



## WYOMING CONSERVATION VOTERS

# 2002 Wyoming Legislature Conservation Scorecard

Wyoming Conservation Voters is proud to provide its first-ever scorecard showing how state lawmakers voted this year on legislation important to sportsmen, conservationists and recreational users of state lands.

WCV works to keep legislators accountable to Wyoming citizens who support public access to public lands, adequate Game & Fish Department funding, sensible in-stream flow legislation for fisheries, and other vital natural resource goals.

We lobby the Legislature extensively in concert with several other conservation groups, creating a coordinated, centralized effort.

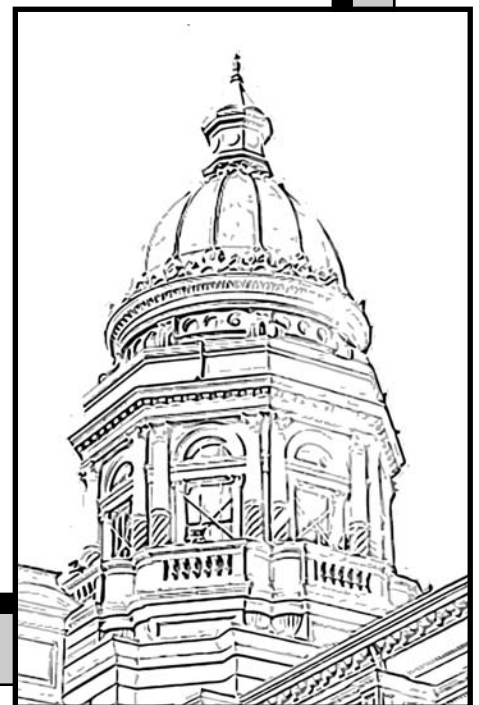
Last year, conservationists halted harmful legislation on agricultural odor regulations, national forest policy, and drinking water quality, and secured penalties for state land lessees who illegally post their public leases as private property. The 2003 Legislature will face critical decisions on funding for Wyoming's Game and Fish Department, in-stream flow statutes and state land access.

The decisions voters make Nov. 5 will determine whether next year's lawmakers will be friends or foes of conservation on these and other issues. WCV provides this scorecard as a way for voters to determine whether their own lawmakers will be problem solvers or problem causers.

### **Bills covered in this guide are:**

- HB 102: Wyoming Wildlife Legacy Trust Fund (*page 5*)
- HB 27: Penalties for false closures and improper postings on public lands (*page 5*)
- HB 28: State lands camping (*page 5*)
- HB 22: Safe Drinking Water Act (*page 6*)
- HB 83: State jurisdiction on National Forests (*page 6*)
- HB 115: Lobbyist disclosures (*page 6*)
- HB 51: Agricultural odors (*page 7*)
- SF 21: In-stream flow regulation (*page 7*)
- SF 81: Pre-Election campaign finance reporting (*page 7*)
- SF 72: Walk-in access for state land leases (*page 8*)
- SF 69: Proportionate profits from oil and gas (*page 8*)

These bills may be found in their entirety at  
<http://legisweb.state.wy.us/2002/billif.htm>



