



2023

CONSERVATION VOTE REPORT

FOR THE 67TH WYOMING STATE LEGISLATURE

A NOTE FROM OUR LEGISLATIVE ADVOCATE

Wyoming's citizen legislature is unique. It gives us the chance to work directly with our elected officials — no staff, no intermediaries — just us working together to create a shared vision for what we think Wyoming can be. No matter where you fall on the political spectrum, everyone has a vision for what makes this state great. What inspires and challenges me as a legislative advocate is finding the pieces to the puzzle that connect these visions.

The mission of the Outdoor Council is to protect Wyoming's environment and quality of life now and for future generations. We envision a state with clean air and water, open space, thriving wildlife, wild lands, healthy communities, an informed and engaged public, and a sustainable economy and quality of life. To see this vision through, it's essential to make our voices heard at the Wyoming Legislature.

Deconstructing barriers, building relationships, and finding solutions that appeal to both sides of the aisle is what makes my job so fascinating. It was my pleasure to work with legislators and Outdoor Council members of all political backgrounds this session. In this work I am constantly reminded that to be effective, we must work not only with our known allies, but also with unexpected friends.

— Era Aranow, Legislative Advocate



INTRODUCTION

Welcome to the Wyoming Outdoor Council's 2023 Conservation Vote Report. This report identifies how state legislators voted on key conservation bills during the 2023 General Session of the 67th Wyoming Legislature. In it, we highlight seven of the most important conservation-related bills of the session.

The Outdoor Council supports accountable and transparent governance as an important part of protecting Wyoming's environment and quality of life now and for future generations. We believe that informed and engaged citizens matter and that conservation is not a partisan issue. We hope this vote report will help you keep your elected officials accountable and responsive to your values and we hope that you will continue to be engaged in the legislative process. However, it is always important to recognize 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 their votes recorded here.

OVERVIEW OF BILLS WE TRACKED AND WHY

During the 2023 session, 497 bills were prepared by the Legislative Service Office and numbered for introduction. The Outdoor Council tracked 70 bills that were related to issues such as wildlife, energy, clean air and water, state revenue, carbon capture and sequestration, state lands, public land access, recreation, and economic diversification. We testified before committees and we worked behind the scenes to support or oppose bills. Many of the 497 bills died either in committee, before a floor vote could be recorded, or because they failed to even be considered for introduction. For this report, we focused on bills that made it through at least one chamber.

We've selected seven bills that were of high importance to the Outdoor Council and that received floor votes in the House and/or Senate. Four of these bills were considered in both chambers, while the other three passed through the Senate and died in House committees. All votes recorded in this report are from the third and final reading on the floor. Later in this report, we discuss the broader themes we saw emerge during the session as well as several other bills that we thought were important to include for understanding the general tone of the session from a conservation perspective.

HOW TO READ THIS REPORT

The conservation vote report is a snapshot of how Wyoming legislators voted on key conservation bills. Votes that supported the position of the Outdoor Council are labeled in green and votes that opposed our position are in red. The bill's status indicates if the bill was passed into law or where it failed in the process. If you're not sure who your legislators are you can look them up on our website: wyomingoutdoorcouncil.org/contact-legislators

BILL DESCRIPTIONS

SENATE FILE 106: 2023 LARGE PROJECT FUNDING

Sponsor: Select Natural Resource Funding Committee

WOC Position: Supported

Status: Passed

SF106 sought approval to use funds from the Wyoming Wildlife and Natural Resource Trust fund for nine large conservation projects. In 2005, the legislature created the WWNRT to use the trust's income to enhance and conserve wildlife habitat and natural resource values in Wyoming. Since then, the WWNRT has generated \$110 million that has helped pay for conservation projects around the state and has brought in many times that amount in matching funds. As part of the original legislation, projects costing over \$200,000 needed legislative approval before funding could be released. SF106 contained nine such large project requests, ranging from river restoration and conservation easements to fish passages and the removal of feral horses from parts of the Wind River Reservation. Surprisingly, this bill hit a stumbling block in the Senate when it failed 15:16 during its third reading. After some discussion and a motion for a reconsideration vote, the bill passed this third reading vote by 21:10. It moved to the House, was easily passed, and signed into law.

