming Supreme Court will decide this issue and it seems clear that the true motivation behind this bill was more anti-gay than any grave concern about marriage loopholes. Both of these bills would not only have reiterated that marriage is between a man and a woman in our state (we *really, really* mean that ), the bills would have denied same sex couples who were married in other jurisdictions legal access in Wyoming. However, the testimony from supporter’s centered more on same sex marriage as a moral and religious issue rather than the legal issues involved.

While this was a huge battle with supporters flooding legislators with letters and packing committee hearings along with bizarre, hateful and inaccurate testimony - there were heartening moments. The first House committee meeting was packed with young LGBT people all ready and willing to testify. We made good friends and a coalition of groups worked together against this bill. There was great testimony on the floor in opposition to these bills and also

support voiced for civil unions in Wyoming. The first time I testified against this type of bill there were 4 of us testifying in opposition and the room was packed with supporters against us – this year I didn't get much time to testify because there were so many bills to monitor. In addition, the committees heard heart-wrenching testimony from many LGBT youth; especially compelling was a young gay man who pleaded to be allowed to live in the world like everyone else – he was working for a culture where he was not called “faggot” every day when he walked down the halls in his Cheyenne High School.

The White House recently announced that it would not enforce the federal DOMA law; this law allows states to ignore the full faith and credit normally given to other states and withhold recognition of gay marriages in direct contradiction to constitutional principles. The California referendum that banned gay marriage is also currently in the appeal process and will be moving to the U.S. Supreme Court slowly but surely. There was no necessity for these bills other than to make it clear that Wyoming does not support equal rights for all individuals and that gay and lesbian couples are not welcome in our state.

While the arguments against same sex marriage revolve around the designation of man and women as the only acceptable family unity, tradition, history (much of which is incorrect) there are some compelling reasons that same sex marriage deserves equal protection under the constitution:

Marriage has been found by the courts to be a fundamental right under the constitution. Government is not allowed to impact or burden a fundamental right unless it has a compelling interest in doing so – compelling interest means a really good reason.

The state must have a compelling reason to not allow same sex couples to marry as they are protected (as we all are) by the due process and equal protection clauses in both the Wyoming Constitution and the U.S. Constitutions. Equal protection means that all people who are in the same circumstances must be treated the same way by their government and their rights protected in the same manner. Ex: Women are similar to men in their circumstances; the government has no good reason not to allow them to vote.

Same sex couples are able to perform the rights and obligations of marriage and are identically situated to opposite sex couples except for sexual orientation (the state does not require couples to procreate to marry). There is virtually no difference in the reasons that same sex or opposite sex couples marry. Therefore, the state has no good reason to deny marriage.

One of the issues that continues to come up in testimony is polygamy – in the U.S., no one is allowed to practice polygamy – there is no equal protection or due process argument that allows one group to practice polygamy as all individuals in all groups are being treated in the same manner. This holds true for individuals marrying their siblings, parents, cousins or horses (as one legislator questioned). No one is allowed any of those marriages under our laws and the courts have found that the government had a compelling reason in all of those examples to burden a fundamental right – this is not an issue in the validity of gay marriage conversation.

#### **VOTING RECORD:**

##### **House Vote Recorded: 3/2/2011**

**Ayes:** Representative(s): Blikre, Botten, Brechtel, Buchanan, Burkhart, Campbell, Cannady, Davison, Edmonds, Eklund, Gay, Greear, Harshman, Harvey, Hunt, Jaggi, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, Miller, Peasley, Petersen, Quarberg, Semlek, Shepperson, Stubson, Teeters

**Nays:** Representative(s): Barbuto, Berger, Blake, Bonner, Brown, Byrd, Childers, Connolly, Craft, Esquibel, K., Freeman, Gingery, Goggles, Greene, Illoway, Kasperik, McOmie, Moniz, Nicholas B, Patton, Petroff, Roscoe, Steward, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Excused:** Representative(s): Pederson

**Total:** Ayes: 31 Nays: 28 Excused: 1

**Senate Vote Recorded:** 3/2/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Cooper, Dockstader, Geis, Hicks, Jennings, Johnson, Meier, Nutting, Perkins, Peterson, Ross

**Nays:** Senator(s): Burns, Case, Christensen, Coe, Driskill, Emerich, Esquibel, F., Hastert, Hines, Landen, Martin, Nicholas P, Rothfuss, Schiffer, Scott, Von Flatern

**Total:** Ayes: 14 Nays: 16

## **HB94 – Illegal Immigration**

**BILL INFO:** AN ACT relating to immigration; establishing an offense for failure to carry an alien registration document; establishing offenses for unlawful hiring and unlawful employment; establishing an offense for unlawful transporting of aliens; providing for the determination and communication of immigration status; prohibiting employment of unauthorized aliens; requiring employers to participate in the e-verify program; authorizing warrantless arrests for offenses that make a person removable from the United States; providing penalties; providing for severability of provisions; and providing for an effective date.

