



2022 CONSERVATION VOTE REPORT

FOR THE 66TH WYOMING STATE LEGISLATURE

INTRODUCTION

Welcome to the Wyoming Outdoor Council's 2022 Conservation Vote Report. This report identifies how state legislators voted on key conservation bills during the 2022 Budget Session of the 66th Wyoming Legislature and it highlights seven of the most important conservation-related bills from the session.

The Outdoor Council supports accountable and transparent governance. We believe that conservation is not a partisan issue and that informed and engaged citizens matter. We hope this vote report will help you keep your elected officials accountable and responsive to your values.

HOW TO USE THIS REPORT

This voting record will provide a sense of how your local representative and senator votes in support of conservation policy in our state. It is important to recognize, however, that a voting record should not be considered in isolation from other factors, including the specific circumstances of each vote, party platforms, committee agreements, and other reasons. We encourage you to reach out to your legislator if you have a question about the specifics of one of the votes recorded here.

The conservation vote report is a snapshot of how Wyoming legislators voted on key conservation bills and amendments. The type of vote being recorded is captured below the bill's title. Votes that supported the position of the Outdoor Council are labeled in green. The bill's status indicates if the bill was passed into law.

OVERVIEW OF BILLS WE TRACKED AND WHY

In 2022 the Wyoming Legislature considered 279 bills, though less than half passed and ultimately became law. The Outdoor Council tracked 44 bills related to wildlife, clean air and water, state revenue, nuclear energy, carbon capture and sequestration, public lands, recreation, economic diversification, and public processes related to these issues. We often worked behind the scenes to support and oppose bills. Many bills died in committee before a floor vote in the Senate or House could be recorded or because they failed to be considered for introduction. For some bills, we were able to address our concerns through amendments made in committees, and thus the floor votes were no longer as important for understanding a legislator's position.

In this report, we selected six bills and one budget amendment that were of high importance to us and that received floor votes in the House and/or Senate. Five bills were considered in both chambers, one bill was considered only in the Senate, and the budget amendment was considered only by the House. All votes recorded in this report are from the bill or amendment's third and final reading.

BILL DESCRIPTIONS

HOUSE BILL 1 AND SENATE FILE 1: STATE BUDGET (AMENDMENT TO REDUCE WYOMING WILDLIFE AND NATURAL RESOURCE TRUST FROM \$75 MILLION TO \$25 MILLION)

Sponsor: Representative Gray

WOC Position: Opposed

Status: Failed

Perhaps the biggest conservation prize of the session was announced before the legislature even convened, with Gov. Mark Gordon's recommendation to fully fund the Wyoming Wildlife and Natural Resource Trust to the tune of \$100 million using American Rescue Plan dollars. In budget negotiations prior to the session, the Joint Appropriations Committee reduced this amount to \$75 million. Defending this unprecedented sum from raids by legislators with different ideas for how to spend this windfall of federal dollars became an important priority for WOC. The most significant attempt to reduce this funding was made by Rep. Chuck Gray, who proposed an amendment to cut WWNRT funding down to \$25 million. Fortunately, Rep. Gray's amendment failed in the House, and WOC, working as part of a team of conservation allies, helped ensure that \$75 million will be invested in the WWNRT to fund conservation projects for decades to come.

HOUSE BILL 72: HUNTING LICENSE APPLICATION FUNDS

Sponsors: Representatives Sommers, Schwartz and Western and Senators Driskill and Hicks

WOC Position: Supported

Status: Passed

House Bill 72 was another conservation bright spot in the session. This simple and very popular bill created a new opportunity for hunters to donate the full value, or a portion, of refunded fees from unsuccessful hunting license applications back to the Wyoming Game and Fish Department. Hunters will now have the option to donate to either the Wyoming Wildlife and Natural Resource Trust or to the Wyoming Game and Fish Access Account. Historically, fees for unsuccessful applications have been automatically refunded back to the sportsman or woman. The addition of this simple, voluntary donation could bring millions of dollars annually to the department to assist in wildlife conservation and improved recreation access across Wyoming.