SENATE FILE 87: NATURAL RESOURCE FUNDING-LARGE PROJECT THRESHOLD INCREASE

Sponsors: Senator Cooper and Co-Sponsors Senators Biteman, Driskill, Ellis, Nethercott, Schuler and Representatives Crago, Davis, L. Larsen, Oakley, Provenza, Sommers

WOC Position: Supported

Status: Passed

SF87 increased the threshold for legislative approval of WWNRT project funding, mentioned above, from \$200,000 to \$400,000. This threshold has not been increased since the WWNRT was established in 2005. The increase was intended to account for inflation and the rising costs of conservation projects and to prevent the legislature from having to review as many large projects in the future. Increasing this threshold will allow time-sensitive projects to get the greenlight sooner, removing delays to invasive weed treatments and river restoration. This WWNRT bill had a smoother trajectory than SF106, and moved quickly through both chambers and was signed by the governor.

HOUSE BILL 74: WYOMING OUTDOOR RECREATION AND TOURISM TRUST FUND

Sponsor: Joint Travel, Recreation, Wildlife, and Cultural Resources Committee

WOC Position: Supported

Status: Passed

HB74 created a trust fund to support outdoor recreation projects across the state. The discussions surrounding the bill focused on the best way to invest in and capitalize on this growing segment of our economy. HB74 had an interesting journey through the legislative process as the source of funding changed, and sideboards for how the funds could be used were removed. Throughout its journey the bill went from 11 pages down to only one. The end result was the creation of a new trust fund seeded with \$6 million from the tourism reserve and projects account. Interest from the fund would support grants for a wide range of projects that support outdoor recreation across the state with \$6 million added to the account every two years.

Proactively and responsibly managing our recreation boom is an important topic that underlies the need for economic diversification and quality of life in Wyoming, and we are pleased the legislature will continue to work on this over the interim. We believe that Wyoming can both protect its wildlife resources and facilitate the growth of responsible outdoor recreation. We will continue to advocate to keep new outdoor recreation projects from negatively impacting wildlife and cultural resources.

SENATE FILE 172: STOP ESG-STATE FUNDS FIDUCIARY DUTY ACT

Sponsors: Senator Biteman and Co-Sponsors Senators Bouchard, Driskill, French, Hicks, Hutchings, Ide, D. Laursen, McKeown, Salazar and Representatives Haroldson, Jennings, Ottman, Pendergraft, Singh, Tarver, Ward

WOC Position: Opposed

Status: Failed

SENATE FILE 159: STOP ESG-ELIMINATE ECONOMIC BOYCOTT ACT

Sponsors: Senator Biteman and Co-Sponsors Senators Driskill, Hutchings, Steinmetz and Representatives Angelos, Bear, Burkhart, Haroldson, Heiner, Jennings, Olsen, Rodriguez-Williams, Ward

WOC Position: Opposed

Status: Failed

SF172 and SF159 were similar bills designed to push back against the environmental, social, and governance (ESG) investment trend based on their perceived threat to Wyoming's economy. They moved through the legislative process as a pair.

SF172, which failed, would have prevented the state from hiring or retaining investment managers that use ESG factors in making investment decisions. The bill specifically would have prohibited the state from investing in companies with “social, political or ideological interest[s]” such as reducing, offsetting, or disclosing greenhouse gas emissions; supporting access to abortion or transgender affirming care; and divesting or limiting investments in any firearms-related company. Weighing these and other ESG factors in investment decisions is becoming more and more common for financial firms.

SF159, which also failed, would have required parties to state contracts to certify that they do not engage in boycotting or discrimination of industries based on many of these same ESG criteria. While supporters of these two bills applauded their “anti-woke” messaging, those in opposition pointed to the limitations that these bills would have created, including; constitutional and freedom of contract concerns, potential costs and compliance issues for the state, and lack of clarity in the bills. Additionally, the limited number of U.S. managers that could handle Wyoming's large accounts was voiced as a concern. Both bills died in a complex and somewhat unusual fashion after actions by the House Corporations Committee involving substitute bills and a “do not pass” vote. The Joint Minerals Committee will continue to work on exploring this topic during the 2023 interim session.