**ACLU POSITION:** *Oppose*

**SUMMARY:** HB 94 was a copy of the bill passed in Arizona that was dubbed the “papers please” bill. As a result of the passing of that bill Arizona lost millions of dollars in tourist and convention revenue and is now involved in a court battle regarding the constitutionality of the law. The Wyoming Association of Churches, the ACLU, the Equality State Policy Center, and a Hispanic community group packed the committee hearing testifying against this bill. The bill was quickly killed in the committee.

**VOTING RECORD:**

*No House or Senate Votes Recorded*

## **HB95 – Involuntary Commitment Examiners**

**BILL INFO:** AN ACT relating to hospitalization of mentally ill persons; amending the definition of examiner for purposes of involuntary detention; providing that involuntary detention and involuntary hospitalization hearings not be combined under specified circumstances; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** Title 25 in the Wyoming statutes covers the process and protections of those that have been found to be a “danger to self or others” and temporarily committed for either evaluation or hospitalization. Under this title there are several professionals that can do an initial evaluation for hospitalization. This bill adds a physician’s assistant to that list of professionals. The bill also included language that seemed to allow both the first and second hearings to be held at the same time -- this is the due process issue that we objected to. In committee we testified on this due process issue, the language was amended but the language is still somewhat ambiguous. Our next step will be asking for an attorney general’s opinion on this issue.

**VOTING RECORD:**

**Senate Vote Recorded:** 2/15/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Christensen, Coe, Cooper, Driskill, Esquibel, F., Geis, Hastert, Hicks, Hines, Johnson, Landen, Martin, Nutting, Perkins, Peterson, Rothfuss, Scott, Von Flatern

**Nays:** Senator(s): Case, Dockstader, Emerich, Jennings, Meier, Nicholas P, Ross, Schiffer

**Total:** Ayes: 22 Nays: 8

**House Vote Recorded:** 2/16/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Connolly, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Goggles, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Patton, Peasley, Pederson, Petersen, Petroff, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Nicholas B, Quarberg

**Excused:** Representative(s): Childers, Davison

**Total:** Ayes: 55 Nays: 3 Excused: 2

## **HB118 – Abortion – Available Information for Decision**

**BILL INFO:** AN ACT relating to public health and safety; requiring physicians to provide patients with specified information before certain nonemergency abortion procedures; providing definitions and amending a definition; and providing for an effective date

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** See Summary for HB251 – Abortion – Ultrasound Information

**VOTING RECORD:**

**House Vote Recorded:** 1/25/2011

**Ayes:** Representative(s): Brechtel, Buchanan, Burkhart, Campbell, Cannady, Edmonds, Eklund, Gay, Gingery, Greene, Harshman, Harvey, Jaggi, Kroeker, Krone, Loucks, McKim, Miller, Peasley, Petersen, Quarberg, Semlek, Teeters

**Nays:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Byrd, Connolly, Craft, Esquibel, K., Freeman, Greear, Hunt, Kasperik, Lubnau, Madden, McOmie, Moniz, Nicholas B, Patton, Pederson, Petroff, Roscoe, Shepperson, Steward, Stubson, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Excused:** Representative(s): Childers, Davison, Goggles, Illoway, Lockhart

**Total:** Ayes: 23 Nays: 32 Excused: 5

***NO SENATE VOTE RECORDED***

## **HB120 – Public Meetings**

**BILL INFO:** AN ACT relating to public meetings; providing notice requirements for special meetings; providing for audio recording of executive sessions; providing for proceedings to review executive sessions; providing for notice of executive sessions; and providing for an effective date.

**ACLU POSITION: SUPPORT**

**SUMMARY:** Participation in community and civil affairs requires transparency in the business of government. These two bills (HB120 & HB121) would have provided for better access to public documents and meetings of public officials. Currently it is far too easy for public officials to skirt true transparency, waiting months to respond to document request (as with our request to Park County) forcing individuals to use legal action to get documents, charging outrageous fees for copying or administrative fees and closing meetings with little authority. Both of these bills were eventually killed and they were killed by the associations that represent municipalities and county commissioners. These associations argued vehemently against open government policy.

