



**HB0013**

**Sage grouse mitigation credits.**

Sponsored By: Joint Minerals, Business & Economic Development  
Interim Committee

AN ACT relating to sage grouse; establishing a program for compensatory mitigation credits for conservation of the greater sage grouse; creating accounts; providing for a continuing appropriation; amending the duties of the board of land commissioners; requiring rulemaking; providing legislative findings; and providing for effective dates.

12/10/2019 Bill Number Assigned  
2/7/2020 H Received for Introduction  
2/11/2020 H Introduced and Referred to H09 - Minerals 47-12-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Brown, Burkhart, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen Lloyd, Lindholm, Loucks, Macguire, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Walters, Western, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Blackburn, Clem, Edwards, Gray, Jennings, Laursen Dan, Miller, Piiparinen, Salazar, Styvar, Tass, Washut

**Excused:** Representative Greear

**Ayes** 47    **Nays** 12    **Excused** 1    **Absent** 0    **Conflicts** 0

2/18/2020 H09 - Minerals:Recommend Amend and Do Pass 7-2-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Burkhart, Duncan, Eyre, Furphy, Greear, Henderson, Loucks

**Nays:** Representative(s) Crank, Macguire

**Ayes** 7    **Nays** 2    **Excused** 0    **Absent** 0    **Conflicts** 0

2/18/2020 H Placed on General File

**HB0013HS001/ADOPTED**

Page 1-line 3 Delete "an account;" and insert "accounts; providing for a continuing appropriation;".

Page 9-line 15 After "occupancy," insert "proximity,".

Page 10-line 15 Delete entirely and insert "of the expected impact. Credit term expiration before restoration of the impacted location to suitability shall require the party responsible for the mitigation to purchase additional credits or negotiate a credit contract extension. Credit mitigation shall remain in place until the impact to".

Page 10-line 17 After "suitability" insert "."; delete "and provided that".

Page 11-line 22 After "system" insert "including monitoring of impacts to sage-grouse habitat to ensure that the impacted

location is returned to full suitability before a credit purchaser is relieved of liability for mitigation of the impact".

Page 12-line 2 Delete "the mitigation credit".

Page 12-line 3 Delete "resolution account and on".

Page 12-line 4 After "credits" insert "and any purchaser of term credits".

Page 12-line 7 Delete "is" and insert "or purchaser are".

Page 12-lines 21 and 22 Delete entirely and insert:

"(A) Any corrective measures which a mitigation credit provider or their successor in interest is required to take to ameliorate any material injury or adverse impacts to the land or habitat used for compensatory mitigation for which credits are offered that materially impairs the conservation objectives of that land or habitat;".

Page 13-lines 5 through 7 Delete entirely.

Page 13-line 9 Delete "(D)" and insert "(C)".

Page 13-line 20 After "provider's" delete balance of line.

Page 13-line 21 Delete entirely and insert "financial assurances".

Page 14-line 5 After "provider" insert "for the term of the credit".

Page 14-line 15 Delete "**account**" and insert "**accounts**".

Page 14-after line 15 Insert:

"(a) The board of land commissioners may create an account exclusively for each mitigation credit provider. The board may accept funds for deposit into each account as part of the financial assurances required under rules adopted by the board of land commissioners pursuant to W.S. 9-19-203(b). The board shall manage the expenditure of funds within each account. Funds within each account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e).

(b) The board shall collect a fee of one thousand five hundred dollars (\$1,500.00) from each mitigation credit provider for creating an account as provided by subsection (a) of this section. An account established pursuant to subsection (a) of this section shall be subject to an annual fee of one percent (1%) of the account's balance for the annual administration, operation, reporting and accounting of the account. The board shall assess and collect the annual fee on the date set by rule during each year in which the account is in existence. The board shall collect the annual fee by deducting it from the balance of the account.".

Page 14-line 17 Delete "(a)" and insert "(c)".

