



Wyoming Outdoor Council

2019

# CONSERVATION VOTE REPORT

FOR THE 65TH WYOMING STATE LEGISLATURE

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## **INTRODUCTION**

Welcome to the Wyoming Outdoor Council's 2019 Conservation Vote Report. This report identifies how Wyoming state legislators voted on key conservation bills introduced during the 2019 General Session of the 65th Wyoming Legislature. The Outdoor Council tracked more than 50 bills in 2019 and this report highlights seven of the most important conservation-related bills from the session.

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

## **HOW TO USE THIS REPORT**

This voting record provides a sense of how your local representative or 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, and other reasons. We suggest that if you have a question about a vote, you ask your legislator about the specifics.

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## **OVERVIEW OF BILLS WE TRACKED AND WHY**

In 2019 the Legislature considered approximately 500 bills, but fewer than half of those passed and became law. The Outdoor Council tracked more than 50 bills related to wildlife, clean air and water, energy, public lands, and public processes related to these. We opposed several bills and many died in committee before a floor vote in the Senate or House could be recorded. For some bills, we were able to address our concerns through amendments made in committees, and thus, the floor votes were no longer key.

In this report, we have selected seven bills that were of high importance to the Outdoor Council and our membership and that reached the level of floor votes in the House and Senate. Five of these were considered in both houses, and the other two bills identified were considered in either the House or Senate, making for a record of six votes for each senator or representative. Our reported votes are all third-reading votes, meaning that the vote was held at the final stage of the bill's consideration by each chamber (except in two cases noted).

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## **HOUSE BILL 28: REGULATION OF SHED ANTLER AND BIG GAME ANIMAL HORN COLLECTION**

Sponsors: Representative(s) Haley, Flitner, Freeman, Lindholm, MacGuire, Paxton, and Sommers and Senator(s) Hicks and Moniz

**WOC Position: Supported**

**Status: Passed**

This law expands the ability of the Wyoming Game and Fish Commission to regulate the collection of big game shed antlers and horns. Prior to 2019, the Commission had the authority to manage shed collection west of the continental divide within a defined season. Its authority has now been expanded to include more flexibility in the timing of seasons, and now includes oversight of shed collection extending east of the continental divide until interstates 25 and 90. This law is a critical tool for Game and Fish, and will support more comprehensive management of an increasingly popular activity. Shed hunting can harass or disturb wildlife during sensitive winter/spring conditions when big game are easily stressed, in poor body condition, and particularly vulnerable. This bill is a good measure of legislative support for wildlife and for the authority of the Game and Fish Commission's mandate of wildlife management.

## **HOUSE BILL 99: WYOMING PUBLIC LANDS DAY**

Sponsors: Representative(s) Schwartz, Brown, Roscoe, Sommers, and Stith and Senator(s) Coe, Dockstader, Gierau, and Nethercott

**WOC Position: Supported**

**Status: Passed**

This bill creates a Wyoming Public Lands Day on the fourth Saturday of September; the holiday is scheduled to coincide with National Public Lands Day. As a part of the state's recognition of this new holiday, the governor is authorized to issue a proclamation encouraging the Wyoming public and schools to participate in recognizing and celebrating our public lands. This simple bill encountered some opposition due to concerns that it did not fully recognize the many uses of our Wyoming public lands, so language was added to the bill to address those concerns. The diverse Keep it Public, Wyoming coalition of sportsmen, conservation, recreation, faith-based, and Native American groups supported this legislation as a way to honor our public lands in Wyoming and help encourage residents to get outside and participate in volunteer service projects on our public lands.

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## HOUSE BILL 231: NET METERING AMENDMENTS

Sponsors: Representative(s) Yin, Lindholm, Roscoe, Salazar, and Zwonitzer and Senator(s) Rothfuss

**WOC Position: Supported**

**Status: Failed**

Net-metering laws govern small rooftop solar arrays and other self-generated renewable energy systems that can help provide electricity for the property. HB 231 sought to modernize our net-metering laws to allow more flexibility for larger systems to better meet the electricity needs of local governments, businesses, or other institutional buildings. The bill would have allowed larger systems above the current 25-kilowatt limit (a ceiling that is adequate for residential use, but not sufficient for bigger buildings) providing that a utility agrees to the proposal. By making this change, the bill also would have brought into compliance several systems — including some owned by the state of Wyoming — that are in violation of the 25-KW limit. HB 231 is part of a long history of citizen efforts to make Wyoming’s rooftop solar laws more flexible to reflect changes in renewables markets and affordability, public interest, economic diversification, and applicability. The bill passed through the House, but the president of the Senate refused to schedule a Senate committee hearing, claiming initially that these small systems pose a threat to the state’s coal-fired power plants.