SENATE FILE 92: SMALL CUSTOMER ELECTRICAL GENERATION

Sponsor: Representative Case

WOC Position: Opposed

Status: Failed

SF92 was the legislature's latest attempt to repeal Wyoming's net-metering statute. This statute makes it affordable for Wyomingites to install rooftop solar and backyard wind energy on their property. Specifically, SF92 would have eliminated net metering as of July 1, 2024 and required Wyoming's Public Service Commission to establish new rates for net-metered customers. The bill would also have given utilities the ability to charge additional fees to install rooftop solar or backyard wind projects and would have exempted Wyoming's rural electric cooperatives from having to comply with new rates established by the PSC. This bill died in the House Travel, Recreation, Wildlife, and Cultural Resources Committee thanks to the overwhelming public opposition. This is a victory that we can be proud of as a conservation community! Thanks to everyone who participated in calling and writing their legislators. Your efforts helped defeat this bill! Despite the positive outcome, we expect net metering will be discussed over the interim and in future legislative sessions. WOC will continue following this issue and alert you of future opportunities where your voice can make an impact.

HOUSE BILL 69: COAL-FIRED FACILITY CLOSURES LITIGATION FUNDING-AMENDMENTS

Sponsors: Representative L. Larsen and Co- Sponsors Representative Knapp and Senators Barlow, Dockstader

WOC Position: Opposed

Status: Passed

HB69 expanded the use of the \$1.2 million litigation fund the legislature created in 2021 to sue other states who were seen as impeding Wyoming's coal industry. The bill allows Wyoming to use these funds to sue the federal government, local municipal governments, and even third parties, and also expands the subject matter of potential lawsuits to include federal, state or local laws, or regulations that result in the decreased use of Wyoming coal or the closure of coal-fired electric generation facilities that use Wyoming coal.

Supporters of the bill generally focused on the importance of coal to the Wyoming economy and actions by other states to decrease its use. Those opposed to the bill pointed out that there are already funds for this type of litigation available and that this is just another example of the state "throwing good money after bad." Both the 2021 version and this year's version were written with the goal of sending a political message to those seeking to decrease the use of coal. Unfortunately, HB69 passed through both the House and Senate with strong support and was signed into law.

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

- SF 106:** 2023 Large Project Funding
- SF 87:** Natural Resource Funding–Large Project Threshold Increase
- HB 74:** Wyoming Outdoor Recreation & Tourism Trust Fund

BILLS WOC OPPOSED

- SF 92:** Small Customer Electrical Generation
- HB 69:** Coal-Fired Facility Closures Litigation Funding–Amendments
- SF 172:** Stop ESG–State Funds Fiduciary Duty Act
- SF 159:** Stop ESG–Eliminate Economic Boycott Act

REPRESENTATIVE	WOC SUPPORTED			WOC OPPOSED			
	SF 106	SF 87	HB 74	SF 92	HB 69	SF 172	SF 159
Allemand, Bill	X	X	X	–	✓	–	–
Allred, Lane	✓	✓	✓	–	✓	–	–
Andrew, Ocean	✓	X	✓	–	✓	–	–
Angelos , Abby	✓	✓	✓	–	✓	–	–
Banks , Dalton	✓	✓	✓	–	✓	–	–
Bear, John	X	X	X	–	✓	–	–
Berger, Ryan	✓	✓	✓	–	✓	–	–
Brown, Landon	✓	✓	X	–	✓	–	–
Burkhart Jr. , Donald	✓	✓	✓	–	✓	–	–
Byron, Andrew	✓	✓	✓	–	✓	–	–
Chacwick, Forest	✓	✓	✓	–	✓	–	–
Chestek, Ken	✓	✓	✓	–	X	–	–
Clouston, Ken	✓	✓	✓	–	✓	–	–
Conrad, Jon	✓	✓	✓	–	✓	–	–
Crago, Barry	✓	✓	X	–	✓	–	–
Davis, Bob	✓	✓	X	–	✓	–	–

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	SF 106	SF 87	HB 74	SF 92	HB 69	SF 172	SF 159
Eklund, John	✓	✓	x	–	✓	–	–
Haroldson, Jeremy	✓	x	✓	–	✓	–	–
Harshman, Steve	✓	✓	✓	–	✓	–	–
Heiner, Scott	✓	x	x	–	✓	–	–
Henderson, Bill	✓	✓	✓	–	✓	–	–
Hornok, Ben	✓	x	x	–	✓	–	–
Jennings, Mark	x	x	x	–	✓	–	–
Knapp, Christopher	✓	x	x	–	✓	–	–
Larsen, Lloyd	✓	✓	✓	–	✓	–	–
Larson, J.T.	✓	x	✓	–	✓	–	–
Lawley, Martha	✓	✓	✓	–	✓	–	–
Locke, Tony	x	x	x	–	✓	–	–
Nieman, Chip	✓	✓	x	–	✓	–	–
Newsome, Sandy	✓	✓	E	–	E	–	–
Nicholas, Bob	✓	x	✓	–	✓	–	–
Niemiec, Tony	✓	✓	✓	–	✓	–	–