**VOTING RECORD:**

**House Vote Recorded:** 1/31/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Campbell, Cannady, Childers, Connolly, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Goggles, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Nicholas B, Patton, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Byrd, Peasley

**Total:** Ayes: 58 Nays: 2

**Senate Vote Recorded:** 2/28/2011

**Ayes:** Senator(s): Case, Christensen, Cooper, Dockstader, Esquibel, F., Hastert, Martin, Meier, Nutting, Perkins, Peterson, Ross, Scott, Von Flatern

**Nays:** Senator(s): Anderson, Barnard, Bebout, Burns, Coe, Driskill, Emerich, Geis, Hicks, Hines, Jennings, Johnson, Landen, Nicholas P, Rothfuss, Schiffer

**Total:** Ayes: 14 Nays: 16

## **HB121 – Public Records**

**BILL INFO:** AN ACT relating to public records; setting reasonable time for production of public records; clarifying reasonable fees for duplication of public records; and providing for an effective date

**ACLU POSITION: SUPPORT**

**SUMMARY:** See Summary for HB120 – Public Meetings

**VOTING RECORD:**

**House Vote Recorded:** 1/31/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Campbell, Cannady, Childers, Connolly, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Goggles, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McOmie, Miller, Moniz, Nicholas B, Patton, Peasley, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Byrd, Davison, Greear, McKim, Stubson

**Total:** Ayes: 54 Nays: 6

**Senate Vote Recorded:** 2/24/2011

**Ayes:** Senator(s): Christensen, Cooper, Dockstader, Esquibel, F., Hastert, Martin, Perkins, Peterson, Ross, Von Flatern

**Nays:** Senator(s): Anderson, Barnard, Bebout, Burns, Case, Coe, Driskill, Emerich, Geis, Hicks, Hines, Jennings, Landen, Meier, Nicholas P, Nutting, Rothfuss, Schiffer, Scott

**Excused:** Senator(s): Johnson

**Total:** Ayes: 10 Nays: 19 Excused: 1

## **HB142 – Discrimination**

**BILL INFO:** AN ACT relating to discrimination; prohibiting discrimination based on sexual orientation or gender identity as specified; and providing for an effective date.

**ACLU POSITION:** *SUPPORT*

**SUMMARY:** Neither the Wyoming Constitution nor the statutes provide for sexual orientation in civil rights protections. This is an essential step in equality for LGBT individuals and we will continue to support these bills.

**VOTING RECORD:**

**House Vote Recorded:** 1/31/2011

**Ayes:** Representative(s): Barbuto, Blake, Bonner, Brown, Byrd, Campbell, Childers, Connolly, Craft, Esquibel, K., Freeman, Gingery, Goggles, Greene, Illoway, Kasperik, McOmie, Petroff, Roscoe, Shepperson, Steward, Throne, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Berger, Blikre, Botten, Brechtel, Buchanan, Burkhart, Cannady, Davison, Edmonds, Eklund, Gay, Greear, Harshman, Harvey, Hunt, Jaggi, Kroeker, Krone, Loucks, Lubnau, Madden, McKim, Miller, Moniz, Nicholas B, Patton, Peasley, Petersen, Quarberg, Semlek, Stubson, Teeters, Vranish

**Excused:** Representative(s): Lockhart, Pederson

**Total:** Ayes: 25 Nays: 33 Excused: 2

***NO SENATE VOTE RECORDED***

## **HB204 – Patriotism in the Classroom**

**BILL INFO:** AN ACT relating to public schools; requiring a flag to be displayed in each classroom as specified; requiring the pledge of allegiance to be recited as specified; providing for enforcement by a mandamus action; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** Senator Cale Case spoke eloquently in opposition to this bill; it is not the states' role to force patriotism on its citizens. This bill came from one of the freshmen tea party House members and although we did not

testify in committee against the bill, we did testify that there must be a clear “opt out” clause for those who do not wish to say the pledge of allegiance.

**VOTING RECORD:**

**House Vote Recorded:** 2/8/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Campbell, Cannady, Childers, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Greear, Greene, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, McKim, McOmie, Miller, Moniz, Nicholas B, Patton, Peasley, Petersen, Petroff, Quarberg, Roscoe, Semlek, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dv.