Page 15-lines 4 through 19 Delete entirely and insert:

"(d) Fees collected under this section shall be credited to the mitigation credit fund which is hereby created. Funds within the mitigation credit fund are continuously appropriated to the department and shall only be used for purposes of this article.". GREEAR, CHAIRMAN

**HB0013HW001/WITHDRAWN**

2/20/2020 H COW:Passed  
2/21/2020 H 2nd Reading:Laid Back

**HB0013H2001/WITHDRAWN**

2/24/2020 H 2nd Reading:Passed

**HB0013H3001/ADOPTED**

Page 14-lines 7 through 13 Delete entirely and insert:

"(e) The board of land commissioners shall certify any habitat conservation bank that has been certified and approved by the United States fish and wildlife service as meeting or exceeding the requirements of this act until the earlier of:

(i) The federally approved habitat conservation bank is approved under the rules promulgated pursuant to this act; or

(ii) July 1, 2023.". LINDHOLM, GREEAR, WESTERN

**HB0013H3002/WITHDRAWN**

2/25/2020 H 3rd Reading:Passed 34-24-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Brown, Burkhart, Burlingame, Clifford, Connolly, Dayton-Selman, Duncan, Eklund, Eyre, Freeman, Furphy, Greear, Haley, Henderson, Hunt, Kinner, Kirkbride, Nicholas, Northrup, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Walters, Western, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Clausen, Clem, Crank, Edwards, Flitner, Gray, Hallinan, Harshman, Jennings, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Macguire, Miller, Newsome, Obermueller, Olsen, Piiparinen, Salazar, Styvar, Tass, Washut, Winter

**Excused:** Representative(s) Blackburn, Paxton

**Ayes** 34    **Nays** 24    **Excused** 2    **Absent** 0    **Conflicts** 0

2/26/2020 S Received for Introduction  
2/26/2020 S Introduced and Referred to S09 - Minerals  
3/5/2020 S09 - Minerals:Recommend Amend and Do Pass 4-1-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Coe, Rothfuss, Wasserburger

**Nays:** Senator Biteman

**Ayes** 4    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/5/2020 S Placed on General File

**HB0013SS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 18-line 1 Delete "July" and insert "October".

Page 18-line 9 Delete "July" and insert "October". ANDERSON, CHAIRMAN

3/6/2020 S COW:Passed  
3/9/2020 S 2nd Reading:Passed  
3/10/2020 S 3rd Reading:Laid Back

**HB0013S3001/WITHDRAWN**

**HB0013S3002/ADOPTED (TO ENGROSSED COPY)  
(CORRECTED CORRECTED COPY)**

Page 8-after line 6 Insert:

"(xviii) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in that conduct;".

Page 8-line 8 Delete "(xviii)" and insert "(xix)".

Page 11-line 9 After "measures" delete "and" and insert ",".

Page 11-line 10 After "credits" insert "and measures for reduced or eliminated take". HICKS

3/11/2020 S 3rd Reading:Passed 22-6-1-0-1

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Boner, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Steinmetz, Von Flatern, Wasserburger

**Nays:** Senator(s) Bebout, Biteman, Bouchard, Case, Ellis, James

**Excused:** Senator Agar

**Conflicts:** Senator Scott

**Ayes 22 Nays 6 Excused 1 Absent 0 Conflicts 1**

3/11/2020 H Received for Concurrence

3/12/2020 H Concur:Passed 42-16-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Burkhart, Burlingame, Clifford, Connolly, Dayton-Selman, Duncan, Eklund, Eyre, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen Lloyd, Macguire, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Western, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Brown, Clausen, Clem, Edwards, Flitner, Gray, Jennings, Laursen Dan, Lindholm, Loucks, Miller, Piiparinen, Salazar, Styvar, Washut, Winter

**Excused:** Representative(s) Crank, Freeman

**Ayes 42 Nays 16 Excused 2 Absent 0 Conflicts 0**

3/12/2020 Assigned Number HEA No. 0086

3/12/2020 H Speaker Signed HEA No. 0086

3/12/2020 S President Signed HEA No. 0086

3/17/2020 Governor Signed HEA No. 0086

3/17/2020 Assigned Chapter Number 112

Chapter No. 112 Session Laws of Wyoming 2020