HOUSE BILL 105: SEVERANCE TAX REDUCTION—COAL

Sponsors: Representatives Hallinan, Bear, Fortner, Gray, Haroldson, Heiner, Jennings, Knapp, Laursen, Neiman, Ottman, Rodriguez-Williams, Sweeney and Winter and Senators Biteman and McKeown

WOC Position: Opposed

Status: Passed

House Bill 105 was this year’s legislative gift to Wyoming’s coal industry. The bill lowered the severance tax rate for surface coal from 7 percent down to 6.5 percent, a reduction that will end up costing the state budget approximately \$10 million a year. This bill was justified as a way to help Wyoming’s coal industry be more competitive with natural gas and to help coal companies reinvest back into their Wyoming operations. Unfortunately, with domestic and global market forces turning away from coal, these outcomes seem very unlikely. We were frustrated to see the state pursue a policy of cutting vital sources of revenue that it desperately needs to sustain existing programs and future economic diversification efforts.

HOUSE BILL 131: NUCLEAR POWER GENERATION AND STORAGE—AMENDMENTS

Sponsors: Representatives Burkhart, Greear and Larsen and Senators Anderson, Cooper and Dockstader

WOC Position: Opposed

Status: Passed (Amended)

House Bill 131 was among the most debated bills of this session, centering around legislative approval of the recently proposed TerraPower advanced nuclear power plant outside of Kemmerer. Despite the fact that previous versions of this bill had been tabled just weeks before the session by the Minerals Committee, it was revived by legislative leadership who saw it as necessary to expedite the permitting process for advanced nuclear reactors in the state. Our biggest concerns with this bill related to how it treated the Wyoming Industrial Siting Act, which was created specifically to help communities address the economic and environmental challenges of permitting and building large energy projects like this one. We were disappointed to see how eager legislators were to disregard this important act in order to speed up the permitting of these new experimental projects. WOC and our allies were able to add several favorable amendments to the bill to improve transparency of reporting and require a public website to host information about the permitting process for any advanced nuclear reactors permitted in Wyoming.

SENATE FILE 47: CARBON CAPTURE AND SEQUESTRATION LIABILITY

Sponsors: Joint Minerals Committee

WOC Position: Opposed

Status: Passed (Amended)

Senate File 47 was part of an ongoing effort by the State of Wyoming to create the regulatory and legal framework to drive development of carbon capture in Wyoming. Unfortunately, it was almost entirely modeled off of North Dakota law and did not fully embrace the science or practical limitations of carbon capture projects. The bill passes liability for carbon stored underground to the state after a specified period of time, and once the company that injected the carbon meets certain monitoring conditions. The original bill included a 10-year timeframe for liability transfer, but WOC successfully pushed to extend this minimum to 20 years. Other important aspects of this bill include requiring the Department of Environmental Quality to issue a certificate of project completion, which requires the injector to meet conditions such as complying with all storage laws, resolving existing claims and liabilities, and meeting geologic and safety considerations. The operator would also be required to pay into the state's geologic sequestration special revenue account to pay for any liability and ongoing responsibilities the state may end up taking over. While the bill passed, many questions remained unanswered about pooling and unitization of the stored carbon, as well as how this bill interfaces with Wyoming's primacy over underground injection wells for enhanced oil recovery and geologic sequestration. The subject will likely be revisited and studied during the interim and in future sessions.



SENATE FILE 61: SAGE GROUSE BIRD FARM NO CERTIFICATION EXPIRATION–2

Sponsors: Senators Perkins, Anderson, Boner, Driskill, Hicks, Landen and Nethercott and Representatives Burkhardt, Harshman, Larsen, MacGuire and Walters

WOC Position: Opposed

Status: Passed (Amended)