## SENATE FILE 57: PUBLIC RECORDS

Sponsors: Joint Corporations, Elections & Political Subdivisions Committee

**WOC Position: Supported**

**Status: Passed**

Timely access to public records is an important transparency and accountability tool for the public and for conservation groups. For example, the Outdoor Council often examines agency records to understand and investigate pollution concerns; a resident may want to review the permit of an industrial development next door to see if their health or property could be at risk. SF 57 is an important step in the right direction for improving government responsiveness to public records requests. This law creates a deadline for compliance with requests. In a bit of an experiment, it also creates an ombudsman in the executive branch — a point person for the general public — whose job will be to help people requesting public records to get the information they request. A Senate committee worked very hard through three meetings to achieve compromise with all interested parties on this bill and, as a result, it gained strong support. *Due to many amendments on the bill, we have identified the final conference committee votes in the House and the Senate as the best vote sample for this legislation.*

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## SENATE JOINT RESOLUTION 1: STATE AND FEDERAL SCHOOL TRUST LAND EXCHANGE

Sponsors: Joint Agriculture, State and Public Lands & Water Resources Interim Committee

**WOC Position: Supported**

**Status: Failed**

This bill was intended to help Wyoming’s Office of State Lands and Investments maximize revenues for the state’s public schools by urging the U.S. Congress to consider beneficial land exchanges between the state and federal government. It focused on state parcels that are isolated or stranded within protected federal lands such as Wilderness Study Areas. This resolution was supported by conservation groups as a way to remove development threats from state school trust parcels that are managed for revenue generation (and can be leased for industrial development) that are located in the middle of lands managed for their wildlife and conservation values. The bill — a non-binding resolution — was pitched as a win-win for both the state and conservation, and flew unanimously through the Senate, but was delayed in the House. Confusion there over the bill’s purpose and wording, as well as the lateness of its consideration, negatively impacted its success during debate on the floor of the House. *Due to the fact that this bill did not advance to a third-reading vote in the House, we have provided the House Committee of the Whole vote (or the first-reading vote) for this legislation.*

## SENATE FILE 134: SEVERANCE TAX EXEMPTION

Sponsors: Senator(s) Perkins, Bebout, and Coe and Representative(s) Burkhart, Obermueller, and Walters

**WOC Position: Opposed**

**Status: Failed**

This bill provided a variety of unnecessary and illogical tax cuts to the oil and gas industry in the name of “incentivizing” development. These types of tax breaks have been shown time and again to be unsuccessful for increasing development, as market prices for oil and gas have always driven production increases and decreases in Wyoming. The bill proposed a giveaway to an industry that doesn’t need it. Given the predicted shortfalls in Wyoming’s budget and a need to focus on diversifying our economy and revenue streams, this bill was clearly a bad idea. Though both chambers passed versions of the bill, it ultimately died in the waning hours of the session when the second conference committee failed to reconvene and find a compromise that addressed concerns raised during the House discussion.

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## SENATE FILE 148: FEDERAL FACILITIES [SEIZURE]

Sponsors: Senator(s) Scott, Agar, Bebout, Biteman, Boner, Coe, Dockstader, Driskill, Hicks, and Kost and Representative(s) Clausen, Laursen, Lindholm, and Loucks

**WOC Position: Opposed**

**Status: Failed**

On the surface, this bill grew out of the fear of what a prolonged federal government shutdown could do to Wyoming's economy; however, a closer look revealed another bill focused on seizing federal public lands and turning them over to the state. SF 148 would have given the governor the authority to order a state agency to take over the management of any federal facility in Wyoming (e.g., national park, forest, etc.) in the event that the federal government was not able to "successfully" operate it. It also exempted the state's plans to seize federal properties from our public records law, thus evading public scrutiny. In addition to its questionable constitutionality, this bill was full of other logistical problems that would have made it challenging, if not impossible, to implement. Most importantly, the Outdoor Council will always fiercely oppose any state efforts to take over lands and resources owned by the American people. This bill passed the Senate despite several rousing floor speeches by senators opposed to the bill, and died in a House committee.

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## OTHER BILLS OF INTEREST AND/OR CONCERN

**HB 10, CRIMES AGAINST CRITICAL INFRASTRUCTURE** would have added special penalties for protests conducted on energy facilities (e.g., pipelines) as well as for individuals and organizations that provided assistance to protesters. HB 10 was an anti-free speech bill that was generated by a national think tank to prevent future Standing Rock-type protests. The Outdoor Council joined Shoshone and Arapaho leaders, conservation, faith-based, and social justice groups, and concerned citizens to oppose this bill for the second year in a row. Although it passed through the House Minerals committee, the House declined to consider the bill as a full chamber.