# 2002 Budget Session – House Scorecard

Legislator	Party/City/District	Score	HB102	HB27	HB28	HB22	HB83	HB115	HB51
R. "Pete" Anderson	R-Pine Bluffs/HD10	14	-	+	-	-	-	-	-
Mike Baker	R-Thermopolis/HD28	29	-	+	+	-	-	-	-
Chris Boswell	D-Green River/HD39	86	+	-	+	+	+	+	+
Bruce Burnss	R-Sheridan/HD51	57	+	+	-	-	-	+	+
Pat Childers	R-Cody/HD50	14	-	+	-	-	-	-	-
Roy G. Cohee	R-Casper/HD35	57	-	+	-	-	-	-	-
Nick Deegan‡	D-Gillette/HD53	71	+	-	+	+	+	-	+
Ross Diercks	D-Lusk/HD2	57	+	-	+	-	-	+	+
Dave Edwards	R-Douglas/HD29	29	+	-	-	+	-	-	-
Floyd Esquibel	D-Cheyenne/HD44	71	+	-	+	+	-	+	+
John L. Eyre*	R-Lyman/HD18	0	-	-	-	-	-	-	-
Gerald S. Gay†	R-Casper/HD36	14	-	-	+	-	-	-	-
Jim Hageman	R-Fort Laramie/HD5	14	-	+	-	-	-	-	-
C. Hesselhaler‡	R-Lovell/HD26	43	-	+	-	+	+	-	-
John J. Hines§	R-Gillette/HD31	0	-	-	-	-	-	-	-
Roger Huckfeldt‡	R-Torrington/HD4	0	-	-	-	-	-	-	-
Jerry Iekel	R-Sheridan/HD29	43	+	-	-	-	-	+	+
Pete Illoway	R-Cheyenne/HD42	29	+	+	-	-	-	-	-
Lorna Johnson	D-Laramie/HD45	86	+	-	+	+	+	+	+
Wayne Johnson	R-Cheyenne/HD9	71	+	+	-	+	-	+	+
Alan C. Jones	R-Powell/HD25	0	-	-	-	-	-	-	-
Jack Landon, Jr.	R-Sheridan/HD30	71	+	+	-	+	-	+	+
Clarene Law	R-Jackson/HD23	57	+	+	-	-	-	+	+
Tom Lockhart	R-Casper/HD57	71	+	+	-	-	+	+	+
Randall B. Luthi	R-Freedom/HD21	0	-	-	-	-	-	-	-
Mac McGraw*	D-Cheyenne/HD41	100	+	+	+	+	+	+	+
George McMurtrey	R-Rozet/HD52	29	-	+	+	-	-	-	-
Del McOmie	R-Lander/HD54	29	-	+	-	-	-	+	-
Larry R. Meuli	R-Cheyenne/HD8	43	+	-	-	+	-	+	-
Sandra Meyer	D-Evanston/HD49	86	+	-	+	+	+	+	+

(+) Pro-Conservation (-) Opposed (X) Excused (C) Conflict of Interest

(\*) Retiring in 2002 (†) Defeated in 2002 Primary (‡) Resigned in 2002 (§) Running for State Senate in 2002

## 2002 Budget Session – House Scorecard

Legislator	Party/City/District	Score	HB102	HB27	HB28	HB22	HB83	HB115	HB51
David R. Miller	R–Riverton/HD55	14	-	+	-	-	-	-	-
Layton D. Morgan	D–Cheyenne/HD12	71	+	-	+	+	-	+	+
Patricia Nagel*	R–Casper/HD56	86	+	+	-	+	+	+	+
Bud Nelson*	D–Rock Springs/HD48	71	+	-	+	+	-	+	+
Phil Nicholas	R–Laramie/HD14	57	+	+	-	-	-	+	+
Doug Osborn	R–Buffalo/HD40	14	-	-	-	-	-	+	-
Fred Parady	R–Rock Springs/HD17	43	+	+	-	-	-	+	-
C. Paseneaux†	R–Casper/HD38	29	-	+	-	-	-	+	-
Owen Petersen	R–Mountain View/HD19	14	-	+	-	-	-	-	-
Frank Philp	R–Shoshoni/HD34	0	-	-	-	-	-	-	-
Wayne Reese	D–Cheyenne/HD11	86	+	-	+	+	+	+	+
Ann Robinson	D–Casper/HD58	86	+	-	+	+	+	+	+
Tony Rose‡	R–Rawlins/HD15	71	-	+	+	+	-	+	+
Tony Ross	R–Cheyenne/HD7	43	+	+	-	-	-	+	-
Dick Sadler*	D–Casper/HD59	86	+	-	+	+	+	+	+
Doug Samuelson*	R–Cheyenne/HD43	14	-	+	-	-	-	-	-
J. “Bubba” Shivler†	R–Jackson/HD22	43	+	+	-	-	-	+	-
Marlene Simons*	R–Beulah/HD1	0	-	-	-	-	-	-	-
Colin M. Simpson	R–Cody/HD24	29	-	+	-	-	-	+	-
James J. Slater	R–Laramie/HD46	29	+	-	-	-	-	+	-
Bill Stafford†	R–Chugwater/HD3	17	X	+	-	-	-	-	-
Rick Tempest*	R–Casper/HD37	29	-	+	+	-	-	-	-
Bill Thompson	D–Green River/HD60	100	+	+	+	+	+	+	+
Harry B. Tipton	R–Lander/HD33	57	+	+	+	-	-	-	+
Louie Tomassi*	R–Big Piney/HD20	29	+	-	-	-	+	-	-
Jane Warren	D–Laramie/HD13	86	+	-	+	+	+	+	+
Jeff Wasserburger	R–Gillette/HD32	29	-	-	+	-	-	+	-
Stephen Watt*	R–Rock Springs/HD16	43	-	-	+	-	-	+	+
“Teense” Willford†	R–Saratoga/HD47	14	+	-	-	-	-	-	-
Jane Wostenberg	R–Worland/HD27	14	-	-	-	-	-	+	-

