



2021 CONSERVATION VOTE REPORT

FOR THE 66TH WYOMING STATE LEGISLATURE

INTRODUCTION

Welcome to the Wyoming Outdoor Council's 2021 Conservation Vote Report. This report identifies how state legislators voted on key conservation bills introduced during the 2021 General Session of the 66th Wyoming Legislature. The Outdoor Council tracked more than 50 bills in 2021 and this report highlights some 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 voting 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 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, 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 2021 the legislature considered over 440 bills, though fewer than those passed and ultimately became law. The Outdoor Council tracked more than 50 bills related to wildlife, clean air and water, revenue generation, renewable energy, public lands, transitions for Wyoming's energy workforce, and public processes related to these. We often worked behind the scenes to oppose bills and many 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 key.

In this report, we selected eight bills that were of high importance to us and that received floor votes in the House and/or Senate. Five of these bills were considered in both chambers, two were considered only in the House, and one was considered only in the Senate. All recorded votes in this report are from the third reading for the chamber being considered.

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 2021 interim session. More information can be found at [wyomingoutdoorcouncil.org](https://www.wyomingoutdoorcouncil.org). A complete record of all bills considered at the 2021 General Session can be found at the State of Wyoming's legislative website at [wyoleg.gov](https://www.wyoleg.gov).

HOUSE BILL 66: LARGE PROJECT FUNDING

Sponsor: Select Natural Resource Funding Committee

WOC Position: Supported

Status: Passed

HB 66 was a relatively straightforward endeavor, a bill to provide funding through the Wyoming Wildlife and Natural Resources Trust to support two important mule deer crossings projects — Dry Piney and Kaycee-Buffalo. It also included an appropriation to address two highly invasive annual grasses, medusahead and ventenata, in Sheridan. The success of this bill marks both the momentum of the legislature in terms of funding wildlife crossing needs, and reflects broad, collaborative support for these projects from a variety of conservation and public safety interests.

HOUSE BILL 122: HUNTING AND FISHING ACCESS—RELIABLE FUNDING

Sponsors: Representatives Cyrus Western, Aaron Clausen, Lloyd Larsen, and Tom Walters, and Senator Fred Baldwin

WOC Position: Supported

Status: Passed

HB 122 was a bright spot in the 2021 session, opening up new possibilities for hunting and fishing access with particular attention to creating opportunities to access landlocked public lands. The bill creates a dedicated funding stream for the Wyoming Game and Fish Department's Access Yes program by raising the cost of a conservation stamp — purchased alongside hunting and fishing licenses — from \$12.50 to \$21. This cost increase was broadly supported by a diverse range of hunter and angler voices, who showed up (virtually) to committee meetings and made it clear that public access is a priority to the people of Wyoming. Eighty-five percent of the revenues raised by this bill will go to funding increased public access, and the remaining 15 percent will go toward supporting wildlife conservation efforts.

HOUSE BILL 164: GRAND TETON NATIONAL PARK—TRANSFER OF STATE LANDS

Sponsors: Representative Andy Schwartz and Senator Mike Gierau

WOC Position: Supported

Status: Failed

As the state struggles with the persistent revenue challenges associated with a tax system built on a permanently declining minerals sector, legislators have more frequently turned their attention to Wyoming state trust lands. State trust parcels, which are constitutionally required to generate money for schools, typically bring income to the state through mineral leasing and development as well as leases for other uses such as grazing. However, the “Kelly parcel,” a section of state land enclosed entirely by Grand Teton National Park, has long been a favorite speculative topic of the legislature, and was the subject of this bill. HB 164 was spurred by promising conversations at the State Lands Board, governor’s office, and elsewhere, as well as increased federal funding for conservation acquisitions through the Land and Water Conservation Fund. It would have outlined a process for selling the Kelly parcel to Grand Teton National Park, which would bring tens of millions to state schools and ensure the landscape can be cohesively managed. This is an outcome that conservation groups have long championed. Unfortunately, the bill died in the House after lengthy, unrealistic debates about the hypothetical value of the land, leaving a hefty sum of federal money on the table and quite possibly stalling this purchase for the foreseeable future.