**Nays:** Representative(s): Byrd, Connolly, Goggles, Madden, Zwonitzer, Dn.

**Excused:** Representative(s): Harshman, Pederson, Shepperson

**Total:** Ayes: 52 Nays: 5 Excused: 3

**Senate Vote Recorded:** 3/1/2011

**Ayes:** Senator(s): Barnard, Bebout, Christensen, Coe, Cooper, Dockstader, Driskill, Hicks, Jennings, Landen, Meier, Nutting, Peterson, Scott

**Nays:** Senator(s): Anderson, Burns, Case, Emerich, Esquibel, F., Geis, Hastert, Hines, Johnson, Martin, Nicholas P, Perkins, Ross, Rothfuss, Schiffer, Von Flatern

**Total:** Ayes: 14 Nays: 16

## **HB248 – Unlawful Protesting at a Funeral**

**BILL INFO:** AN ACT relating to crimes and offenses; providing criminal penalties for a protest directed at a funeral or memorial service as specified; increasing the buffer zone between a funeral or memorial service and a protest directed at a funeral or memorial service as specified; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** The ACLU continues to support the Phelps free speech rights, while we strongly disagree with the speech itself. We did not testify against the bill but provided information regarding the current law on this issue.

**VOTING RECORD:**

**House Vote Recorded:** 2/9/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gay, Gingery, Goggles, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Moniz, Nicholas B, Patton, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Miller, Peasley, Zwonitzer, Dn.

**Excused:** Representative(s): Shepperson

**Total:** Ayes: 55 Nays: 4 Excused: 1

**Senate Vote Recorded:** 2/24/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nicholas P, Nutting, Perkins, Peterson, Ross, Rothfuss, Schiffer, Scott, Von Flatern

**Total:** Ayes: 30 Nays: 0

## **HB251 – Abortion – Ultrasound Information**

**BILL INFO:** AN ACT relating to public health and safety; requiring physicians to provide patients with specified information before certain nonemergency abortion procedures; providing definitions and amending a definition; and providing for an effective date

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** Our reproductive rights work is done with a coalition of groups including Wyoming NARAL and Rocky Mountain Planned Parenthood. Over the years we have developed a great working relationship and I am always grateful to have NARAL's Wyoming director, Sharon Brietweiser leading the charge. HB118, a bill requiring physician's to offer to show patients requesting an abortion an ultra sound, to listen to the heartbeat (if there was an audible heartbeat) and then forced her to wait 24 hours for the procedure was killed early in the session. The sponsor immediately re-filed the same bill, HB251.

Both bills were supported by WyWatch, a group of conservative fundamentalists and Catholics who oppose same sex marriage and reproductive rights. The legislators were again flooded with phone calls, the gallery and committee meetings were packed with people praying, carrying bibles and generally testifying against abortion for any women. The Catholic diocese held a day long prayer vigil in the hallway outside the Capitol Club. WyWatch and affiliated groups (I am not too sure who all these people are and exactly who they represent) fielded 5 full time lobbyists so they were working this hard.

Again, one of the more heartening times in this session came from the wonderful testimony from Wyoming legislators regarding privacy and overreaching by the state. For those of you that are familiar with Rachel Maddow you may have seen Rep. Sue Wallis, Rep. Lisa Sherperson and Rep. Mary Throne show up on her program about the "small c" conservatives in Wyoming.

Both of these bills were clearly intrusions into the doctor-patient relationship and an unwarranted intrusion by the state into medical care. Hundreds of legislative hours were spent on this issue and the reality is that most abortions are performed out of the state as Wyoming has only one abortion provider, located in Teton County.

**VOTING RECORD:**

**House Vote Recorded:** 2/9/2011

**Ayes:** Representative(s): Blikre, Brechtel, Buchanan, Burkhart, Campbell, Cannady, Davison, Edmonds, Eklund, Gay, Gingery, Greear, Greene, Harshman, Harvey, Jaggi, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Nicholas B, Peasley, Pederson, Petersen, Quarberg, Semlek, Stubson, Teeters

**Nays:** Representative(s): Barbuto, Berger, Blake, Bonner, Botten, Brown, Byrd, Childers, Connolly, Craft, Esquibel, K., Freeman, Goggles, Hunt, Illoyay, Kasperik, Patton, Petroff, Roscoe, Steward, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Excused:** Representative(s): Shepperson