(+) Pro-Conservation    (-) Opposed    (X) Excused    (C) Conflict of Interest

(\*) Retiring in 2002    (†) Defeated in 2002 Primary    (‡) Resigned in 2002    (§) Running for State Senate in 2002

## 2002 Budget Session – Senate Scorecard

Senator	Party/City/District	Score	SF21	SF81	SF72	SF69	HB27
Jim Anderson	R–Glenrock/SD2	80	+	+	–	+	+
Bill Barton	R–Upton/SD1	0	–	–	–	–	–
Tex Boggs	D–Rock Springs/SD13	100	+	+	+	+	+
Cale Case	R–Lander/SD25	80	+	+	–	+	+
Rich Cathcart	D–Carpenter/SD6	80	+	+	–	+	+
H. A. “Hank” Coe	R–Cody/SD18	25	–	–	X	–	+
Ken Decaria	D–Evanston/SD15	80	+	+	–	+	+
Irene Devin	R–Laramie/SD10	40	+	–	–	–	+
R. “Dick” Erb	R–Gillette/SD24	0	–	–	–	–	–
Gerald Geis	R–Worland/SD20	25	X	–	–	–	+
K. Goodenough	D–Casper/SD28	80	+	+	–	+	+
John Hanes	R–Cheyenne/SD5	80	+	+	+	–	+
Mark Harris	D–Green River/SD14	100	+	+	+	+	+
Bill Hawks	R–Casper/SD29	60	+	+	–	–	+
Bruce Hinchey*	R–Casper/SD27	20	–	–	–	–	+
Rae Lynn Job	D–Rock Springs/SD12	100	+	+	+	+	+
Tom Kinnison*	R–Sheridan/SD21	100	+	+	+	+	+
A. Brimmer Kunz	R–Cheyenne/SD4	20	–	–	–	–	+
Grant Larson	R–Jackson/SD17	60	–	+	+	–	+
Mike Massie	D–Laramie/SD9	100	+	+	+	+	+
Curt Meier	R–LaGrange/SD3	0	–	–	–	–	–
Carroll Miller*	R–Shell/SD19	80	+	–	+	+	+
Jayne Mockler	D–Cheyenne/SD8	80	+	+	+	–	+
Robert Peck	R–Riverton/SD26	60	+	+	–	–	+
Delaine Roberts	R–Etna/SD16	100	+	+	+	+	+
John Schiffer	R–Kaycee/SD22	60	–	+	–	+	+
Charles K. Scott	R–Casper/SD30	50	+	–	C	–	+
K. Sessions	D–Cheyenne/SD7	100	+	+	+	+	+
Bill Vasey	R–Rawlins/SD11	60	–	+	+	–	+
S. Youngbauer*	R–Gillette/SD23	20	–	–	–	–	+

(+) Pro-Conservation    (–) Opposed    (X) Excused    (C) Conflict of Interest

(\*) Retiring in 2002    (†) Defeated in 2002 Primary    (‡) Resigned in 2002

# House Bills

## HB 102 – WYOMING WILDLIFE LEGACY TRUST FUND

<http://legisweb.state.wy.us/2002/Introduced/HB0102.pdf>

**Sponsors:** Reps. Parady (R-Rock Springs, HD17), Law (R-Jackson, HD23), Lockhart (R-Casper, HD57), Thompson (D-Green River, HD60) and Willford (R-Saratoga, HD47); Sens. Harris (D-Green River, SD14), Hinchey (R-Casper, SD27), Job (D-Rock Springs, SD12), C. Miller (R-Shell, SD19) and Vasey (D-Rawlins, SD11).