Senate File 61 was unquestionably the most contentious wildlife and conservation bill of the session. As it was originally introduced, the bill would have extended the legal expiration date for sage-grouse farming indefinitely, allowing for the continuation of wild egg collection and captive rearing of one of Wyoming’s most iconic and threatened bird species. Proponents of the bill argued, with little evidence, that sage-grouse farming is needed to further research and to help protect the birds from a potential endangered species listing in the future. In reality, attempts to farm sage-grouse in Wyoming have been driven almost exclusively by industry interests as a way to avoid addressing the real issue at the heart of the bird’s decline — sagebrush habitat loss due to industrial development. Despite overwhelming public testimony and evidence from hunters, scientists, and Tribal advocacy and conservation groups that sage-grouse farming is not a viable conservation strategy, and that continued farming could pose enormous disease risk to existing bird populations, the bill passed. Fortunately, WOC and our allies were able to amend this bill to extend the original sunset date of 2022 five years, to 2027, meaning that we will certainly see this issue debated in the future.

SENATE FILE 84: ROYALTIES–PROPORTIONAL SEVERANCE TAX RELIEF

Sponsor: Select Federal Natural Resource Management Committee

WOC Position: Opposed

Status: Failed

Senate File 84 was one of two bills that focused on reducing severance taxes for Wyoming’s fossil fuel industry, both of which WOC opposed. This bill would have required the state to refund its portion of severance taxes back to private oil, gas, and coal producers in the event that the federal mineral royalty rate is increased to 18.5 percent. There were multiple problems with this policy that we found concerning. First, it was speculative and based entirely on hypothetical federal policy changes. Second, it overlooked the fact that an increase in federal mineral royalties would impact all federal lands equally across the country, meaning that Wyoming would not be uniquely singled out for higher royalty rates. Finally, with oil and gas at the highest prices in decades, it was clear that this severance tax refund was unnecessary for fossil fuel companies. This bill was ultimately killed in the House Minerals Committee because it lacked a budget appropriation to account for the resources and staff time needed to implement the policy.

HOUSE VOTES

KEY

- ✓ Voted yes
- x Voted no
- E Excused
- C Conflict
- A Absent
- Not applicable
- Green Vote supported
Outdoor Council's position
- Red Vote opposed
Outdoor Council's position

BILLS WOC SUPPORTED

HB 72: Hunting License
Application Funds

BILLS WOC OPPOSED

- HB 1/SF 1:** State Budget
(Amendment to Reduce WWNRT)
- HB 105:** Severance Tax
Reduction—Coal
- HB 131:** Nuclear Power Generation
and Storage—Amendments
- SF 47:** Carbon Capture and
Sequestration Liability
- SF 61:** Sage Grouse Bird Farm No
Certification Expiration—2
- SF 84:** Mineral Royalties—
Proportional Severance Tax Relief

REPRESENTATIVE	WOC SUPPORTED			WOC OPPOSED			
	HB 72	HB 1/SF 1	HB 105	HB 131	SF 47	SF 61	SF 84
Andrew, Ocean	✓	✓	✓	✓	✓	✓	—
Baker, Mark	x	✓	✓	✓	x	✓	—
Banks, Chad	✓	x	✓	✓	✓	x	—
Barlow, Eric	✓	✓	✓	✓	x	✓	—
Bear, John	x	✓	✓	x	✓	x	—
Blackburn, Jim	E	E	E	E	E	✓	—
Brown, Landon	✓	✓	x	✓	✓	✓	—
Burkhart Jr., Donald	✓	✓	✓	✓	✓	✓	—
Burt, Marshall	x	✓	✓	✓	✓	✓	—
Clausen, Aaron	✓	✓	x	x	x	✓	—
Connolly, Cathy	✓	x	x	✓	✓	x	—
Crago, Barry	✓	x	✓	✓	✓	✓	—
Duncan, Shelly	x	x	✓	✓	✓	✓	—
Eklund, John	✓	x	✓	✓	✓	✓	—
Eyre, Danny	✓	✓	✓	✓	✓	✓	—