**Total:** Ayes: 34 Nays: 25 Excused: 1

**Senate Vote Recorded:** 2/25/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Cooper, Dockstader, Geis, Hicks, Jennings, Johnson, Landen, Meier, Nutting, Perkins, Ross

**Nays:** Senator(s): Burns, Case, Christensen, Coe, Driskill, Emerich, Esquibel, F., Hastert, Hines, Martin, Nicholas P, Rothfuss, Schiffer, Scott, Von Flatern

**Excused:** Senator(s): Peterson

**Total:** Ayes: 14 Nays: 15 Excused: 1

## **HJ08 – Sharia Law**

**BILL INFO:** A JOINT RESOLUTION proposing to amend the Wyoming Constitution to require courts in this state to rely on federal and state laws when deciding cases and to forbid courts from considering international law or Sharia law when deciding cases

**ACLU POSITION:** *Oppose*

**SUMMARY:** The idea that Muslims seek to impose Sharia law in the United States was created by a small group of right wing conspiracy theorists in order to fan the flames of fear and prejudice. One of the prime bloggers on this subject is Robert Spencer, a self-proclaimed expert with ties to European fascists and openly racist bloggers and Nativists. While Robert Spencer claims to be a scholar and expert on Islam, the reality is that Spencer has little in his background that would substantiate this claim.

The United States Constitution prohibits the U.S. Courts, any U.S. Courts, from imposing religious law; any religious law, as civil law. Not only did Rep. Gay's proposed amendment prohibit using Sharia Law, it also proposed to prohibit using International Law in our courts. A similar amendment in Oklahoma was passed and immediately blocked by a federal court as unconstitutional. Which, of course, it is.

**VOTING RECORD:**

*No House or Senate Votes Recorded*

## **SF03 – Campaign Finance – Organizations**

**BILL INFO:** AN ACT relating to campaign finance; repealing restrictions on organizations making independent expenditures to advocate the election or defeat of a candidate; providing a definition; conforming state law to a United States Supreme Court ruling; requiring notification in advertising; and providing for an effective date.

**ACLU POSITION:** *SUPPORT*

**SUMMARY:** This bill responds to the recent Supreme Court case allowing corporations to behave as "persons" when contributing to political campaigns; it seeks to bring Wyoming campaign financing statutes into compliance with the decision. The election of public officials is an essential aspect of a free society. Campaigns for public office raise a wide range of sometimes competing civil liberties concerns. The regulation of the electoral and campaign process must be fair, understandable and not unduly burdensome. It must assure integrity and inclusivity, encourage participation and protect privacy and rights of association while at the same time allowing for robust, full and free

discussion and debate by and about the candidates and issues of the day. Achieving all of these goals is a significant challenge to legislative bodies and to elected officials.

**VOTING RECORD:**

**House Vote Recorded:** 2/11/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gingery, Goggles, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Patton, Peasley, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Nicholas B

**Excused:** Representative(s): Davison, Gay, Greear, Shepperson

**Total:** Ayes: 55 Nays: 1 Excused: 4

**Senate Vote Recorded:** 2/22/2011

**Ayes:** Senator(s): Anderson, Bebout, Burns, Case, Christensen, Coe, Cooper, Driskill, Geis, Hicks, Hines, Jennings, Landen, Nutting, Schiffer, Scott

**Nays:** Senator(s): Barnard, Dockstader, Esquibel, F., Hastert, Johnson, Martin, Meier, Nicholas P, Perkins, Peterson, Ross, Rothfuss, Von Flatern

**Excused:** Senator(s): Emerich

**Total:** Ayes: 16 Nays: 13 Excused: 1

## **SF14 – Counties – Election Districts**

**BILL INFO:** AN ACT relating to county commissions; providing for districting by single member districts, at large representation or any combination of both; providing authority to county commissions to create and amend county commissioner districts without election as specified; providing terms of county commissioners subject to districting and redistricting; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** On April 29, 2010, the Federal District Court for the District of Wyoming issued an Order that at-large elections for the Fremont County Commission diluted Indian voting strength in violation of Section 2 of the Voting Rights Act, 42 U.S.C. Sec 1973. Large v. Fremont County, Wyoming, 2010 WL 1737640\*49 (d.Wyo.). among the court's findings were: " the white majority in Fremont County votes sufficiently as a bloc to enable it to usually defeat the minority-preferred candidate," id.at \*36; there was "pertinent" evidence that political campaigns have been characterized by overt or subtle racial appeals, id.at \*\*37-8.