HB 102 would have given the Wyoming Game and Fish Department the ability to roll \$7 million in various scattered accounts into a trust, along with \$20 million from federal coal-lease bonus payments. Interest would have been used to manage habitat to prevent species from being listed as endangered, thus preventing federal intervention; and to care for already-listed species, so that sportsmen's license dollars do not continue to be tapped for non-game management.

HB 102 passed the House, and the Senate Appropriations and Travel & Recreation committees, only to die on the Senate floor when Senate Majority Leader April Brimmer-Kunz (R-Cheyenne, SD4) refused to bring the bill up for debate. **A yes vote (on third reading) was the pro-conservation vote.**

## HB 27 – POSTING OF RESTRICTIONS ON ROADS & LANDS

<http://legisweb.state.wy.us/2002/Introduced/HB0027.pdf>

**Sponsors:** Reps. Sadler (D-Casper, HD59), Boswell (D-Green River, HD39), Cohee (R-Casper, HD35), Deegan (D-Gillette, HD53), Esquibel (D-Cheyenne, HD44), Gay (R-Casper, HD36), Landon (R-Sheridan, HD30), Lockhart (R-Casper, HD57), McGraw (D-Cheyenne, HD41), McMurtrey (R-Rozet, HD52), Meyer (D-Evanston, HD49), Morgan (D-Cheyenne, HD12), Nelson (D-Rock Springs, HD48), Petersen (R-Mountain View, HD19), Reese (D-Cheyenne, HD11), Robinson (D-Casper, HD58), Rose (R-Rawlins, HD15), Thompson (D-Green River, HD60), Tipton (R-Lander, HD33), Tomassi (R-Big Piney, HD20) and Warren (D-Laramie, HD13).

For years state land lessees have illegally posted "Private Property" signs to deter travel over public roads and access to public lands. The law included no penalties, and some lessees or adjoining landowners found they could charge sportsmen huge access fees.

In 2002, the fourth consecutive year of debate on the issue, HB 27 passed, and established fines and jail time for false closures. A violator, upon notification, now has three days to remove signs. Failure to do so carries an up-to-\$600 fine and/or up to six months in jail. After three days, each subsequent day that signs remain in place counts as a separate offense.

Rep. Phil Nicholas (R-Laramie, HD14) significantly narrowed the definition of a public road and deleted possible jail time. The bill's chief House sponsor disavowed the bill, which finally squeaked through 31-29. The Senate restored the jail time but left in the road definition. This bill was one of only a few in the public interest that made any headway during the Budget Session.

**A yes vote (on third reading) was typically the pro-conservation vote and has been scored as such.** However, some strong House proponents of public access voted no, considering the bill too weak, while some frequent opponents of public access voted yes to be able to claim they acted against illegal postings. **If in doubt, contact your legislator for details.**

## HB 28 – RECREATING ON STATE LANDS

<http://legisweb.state.wy.us/2002/Introduced/HB0027-1.pdf>

**Sponsors:** Reps. Sadler (D-Casper, HD59), Gay (R-Casper, HD36), Nelson (D-Rock Springs, HD48), Robinson (D-Casper, HD58) and Thompson (D-Green River, HD60); Sen. Harris (D-Green River, SD14).

This bill was designed to open state lands to camping, fishing and hunting. Several pro-agriculture and pro-mineral measures were included in this bill, such as curtailed access on lands where recreation interfered with lessee operations, or would decrease state land values. HD 28 also would have defined anyone who was using or occupying state lands without a lease, or after their lease expired for more than 30 days, as a trespasser, with fines of \$25 to \$500.