HOUSE BILL 170: WYOMING ECONOMIC DEVELOPMENT ZONES

Sponsors: Representatives Bill Henderson, Chad Banks, Shelly Duncan, Mike Greear, Sandy Newsome, Pat Sweeney, and Dan Zwonitzer, and Senator Jeff Wasserburger

WOC Position: Supported

Status: Failed

In the spirit of addressing community needs for economic development, HB 170 would have directed the Wyoming Business Council to identify prospective economic development zones around the state, considering factors such as job losses and median income. In these areas, possible development for new economic opportunities would have been evaluated. The original bill focused on concepts such as carbon capture, renewable energy, minerals, and technology. However, we successfully lobbied for the bill to be amended to include outdoor recreation and reclamation as possible economic development opportunities. After passing in the House, this bill died on the third reading in the Senate.

HOUSE BILL 205: SELECT COMMITTEE ON EXTRACTIVE INDUSTRIES TRANSITIONS

Sponsors: Representatives Chad Banks, Landon Brown, Tim Hallinan, and Trey Sherwood, and Senators Ogden Driskill, Dan Furphy, and Chris Rothfuss

WOC Position: Supported

Status: Failed

This bill represented a small, but meaningful, step forward in our state’s conversation about energy transition, and an acknowledgement that Wyoming’s communities will need support to grapple with the consequences of shifting energy markets. HB 205 would have created a legislative committee — later adjusted to operate as a subcommittee of House Minerals — to bring key stakeholders, including labor unions, to the table to discuss needs and solutions. Conversation around this bill illuminated persistent political roadblocks associated with planning for transition, as some legislators dismissed the concept of transition as “defeatist.” However, we hope that the momentum around this bill drives future conversations in a productive direction as Wyoming struggles with the economic and social realities of permanent downturns in the fossil fuel industry.

HOUSE BILL 101: ELK FEEDGROUNDS CLOSINGS—REQUIREMENTS

Sponsors: Representatives Albert Sommers, Jamie Flitner, Pat Sweeney, and John Winter, and Senators Fred Baldwin, Ogden Driskill, and Larry Hicks

WOC Position: Opposed

Status: Passed (Amended)

The future management of elk feedgrounds is one of the more contentious topics in 21st century management of Wyoming wildlife due to issues ranging from wildlife disease to agricultural concerns. As the state’s wildlife agency, the Wyoming Game and Fish Department should theoretically be empowered to make science-based wildlife management decisions on these increasingly complex topics. Unfortunately, HB 101 complicates and further politicizes the decision-making process by requiring approval from the governor and engagement with the Wyoming Livestock Board in the event that Game and Fish decides to close a feedground. Although this bill ultimately passed, we successfully lobbied for amendments clarifying the process that required costs of management to be considered in any plan to keep a feedground open, and clarifying the interaction between Game and Fish and the Livestock Board.

SENATE FILE 16: NEW NET METERING SYSTEMS

Sponsor: Joint Corporations, Elections, and Political Subdivisions Committee

WOC Position: Opposed

Status: Failed

Potentially one of the worst bills of the 2021 session that WOC tracked, SF 16 would have forced the Public Service Commission to review, and ultimately repeal, Wyoming's existing net metering law that allows residents, small businesses, and local governments to produce their own renewable energy and sell it back to the grid at a retail rate. This bill would have been devastating to the state's rooftop solar businesses and installers, and added significant uncertainty to the investments of current and future rooftop solar owners. After narrowly passing the Senate on its third reading, SF 16 ultimately died in the House Corporations Committee following enormous public opposition. The bill's defeat was a testament to the strong and vocal public support for rooftop solar across many communities in Wyoming. Unfortunately, we expect to see different versions of this bill crop up in the future, as utilities in Wyoming and around the country continue to try to limit the growth of customer-generated renewable energy.

SENATE FILE 136: PUBLIC SERVICE COMMISSION CONSIDERATIONS

Sponsors: Senators Drew Perkins, Dan Dockstader, Ogden Driskill, and Bill Landen, and Representative Chuck Gray

WOC Position: Opposed

Status: Passed (Amended)

The Public Service Commission is in charge of setting utility rates in Wyoming, to ensure safe and reliable service to customers at just and reasonable rates. SF 136 introduced uncertainty into this process by allowing expanded authority for the PSC to consider a vaguely defined range of impacts such as employment data, cost externalities to the state, and potential impacts to viewsheds. In addition to the fact that the PSC does not have regulatory expertise to consider these factors, it was clear that this bill was developed as a mechanism to block utility proposals to retire coal-fired facilities and replace them with less expensive renewables. The bill was also unnecessary and duplicative, since the Wyoming Industrial Siting Council already has the authority to examine these concerns when permitting new projects. This vague language could result in ratepayers paying more for electricity through subsidizing hypothesized impacts to the state. We opposed the proposed expansion of the PSC's mission and especially the language around "viewsheds," since this was intended to target wind energy and could preclude Wyomingites from receiving cheap, clean power. The "viewsheds" language was eventually amended out of the final version, but we still have concerns regarding the implementation of this legislation and its potential for increasing electricity rates.