The court directed the parties to submit proposed remedies for the violation of federal law. In response, the Plaintiffs submitted two plans, both of which used five single member, equal population districts, one of which was majority Indian. The Commission, however, submitted Remedial Plan consisting of a single member, majority Indian district, known as District 1, and a multi-member district, known as District 2 that would elect the remaining four members of the County Commission at-large. Candidates for District 1 would be required to reside in District 1 and would be elected only by the voters in District 1, while candidates for District 2 could reside anywhere within District 2 and would be elected at -large by the voters in District 2. In the event the Court rejected the preferred Remedial Plan;

the Commission proposed an alternative plan. It consisted of a single member, majority Indian district, known as District 1, and a multi-member District containing four residency districts, known as Districts 2-5, that would elect the remaining four members of the County Commission. Candidates for District 1 would be required to reside in District 1 and would be elected only by the voters in District 1, while candidates for Districts 2-5 would be required to reside within the respective residency district but would be elected at – large by voters in Districts 2-5.

The district court conducted a hearing as to the appropriate remedy on July 27, 2010, and issued an Order on August 10, 2010, adopting Plaintiffs' proposed single member district plan. Among the court's findings were: "the hybrid plans proposed by the defendants do not withstand scrutiny as they are not consistent with principles governing state law," which permit use of either at large or all single member districts, Large v. Fremont County, Wyoming, Case No. 05-CB-02701 (D. Wyo. Aug. 10, 2010), Document #150, p.25 "districts are the norm for voting in the vast majority of elections in Fremont County and for state legislature," id. At 25; "[t]he plans proposed by defendants perpetuate the separation, isolation, and racial polarization in the County, guaranteeing that the non-Indian majority continues to cancel out the voting strength of the minority," id. "the defendants' proposed plans(s)...do not remedy the violations discussed in the Findings of Fact and Conclusion of Law," id. And "the proposed plans of the defendants are not equally open to participation by Native Americans... in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." Id. At 25-6

On September 3, 2010, the Commission filed notice of appeal of the order of the district court imposing a remedial plan. Document #154. It did not appeal the finding of a violation of Section 2 of the Voting Rights Act.

The Joint Corporations, Elections and Political Subdivisions Committee held a hearing on September 28, 2010, at which it considered two proposed bills that would allow a hybrid system. Among those who spoke in favor of the bills was Fremont County Attorney Brian Varn. He said that the County's proposed legislation was drafted in response to Judge Johnson's August 10, 2010, Order.

**This Bill is specifically designed to overturn a Federal Court Order, and would perpetuate racial discrimination.**

The proposed bills were an effort to overturn the decision of the federal district court in Large v. Fremont County Wyoming. That is apparent from: the comments of County Attorney Varn: the language in bill 11LSA-0060.W1, which would allow the adoption of a hybrid plan if a county is "required to do so pursuant to a final court order," and the fact that the only county under such a final court order is Fremont County. If the bills were enacted, the Fremont County commission would then argue on appeal that its proposed hybrid plans were not authorized by state law and should be adopted.

The preceding information is taken from a letter sent to Senator Cale Case on October 5, 2010 by Laughlin McDonald and Andre Baldwin counsel for the Plaintiffs in the case. After this letter was received the testimony in the committee changed and the Fremont County Clerk and the Co-Chairs of the committee denied this bill had anything to do with Fremont County. The ACLU, The League of Women Voter's, the Equality State Policy Center and one of the Plaintiffs in the case testified against this bill, not only as to how it related to the ongoing court battle but on the basis that hybrid systems are poor public policy as they can facilitate discrimination. Legislators were assured that this bill was not a response to the appeal and that language had been changed to remove references to court decisions. This bill was passed and shortly after its passage counsel for the commissioners notified the court of its passage and on March 10, 2010 in a hearing before the U.S. District Court in Denver used the passage of the law to support its case for hybrid systems.