This bill failed introduction 22-38. **A yes vote (on introduction of the bill) was the pro-conservation vote.**

### **HB 22 – SAFE WATER DRINKING ACT**

<http://legisweb.state.wy.us/2002/Introduced/HB0022.pdf>

**Sponsor:** Rep. Huckfeldt (R-Torrington, HD4)

HB 22 would have turned over administration of the Safe Drinking Water Act program from the U.S. Environmental Protection Agency to the Wyoming Department of Environmental Quality. The DEQ did not seek this power, which would have cost the state \$1.8 million in the first three years alone. DEQ officials said implementation would require up to 23 new full-time state employees, at a time of severely limited resources.

The bill was driven by Torrington-area public officials upset with the EPA over its handling of massive local groundwater nitrate pollution, caused by agricultural practices. Local officials wanted the DEQ in charge, since states are allowed to waive water-treatment orders, allow substitution of bottled water, and exercise other “flexibility.” HB 22 would have turned over regulation to the lax, underfunded DEQ, threatening public health and expanding state government.

This act won introduction with the bare minimum 40-20 vote, but died on General File. **A no vote (on introduction) was the pro-conservation vote.**

### **HB 83 – STATE JURISDICTION OVER NATIONAL FORESTS**

<http://legisweb.state.wy.us/2002/Introduced/HB0083.pdf>

**Sponsor:** Rep. Simons (R-Beulah, HD 1)

This bill would have given county commissioners jurisdiction over national forests. Resource-poor counties were given no way to pay for this unconstitutional measure which would have led to expensive, futile litigation with the federal government. The vote provided little more than an opportunity for anti-federal posturing, and failed to address the bill's stated aim of improving fire safety in forested areas. It also demonstrated state lawmakers' anti-conservation extremism.

HB 83 passed introduction by 46-14 vote, was placed on the General File and died without debate. **A no vote (on introduction) was the pro-conservation vote.**

### **HB 115 – LOBBYIST REPORTING**

<http://legisweb.state.wy.us/2002/Introduced/HB0115.pdf>

**Sponsors:** Rep. L. Johnson, (D-Laramie, HD 45); Sen. Case (R-Lander, SD 25)

Wyoming does not require lobbyists to report direct expenditures under \$50 benefiting legislators, or any indirect expenses such as salaries, mileage, office rent, lodging, and so on. Most lobbying expenditures either do not meet the threshold or occur in unreported categories, thus preventing public review.

HB 115 would have required lobbyists to report all sources of income, all expenditures incurred during lobbying, as well as all gifts to politicians, with the power of enforcement and investigation given to the Secretary of State. It would have helped voters determine which special interests were spending what amounts of money to influence what legislation. While conservation organizations are special interests, they do not spend nearly as much time and money wooing legislators as do the mineral and

agricultural industries. A lack of solid lobbyist reporting hurts sportsmen and conservation by legitimizing and concealing the financial imbalance between conservationists and extractive interests.

This bill failed introduction 34-16, six votes short of the two-thirds majority required for introduction in a Budget Session. **A yes vote (on introduction) was the pro-conservation vote.**

#### **HB 51 – PUBLIC HEALTH AND SAFETY AMENDMENTS (AGRICULTURAL ODORS)**

<http://legisweb.state.wy.us/2002/Introduced/HB0051.pdf>

**Sponsors:** Reps. Huckfeldt (R-Torrington, HD4), Anderson (R-Pine Bluffs, HD10), Baker (R-Thermopolis, HD28), Hageman (R-Fort Laramie, HD6) and Stafford (R-Chugwater, HD3); Sens. J. Anderson (R-Glenrock, SD2), Barton (R-Upton, SD1) and Geis (R-Worland, SD20).

HB 51 would have waived state odor regulations for farms and ranches which pre-dated development of adjacent property. WCV was concerned at potential erosion of public health and safety protections. The bill's loose language would have allowed existing operations to expand significantly, free of responsibility if their odors sickened nearby residents who had been able to tolerate a smaller neighboring operation.