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Flitner, Jamie	✓	X	X	✓	✓	✓	—
Fortner, Bill	X	✓	✓	X	X	✓	—
Gray, Chuck	X	✓	✓	X	X	X	—
Greear, Mike	✓	✓	✓	✓	E	✓	—
Hallinan, Tim	✓	✓	✓	✓	✓	X	—
Haroldson, Jeremy	X	✓	✓	X	✓	✓	—
Harshman, Steve	✓	X	✓	✓	✓	✓	—
Heiner, Scott	✓	✓	✓	✓	✓	✓	—
Henderson, Bill	✓	X	✓	✓	✓	✓	—
Jennings, Mark	X	✓	✓	X	X	✓	—
Kinner, Mark	✓	X	X	X	✓	X	—
Knapp, Christopher	✓	✓	✓	X	✓	X	—
Larsen, Lloyd	✓	X	X	✓	✓	✓	—
Laursen, Dan	X	✓	✓	✓	X	✓	—
LeBeau, Andi	✓	X	X	X	X	X	—

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MacGuire, Joe	✓	X	✓	✓	✓	✓	—
Neiman, Chip	✓	✓	✓	X	✓	✓	—
Newsome, Sandy	✓	✓	✓	✓	✓	✓	—
Nicholas, Bob	✓	X	X	✓	✓	✓	—
O'Hearn, Kevin	✓	X	✓	✓	E	E	—
Oakley, Ember	✓	X	✓	✓	✓	✓	—
Obermueller, Jerry	✓	X	X	✓	✓	✓	—
Olsen, Jared	✓	✓	✓	✓	✓	✓	—
Ottman, Pepper	X	✓	✓	X	✓	✓	—
Paxton, Jerry	✓	X	✓	✓	✓	✓	—
Provenza, Karlee	✓	X	X	X	X	X	—
Rodriguez-Williams, Rachel	✓	✓	✓	X	✓	✓	—
Romero-Martinez, John	✓	X	✓	✓	✓	✓	—
Roscoe, Jim	✓	X	X	✓	X	X	—
Schwartz, Andy	✓	X	X	✓	X	X	—

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Sherwood, Trey	✓	X	X	✓	✓	X	—
Simpson, Evan	X	X	X	✓	✓	✓	—
Sommers, Albert	✓	X	X	✓	✓	✓	—
Stith, Clark	✓	X	✓	✓	✓	✓	—
Styvar, Clarence	X	✓	✓	X	X	X	—
Sweeney, Pat	✓	X	✓	✓	✓	✓	—
Walters, Tom	✓	X	X	✓	✓	✓	—
Washut, Art	✓	✓	✓	✓	✓	✓	—
Western, Cyrus	✓	X	✓	✓	✓	✓	—
Wharff, Robert	✓	✓	✓	✓	E	✓	—
Williams, JD	✓	✓	✓	✓	✓	✓	—
Wilson, Sue	✓	X	X	✓	✓	✓	—
Winter, John	✓	✓	✓	✓	✓	X	—
Yin, Mike	✓	X	X	✓	X	X	—
Zwonitzer, Dan	✓	X	X	✓	✓	✓	—

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Anderson, Jim	✓	—	✓	✓	✓	✓	✓
Baldwin, Fred	✓	—	✓	✓	✓	✓	✓
Biteman, Bo	x	—	✓	x	✓	✓	✓
Boner, Brian	✓	—	✓	✓	✓	✓	✓
Bouchard, Anthony	✓	—	✓	x	✓	✓	✓
Case, Cale	✓	—	x	x	✓	x	x
Cooper, Ed	✓	—	✓	✓	✓	✓	✓
Dockstader, Dan	✓	—	✓	✓	✓	✓	✓
Driskill, Ogden	✓	—	✓	x	✓	✓	✓
Ellis, Affie	✓	—	✓	x	✓	✓	✓
French, Tim	✓	—	✓	x	✓	✓	✓
Furphy, Dan	✓	—	x	✓	✓	✓	x
Gierau, Mike	✓	—	✓	✓	✓	x	x
Hicks, Larry	✓	—	✓	✓	✓	✓	✓
Hutchings, Lynn	✓	—	✓	x	✓	✓	✓