**VOTING RECORD:**

**House Vote Recorded:** 2/18/2011

**Ayes:** Representative(s): Barbuto, Berger, Blikre, Bonner, Botten, Brechtel, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gingery, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Miller, Moniz, Nicholas B, Patton, Peasley, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek,

Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Blake, Goggles

**Excused:** Representative(s): Davison, Gay

**Total:** Ayes: 56 Nays: 2 Excused: 2

**Senate Vote Recorded:** 2/18/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nicholas P, Nutting, Perkins, Peterson, Rothfuss, Schiffer, Scott, Von Flatern

**Nays:** Senator(s): Ross

**Total:** Ayes: 29 Nays: 1

## **SF36 – Seclusion and Restraint in Schools**

**BILL INFO:** AN ACT relating to public schools; requiring the state superintendent to adopt rules and regulations regarding seclusion and restraint in schools; requiring school district boards to adopt policies regarding the use of seclusion and restraint in schools as specified; defining terms; and providing for an effective date.

**ACLU POSITION:** *SUPPORT*

**SUMMARY:** Wyoming has no current rules or regulations regarding these measures and there have been incidents of inappropriate use of these measures. Recently a principal in Carbon County restrained a developmentally disabled student using duct tape on the arms and legs and securing the students mouth with duct tape. There were no charges filed against this principal by the County Attorney Cal Rerucha as he determined this did not meet the requirement for abuse under the Wyoming Statutes. Requiring the Department of Education to provide direction is a step in the right direction.

**VOTING RECORD:**

**House Vote Recorded:** 2/18/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhardt, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Edmonds, Eklund, Esquibel, K., Freeman, Gingery, Goggles, Greene, Harshman, Harvey, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, McOmie, Moniz, Nicholas B, Patton, Pederson, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Greear, Hunt, Madden, McKim, Miller, Peasley

**Excused:** Representative(s): Davison, Gay

**Total:** Ayes: 51 Nays: 7 Excused: 2

**Senate Vote Recorded:** 2/18/2011

**Ayes:** Senator(s): Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nicholas P, Nutting, Ross, Rothfuss, Schiffer, Scott, Von Flatern

**Nays:** Senator(s): Anderson, Dockstader, Perkins, Peterson

**Total:** Ayes: 26 Nays: 4

## **SF59 – Spice Drugs**

**BILL INFO:** AN ACT relating to the Wyoming Controlled Substances Act; adding specified controlled substances to schedule I of the act; authorizing additional positions; providing an appropriation; and providing for an effective date.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** Unfortunately another bill to incarcerate more non-violent offenders and to regulate private behavior.

**VOTING RECORD:**

**Senate Vote Recorded:** 2/28/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Hines, Jennings, Johnson, Landen, Martin, Meier, Nicholas P, Nutting, Perkins, Peterson, Ross, Rothfuss, Schiffer, Scott, Von Flatern

**Nays:** Senator(s): Case

**Total:** Ayes: 29 Nays: 1

**House Vote Recorded:** 3/1/2011

**Ayes:** Representative(s): Barbuto, Berger, Blake, Blikre, Bonner, Botten, Brown, Buchanan, Burkhart, Byrd, Campbell, Cannady, Childers, Connolly, Craft, Davison, Edmonds, Eklund, Esquibel, K., Freeman, Gingery, Goggles, Greear, Greene, Harshman, Harvey, Hunt, Illoway, Jaggi, Kasperik, Kroeker, Krone, Lockhart, Loucks, Lubnau, Madden, McKim, McOmie, Moniz, Patton, Petersen, Petroff, Quarberg, Roscoe, Semlek, Shepperson, Steward, Stubson, Teeters, Throne, Vranish, Wallis, Zwonitzer, Dn., Zwonitzer, Dv.

**Nays:** Representative(s): Brechtel, Gay, Miller, Peasley

**Excused:** Representative(s): Nicholas B, Pederson

**Total:** Ayes: 54 Nays: 4 Excused: 2

## **SJ05 – Defense of Marriage – Constitutional Amendment**

**BILL INFO:** A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section specifying that a marriage between a man and a woman shall be the only domestic legal union that shall be valid or recognized in Wyoming.

**ACLU POSITION:** *OPPOSE*

**SUMMARY:** See Summary for HB74 – Validity of Marriages

**VOTING RECORD:**

**Senate Vote Recorded:** 1/27/2011

**Ayes:** Senator(s): Anderson, Barnard, Bebout, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Hines, Jennings, Johnson, Landen, Meier, Nutting, Perkins, Peterson, Ross, Scott

**Nays:** Senator(s): Burns, Case, Christensen, Esquibel, F., Hastert, Martin, Nicholas P, Rothfuss, Schiffer, Von Flatern

**Total:** Ayes: 20 Nays: 10

***NO HOUSE VOTE RECORDED***