HB 51 missed House introduction by just five votes, 35-25, in a heavily lobbied vote. **A no vote (on introduction) was the pro-conservation vote.**

## **Senate Files**

#### **SF 21 – IN-STREAM FLOW REGULATION**

<http://legisweb.state.wy.us/2002/Introduced/sf0021.pdf>

**Sponsor:** Sen. Case (R-Lander, SD25)

Under existing in-stream flow law, designating a minimum stream flow for fisheries requires three government agencies, countless bureaucrats, years of legal maneuvering and a cost of roughly \$50,000. Since passage in 1986, the law has only protected 95 miles of stream bed, out of hundreds applied for.

This bill would have helped agriculturalists, sportsmen and municipalities by giving water-right holders the ability to temporarily grant or lease their water for an in-stream flow, without jeopardizing their rights. Current law requires private water right holders to surrender their rights to the state in order to create a reliable minimum flow for fish. SF 21 would have also given the state engineer the final say as to which water rights may be transferred, allowing veto power if the action would adversely affect other appropriators.

SF 21 failed introduction by one vote, 19-10. **A yes vote was the pro-conservation vote.**

#### **SF 81 – CAMPAIGN FINANCE REPORTING**

<http://legisweb.state.wy.us/2002/Introduced/sf0081.pdf>

**Sponsor:** Joint Interim Corporations, Elections and Political Subdivisions Committee

SF 81 would have required candidates and political action groups to report campaign contributions, receipts and expenditures seven days before a primary election, and 14 days before general and special elections. Currently such reports are filed after the election.

Voters could have determined where candidates got their funding, in time to use the information at the ballot box. SF 81 also would have required candidates to itemize all expenditures under \$25.

This bill failed Senate introduction by one vote, 19-11. **A yes vote was the pro-conservation vote.**

## SF 72 – STATE LAND LEASE REQUIREMENTS

<http://legisweb.state.wy.us/2002/Introduced/sf0072.pdf>

**Sponsors:** Sens. Roberts (R-Etna, SD16) and Harris (D-Green River, SD14); Reps. Luthi (R-Freedom, HD21), Rose (R-Rawlins, HD15) and Sadler (D-Casper, HD59)

SF 72 would have required public access as a condition to any grazing or agricultural leases. No lease would be issued unless the lessee provides walk-in access for multiple use (hunting, fishing, recreation), and these leases would only be offered for ten-year terms. The public access provision would only apply when there would be no other access, or if the lessee controlled access, or lands where an easement from a public road to the land in question is available. SF 72 would have applied only to those leases granted or renewed after July 1, 2002.

This bill failed first reading 12-16. **A yes vote was the pro-conservation vote.**

## SF 69 – OIL & GAS VALUATION-PROPORTIONATE PROFITS

<http://legisweb.state.wy.us/2002/Introduced/sf0069.pdf>

**Sponsor:** Sen. Peck (R-Riverton, SD26)

S.F. 69 would have valued oil and gas using a proportionate profit method. By this, the Legislature would be able to tax methane, oil, gas and coal by their direct produced cost (excluding other taxation and indirect costs). By leaving out corporate management, overhead and other indirect costs, and allowing a depreciation break, the taxed value could be considerably skewed. A yes vote on this bill would have resulted in lower valuations and lower tax revenue that would not have truly represented what companies owed.

This bill passed the Senate 16-14 but failed in the House, 29-29. **A no vote (on Senate passage) was the pro-conservation vote.**

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## About Wyoming Conservation Voters

Wyoming Conservation Voters was founded in 2000 by prominent Wyoming sportsmen and conservationists of both political parties in order to advocate on behalf of a continuing wildlife and conservation heritage in the state.

WCV encourages sportsmen, outdoor recreation enthusiasts, environmentalists and other defenders of Wyoming's unique natural resources to register and vote in elections, and participate during the Legislature and other public processes.

For more information, contact us by E-mail at [WyoConservation@aol.com](mailto:WyoConservation@aol.com) or visit [www.wyovoters.org](http://www.wyovoters.org) on the Internet. Our offices are located at 1915 Oxford Lane, Suite 201, in Casper.

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