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Northrup, David	✓	✓	✓	–	✓	–	–
O'Hearn, Kevin	✓	✓	✓	–	✓	–	–
Oakley, Ember	✓	✓	✓	–	✓	–	–
Obermueller, Jerry	✓	✓	✓	–	✓	–	–
Olsen, Jared	✓	✓	✓	–	✓	–	–
Ottman, Pepper	x	✓	x	–	✓	–	–
Pendergraft, Ken	x	x	x	–	✓	–	–
Penn, Sarah	✓	✓	x	–	✓	–	–
Provenza, Karlee	✓	✓	✓	–	x	–	–
Rodriguez-Williams, Rachel	✓	x	x	–	✓	–	–
Sherwood, Trey	✓	✓	✓	–	x	–	–
Singh, Daniel	✓	✓	x	–	✓	–	–
Slagle, Allan	x	✓	x	–	✓	–	–
Smith, Scott	x	x	x	–	✓	–	–
Sommers, Albert	✓	✓	✓	–	E	–	–

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Stith, Clark	✓	✓	✓	–	✓	–	–
Storer, Liz	✓	✓	✓	–	x	–	–
Strock, Tomi	x	x	x	–	✓	–	–
Styvar, Clarence	x	x	x	–	✓	–	–
Tarver, Reuben	✓	✓	x	–	✓	–	–
Trujillo, Tamara	✓	✓	x	–	✓	–	–
Walters, Tom	✓	✓	✓	–	✓	–	–
Ward, Jeanette	✓	x	x	–	✓	–	–
Washut, Art	✓	✓	✓	–	✓	–	–
Western, Cyrus	✓	✓	✓	–	✓	–	–
Winter, John	✓	x	x	–	✓	–	–
Wylie, Cody	✓	✓	✓	–	✓	–	–
Yin, Mike	✓	✓	✓	–	x	–	–
Zwonitzer, David	✓	✓	x	–	✓	–	–
Zwonitzer, Dan	✓	✓	✓	–	✓	–	–

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SENATOR	WOC SUPPORTED			WOC OPPOSED			
	SF 106	SF 87	HB 74	SF 92	HB 69	SF 172	SF 159
Anderson, Jim	✓	✓	✓	✓	✓	X	X
Baldwin, Fred	✓	✓	✓	X	✓	X	✓
Barlow, Eric	✓	✓	✓	X	✓	X	✓
Biteman, Bo	X	X	X	✓	✓	✓	✓
Boner, Brian	✓	✓	✓	X	✓	✓	✓
Bouchard, Anthony	X	X	✓	X	✓	✓	✓
Brennan, Evie	X	✓	X	✓	✓	✓	✓
Case, Gale	✓	✓	X	✓	✓	X	X
Cooper , Ed	✓	✓	✓	✓	✓	X	✓
Dockstader, Dan	✓	✓	X	✓	✓	✓	✓
Driskill , Ogden	✓	✓	✓	X	✓	X	✓
Ellis, Affie	✓	✓	✓	✓	✓	X	✓
French, Tim	X	X	X	✓	✓	✓	✓
Furphy, Dan	✓	✓	✓	✓	✓	X	X
Gireau, Mike	✓	✓	✓	✓	✓	X	X

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SENATOR	WOC SUPPORTED			WOC OPPOSED			
	SF 106	SF 87	HB 74	SF 92	HB 69	SF 172	SF 159
Hicks, Larry	✓	✓	✓	✓	✓	✓	✓
Hutchings, Lynn	x	✓	✓	x	✓	✓	✓
Ide, Bob	x	x	x	x	✓	✓	✓
Jones, Stacy	✓	✓	✓	✓	✓	✓	✓
Kinsky, Dave	✓	✓	✓	x	✓	✓	✓
Kolb, John	✓	✓	x	✓	✓	✓	✓
Landen, Bill	✓	✓	✓	✓	✓	x	x
Laursen, Dan	x	x	x	x	✓	✓	✓
McKeown, Troy	x	x	x	E	✓	✓	✓
Nethercott, Tara	✓	✓	✓	C	✓	x	✓
Pappas, Stephan	✓	✓	✓	x	✓	x	✓
Rothfuss, Chris	✓	✓	✓	✓	x	x	x
Salazar, Tim	x	x	x	x	✓	✓	✓
Schuler, Wendy	✓	✓	✓	✓	✓	x	✓
Scott, Charles	✓	✓	x	✓	✓	✓	✓
Steinmetz, Cheri	x	✓	x	✓	✓	✓	✓