Another bill that passed a House committee but was not considered by the full chamber was **HB 248, SAGE GROUSE GAME BIRD FARMS - EXTENSION**. This bill would have extended a problematic law that allows for private companies to attempt captive breeding of sage grouse (even though sage grouse have never been successfully bred in captivity). The existing law has a built-in “sunset clause,” meaning it will expire in a few years. In addition to being nonviable from a scientific standpoint, captive breeding experiments with sage grouse would privatize a public wildlife resource, potentially create new disease transmission threats, and do nothing to address sage grouse population issues in Wyoming. Strong public interest in this issue generated widespread opposition to the bill, which died without consideration by the full House.

Finally, we supported **HB 32, ENVIRONMENTAL QUALITY COUNCIL - AMENDMENTS**, which did pass this session. This bill shored up the independence of the Environmental Quality Council, a governing body that reviews matters related to pollution and the protection of Wyoming’s land, air, and water quality. By ensuring that the EQC can operate independently of the Department of Environmental Quality (the agency for which the EQC provides oversight), the bill creates an important layer of insulation and protection for the decision-makers charged with protecting our clean air and water. The legislation had strong support in both the Senate and House.



# HOUSE VOTES

## KEY

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

### BILLS SUPPORTED

- HB 28:** Shed Antler Regulation
- HB 99:** Public Lands Day
- HB 231:** Net Metering Amendments
- SF 57:** Public Records
- SJ 01:** School Trust Land Exchange

### BILLS OPPOSED

- SF 134:** Severance Tax Exemption
- SF 148:** Federal Facilities

REPRESENTATIVE	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Barlow, Eric	✓	✓	✓	✓	✓	x	—
Blackburn, Jim	✓	✓	✓	✓	✓	x	—
Blake, Stan	✓	✓	✓	✓	✓	x	—
Brown, Landon	x	E	✓	✓	x	✓	—
Burkhart Jr., Donald	x	x	x	✓	x	✓	—
Burlingame, Sara	✓	✓	✓	✓	x	x	—
Clausen, Aaron	✓	✓	x	✓	✓	x	—
Clem, Scott	x	x	✓	✓	x	✓	—
Clifford, Andi	E	✓	✓	✓	x	x	—
Connolly, Cathy	✓	✓	✓	✓	x	x	—
Crank, Tom	✓	✓	x	✓	✓	✓	—
Dayton-Selman, JoAnn	✓	✓	✓	✓	x	x	—
Duncan, Shelly	✓	x	x	✓	x	x	—
Edwards, Roy	x	x	x	✓	x	✓	—
Eklund, John	x	x	✓	✓	✓	x	—

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- HB 99:** Public Lands Day
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- SF 57:** Public Records
- SJ 01:** School Trust Land Exchange

### BILLS OPPOSED

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- SF 148:** Federal Facilities

REPRESENTATIVE	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Eyre, Danny	✓	✓	x	✓	✓	✓	—
Flitner, Jamie	✓	x	x	x	x	✓	—
Freeman, John	✓	✓	✓	✓	x	x	—
Furphy, Dan	✓	✓	✓	✓	✓	x	—
Gray, Chuck	x	✓	✓	✓	✓	✓	—
Greear, Mike	x	x	x	✓	x	✓	—
Haley, Bill	✓	✓	x	✓	✓	✓	—
Hallinan, Tim	✓	✓	x	✓	✓	✓	—
Harshman, Steve	✓	x	✓	✓	x	✓	—
Henderson, Bill	✓	✓	x	✓	✓	✓	—
Hunt, Hans	x	x	✓	✓	✓	✓	—
Jennings, Mark	x	x	x	✓	x	✓	—
Kinner, Mark	✓	✓	✓	✓	x	x	—
Kirkbride, Dan	✓	✓	x	✓	✓	E	—
Larsen, Lloyd	✓	✓	x	✓	x	✓	—

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Outdoor Council's position

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**HB 28:** Shed Antler Regulation

**HB 99:** Public Lands Day

**HB 231:** Net Metering Amendments

**SF 57:** Public Records

**SJ 01:** School Trust Land Exchange

### BILLS OPPOSED

**SF 134:** Severance Tax Exemption

**SF 148:** Federal Facilities

REPRESENTATIVE	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Laursen, Dan	✓	x	x	✓	✓	✓	—
Lindholm, Tyler	✓	x	✓	✓	✓	✓	—
Loucks, Bunky	✓	x	x	✓	✓	x	—
MacGuire, Joe	x	x	x	✓	E	✓	—
Miller, David	x	x	x	✓	x	✓	—
Newsome, Sandy	✓	✓	✓	✓	✓	✓	—
Nicholas, Bob	x	✓	x	✓	x	x	—
Northrup, David	x	E	E	E	E	E	—
Obermueller, Jerry	✓	✓	✓	✓	x	✓	—
Olsen, Jared	x	✓	x	✓	x	✓	—
Paxton, Jerry	✓	✓	✓	✓	✓	✓	—
Pelkey, Charles	✓	✓	✓	✓	✓	x	—
Piiparinen, Garry	x	✓	x	✓	✓	x	—
Pownall, Bill	✓	x	x	x	✓	✓	—
Roscoe, Jim	✓	✓	✓	✓	x	x	—