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James, Tom	✓	—	✓	X	✓	✓	✓
Kinskey, Dave	✓	—	✓	✓	✓	✓	X
Kolb, John	✓	—	✓	✓	✓	✓	X
Kost, R.J.	✓	—	✓	✓	✓	✓	✓
Landen, Bill	✓	—	✓	✓	✓	✓	✓
McKeown, Troy	✓	—	✓	X	✓	✓	✓
Nethercott, Tara	✓	—	✓	X	✓	✓	X
Pappas, Stephan	✓	—	E	E	✓	✓	X
Perkins, Drew	✓	—	✓	✓	✓	✓	✓
Rothfuss, Chris	✓	—	X	X	✓	X	X
Salazar, Tim	✓	—	✓	X	✓	X	✓
Schuler, Wendy	✓	—	✓	✓	✓	✓	✓
Scott, Charles	✓	—	X	✓	✓	✓	X
Steinmetz, Cheri	✓	—	✓	X	✓	✓	✓
Wasserburger, Jeff	✓	—	✓	✓	✓	✓	✓

MAJOR THEMES OF THE SESSION AND OTHER BILLS OF INTEREST

The 2022 Budget Session was marked by several distinct themes that are important for Wyoming conservation voters to understand. Perhaps the most obvious was that the broader challenge of **revenue reform** to address Wyoming's structural deficit was effectively kicked down the road for future legislatures — and ultimately, Wyoming residents — to deal with.

On the surface, revenue reform might not seem like a conservation issue. But in Wyoming, conservation advocacy inevitably leads to questions about taxation, because mineral royalties and severance taxes from extractive industries account for more than half of our state's budget. You may remember that just two years ago, the state was abuzz with the need for revenue reform after oil and gas prices dropped below zero at the beginning of the COVID-19 pandemic. We saw some attempts at discussing new income sources this year, with a county-optional real estate transfer tax, fuel tax, and a re-examination of the state's agricultural tax exemption proposed for consideration. All were defeated, and we saw no meaningful changes in **tax policy** that would help Wyoming start to diversify its tax base away from extractive industries. A large reason for this was the influx of temporary federal relief money that briefly obscured Wyoming's looming structural deficit.

The Russia-Ukraine war (which began about one week into the session) also dramatically changed the tone of discussions around **energy and national security** at the legislature this year. In particular, we saw this in conversations and debates around **nuclear energy** and the legislative push to bring advanced nuclear reactors to state with House Bill 131. Of particular concern was the fact that Russia is the main source of highly-enriched uranium needed for advanced nuclear reactors. This led to lengthy debates about the needs to reboot domestic **uranium mining and enrichment**, as well as the general need for Wyoming to seize this opportunity to lead the country in domestic energy production. In the weeks following the legislative session, we've only seen the trend to secure domestic energy supply and rely less on foreign adversaries grow and expand into other areas as well — such as with fossil fuels and rare earth metals that are needed for batteries and electric vehicles.

From a wildlife conservation perspective, this session left us with some big wins as well as some continued frustrations. A major conservation victory to be celebrated is the **\$75 million added to the Wyoming Wildlife and Natural Resource Trust**. The interest earned from this account will serve our state's wildlife and conservation efforts for decades to come. Similarly, the passage of House Bill 72 (hunting license refunds) provides a new and completely voluntary option for hunters to help fund future wildlife conservation needs. Unfortunately, renewed efforts to extend a sunset on **sage-grouse farming** in the state, despite the strong public opposition and testimony, were a disappointment. The huge public opposition to this bill, combined with opaque limits on public comment that prevented good public testimony from being heard, also brought to light a COVID-era question about **how legislative committees receive and limit online and in-person public comment** on hot-button issues. We anticipate that this will continue to be a challenge — and something to be addressed — as more and more citizens tune into legislative discussions online.

HOW TO STAY ENGAGED AS A CITIZEN

Wondering how you can continue to stay informed and engaged on legislative events and updates? Consider signing up for WOC email alerts as we follow the interim session. More information can be found at **wyomingoutdoorcouncil.org**. A complete record of all bills considered at the 2022 Budget Session can be found at the State of Wyoming's legislative website, **wyoleg.gov**.