MAJOR THEMES OF THE SESSION AND OTHER BILLS OF INTEREST

The 2023 General Session was marked by several themes that are important for Wyoming conservation voters to understand. This session, while there was a relatively small number of new senators, almost half of the representatives in the House were new legislators. **These new legislators changed the pace of the session as they learned the procedural ins and outs.** The growing presence of the Wyoming Freedom Caucus within the Republican Party also changed this session's pace. Many votes in the House, especially on spending and social measures, were clearly divided between the Freedom Caucus and the remainder of the chamber.

This session saw an abundance of bills on **social issues, voting access, trespassing, and property tax.** Also of note was that Wyoming's state budget saw an unexpected surplus of nearly \$700 million, thanks largely to increased energy prices. While some of these funds were used to increase state employee salaries and fill in cuts from earlier years, most of this money was set aside to be invested in savings to generate future revenue for the state during leaner years.

Another primary theme that emerged was the legislature's focus on protecting **Wyoming's fossil fuel industries while taxing renewable energy** — this is in stark contrast to national trends. In addition to the three anti-ESG bills (SF172, SF159, and HB210), a great deal of legislative time and energy went into debating the lengthy (36-page) SF142, which would have built upon previous legislation to make it harder for utilities to retire coal-fired power plants by requiring them to invest in carbon capture, utilization, and sequestration. Currently there are no economically viable examples of putting carbon capture units on coal-fired plants and there was great concern that it would significantly increase costs for ratepayers. Despite all the debate on this bill, it ultimately died in the House Appropriations Committee.

Another bill, HB163, Mineral royalties - proportional severance tax refunds, unsuccessfully tried to reduce taxes on Wyoming's fossil fuel industry by refunding a portion of state severance taxes to offset increased federal mineral royalties. Although the stated intent of this bill was to make Wyoming more competitive for future oil and gas development, the end result would clearly have been less revenue for our schools, highways, and communities. The legislature's own research during past sessions has made it clear that global market forces and geology are bigger determinants of fossil fuel production than small changes in tax policy.

This year we also noted a number of bills that would have **taxed or impeded the growth of renewable energy and electric vehicles**. These bills are attempts to force antiquated models of thinking about taxing minerals on new and much different forms of energy like solar power. For example, HB124, Electricity generation - taxation, would have added a \$1-per-megawatt-hour excise tax on solar power generation. In a state with no renewable energy project incentives and not the best natural solar resources, adding this additional tax would make Wyoming even less competitive for new solar projects. It would also likely have the reverse effect of generating even less tax revenue for the state.

Similarly, we saw two bills that would have slowed the pace of electric vehicle adoption in Wyoming. These included, SJ04, a non-binding resolution to ban electric vehicle sales, which was designed as both a messaging bill and a pushback against other states that have set goals to phase out gas vehicle sales. HB 275, meanwhile, would have imposed a disproportionately high tax on electric vehicle charging (compared to fuel taxes paid by regular internal combustion vehicles) and increased the annual decal fee for electric vehicle owners.

Overall, even with the deep division in the Republican Party, dozens of new legislators, and intense focus on social issues, this session ended up being a **relatively good one for conservation** outcomes. Most of the anti-conservation bills related to energy and climate failed, and some new gains were made to improve the WVNRT and to create an Outdoor Recreation Trust to help diversify Wyoming's economy. Corner crossing and trespass issues will likely continue to be an elephant in the room and a discussion for the future, as will big issues surrounding energy and the transition to a low-carbon economy. With oil and gas prices remaining high post-pandemic, and with the ongoing war in Ukraine, it will be important for state policy makers not to be complacent about many of the changes in the energy sector on the horizon.

HOW YOU CAN STAY ENGAGED

Wondering how you can continue to stay informed and engaged on legislative events and updates? The Wyoming Legislature's website is a great source of information: wyoleg.gov. Consider signing up for Outdoor Council email alerts as we follow the interim session. Better yet, please support our work by becoming a member today: wyomingoutdoorcouncil.org