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- SF 134:** Severance Tax Exemption
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REPRESENTATIVE	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Salazar, Tim	X	✓	✓	✓	X	✓	—
Schwartz, Andy	✓	✓	✓	✓	X	X	—
Simpson, Evan	✓	✓	✓	✓	✓	✓	—
Sommers, Albert	✓	✓	✓	✓	X	✓	—
Stith, Clark	✓	✓	✓	✓	✓	✓	—
Styvar, Clarence	✓	X	✓	✓	X	✓	—
Sweeney, Pat	✓	✓	✓	X	✓	✓	—
Tass, Richard	✓	X	X	✓	X	✓	—
Walters, Tom	X	✓	X	X	X	✓	—
Washut, Art	✓	X	X	✓	X	✓	—
Western, Cyrus	✓	✓	✓	✓	✓	✓	—
Wilson, Sue	✓	✓	✓	✓	X	X	—
Winter, John	X	✓	X	✓	✓	✓	—
Yin, Mike	✓	✓	✓	✓	X	X	—
Zwonitzer, Dan	✓	✓	✓	✓	✓	✓	—

# SENATE VOTES

## KEY

✓ Voted yes

x Voted no

E Excused

— Not applicable

**Green** Vote supported  
Outdoor Council's position

**Red** Vote opposed  
Outdoor Council's position

## BILLS SUPPORTED

**HB 28:** Shed Antler  
Regulation

**HB 99:** Public Lands Day

**HB 231:** Net Metering  
Amendments

**SF 57:** Public Records

**SJ 01:** School Trust Land  
Exchange

## BILLS OPPOSED

**SF 134:** Severance Tax  
Exemption

**SF 148:** Federal Facilities

SENATOR	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Agar, Wyatt	✓	E	—	✓	✓	✓	✓
Anderson, Jim	x	✓	—	✓	✓	✓	✓
Anselmi-Dalton, Liisa	✓	✓	—	✓	✓	x	x
Baldwin, Fred	✓	✓	—	✓	✓	✓	x
Bebout, Eli	x	x	—	✓	✓	✓	✓
Biteman, Bo	x	✓	—	✓	✓	✓	✓
Boner, Brian	✓	x	—	✓	✓	✓	✓
Bouchard, Anthony	x	x	—	✓	✓	✓	✓
Case, Cale	x	✓	—	✓	✓	x	x
Coe, Hank	✓	x	—	✓	✓	✓	x
Dockstader, Dan	x	x	—	✓	✓	✓	✓
Driskill, Ogden	x	x	—	✓	✓	E	E
Ellis, Affie	✓	✓	—	✓	✓	x	x
Gierau, Mike	✓	✓	—	✓	✓	x	x
Hicks, Larry	✓	x	—	x	✓	✓	✓

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- SF 134:** Severance Tax Exemption
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SENATOR	BILLS SUPPORTED					BILLS OPPOSED	
	HB 28	HB 99	HB 231	SF 57	SJ 01	SF 134	SF 148
Hutchings, Lynn	X	X	—	✓	✓	✓	✓
James, Tom	X	✓	—	✓	✓	✓	✓
Kinskey, Dave	✓	X	—	✓	✓	✓	✓
Kost, R.J.	✓	✓	—	✓	✓	✓	X
Landen, Bill	✓	X	—	✓	✓	✓	✓
Moniz, Glenn	✓	X	—	✓	✓	✓	✓
Nethercott, Tara	✓	✓	—	X	✓	✓	X
Pappas, Stephan	✓	✓	—	✓	✓	✓	✓
Perkins, Drew	X	X	—	✓	✓	✓	✓
Rothfuss, Chris	✓	✓	—	✓	✓	X	X
Schuler, Wendy	X	✓	—	✓	✓	✓	X
Scott, Charles	✓	✓	—	✓	✓	✓	✓
Steinmetz, Cheri	✓	X	—	✓	✓	✓	✓
Von Flatern, Michael	✓	✓	—	✓	✓	X	X
Wasserburger, Jeff	✓	✓	—	✓	✓	X	X