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 66:** Large Project Funding
- HB 122:** Hunting and Fishing Access-reliable Funding
- HB 164:** Grand Teton National Park – Transfer of State Lands
- HB 170:** Wyoming Economic Development Zones
- HB 205:** Select Committee on Extractive Industry Transitions

BILLS WOC OPPOSED

- HB 101:** Elk Feedgrounds Closures
- SF 16:** New Net Metering Systems
- SF 136:** Required PSC Considerations

REPRESENTATIVE	BILLS WOC SUPPORTED					BILLS WOC OPPOSED		
	HB 66	HB 122	HB 164	HB 170	HB 205	HB 101	SF 16	SF 136
Andrew, Ocean	X	✓	X	✓	✓	✓		✓
Baker, Mark	X	X	X	X	X	✓		✓
Banks, Chad	✓	✓	✓	✓	✓	X		✓
Barlow, Eric	✓	X	✓	✓	X	✓		✓
Bear, John	X	✓	X	✓	X	✓		✓
Blackburn, Jim	✓	X	X	X	X	✓		✓
Brown, Landon	✓	✓	✓	X	✓	✓		✓
Burkhart Jr., Donald	✓	✓	X	✓	X	✓		✓
Burt, Marshall	X	X	X	X	X	✓		✓
Clausen, Aaron	X	✓	✓	X	X	✓		✓
Clifford, Andi	✓	✓	✓	✓	✓	✓		X
Connolly, Cathy	✓	✓	✓	✓	✓	✓		✓
Crago, Barry	✓	✓	X	E	E	✓		✓
Duncan, Shelly	✓	X	✓	✓	X	✓		✓
Eklund, John	✓	✓	✓	✓	✓	✓		✓

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Eyre, Danny	✓	x	✓	✓	x	✓		✓
Flitner, Jamie	✓	x	x	✓	x	✓		✓
Fortner, Bill	x	x	x	x	x	✓		✓
Gray, Chuck	x	x	x	x	x	✓		✓
Grear, Mike	✓	x	x	✓	x	✓		✓
Hallinan, Tim	✓	x	x	✓	✓	✓		✓
Haroldson, Jeremy	x	x	x	x	x	✓		✓
Harshman, Steve	✓	✓	x	✓	x	✓		✓
Heiner, Scott	✓	x	x	x	x	✓		✓
Henderson, Bill	✓	✓	x	✓	x	✓		✓
Hunt, Hans	✓	✓	x	✓	x	✓		✓
Jennings, Mark	x	x	x	x	x	✓		✓
Kinner, Mark	✓	✓	x	✓	x	✓		✓
Knapp, Christopher	✓	✓	x	x	x	✓		✓
Larsen, Lloyd	✓	✓	x	x	x	✓		✓

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BILLS WOC OPPOSED

REPRESENTATIVE	HB 66	HB 122	HB 164	HB 170	HB 205	HB 101	SF 16	SF 136
Laursen, Dan	X	X	X	X	X	✓		✓
MacGuire, Joe	✓	✓	X	✓	✓	✓		✓
Neiman, Chip	X	X	X	X	X	✓		✓
Newsome, Sandy	✓	✓	✓	✓	X	✓		✓
Nicholas, Bob	✓	✓	✓	✓	X	✓		✓
O'Hearn, Kevin	✓	✓	X	✓	✓	✓		✓
Oakley, Ember	✓	✓	✓	X	X	✓		✓
Obermueller, Jerry	✓	✓	X	✓	✓	✓		✓
Olsen, Jared	✓	✓	X	✓	X	✓		✓
Ottman, Pepper	X	X	X	X	X	✓		✓
Paxton, Jerry	✓	X	X	✓	✓	✓		✓
Provenza, Karlee	✓	✓	✓	✓	✓	✓		✓
Rodriguez-Williams, Rachel	X	X	X	✓	X	✓		✓
Romero-Martinez, John	✓	✓	X	X	X	✓		✓
Roscoe, Jim	✓	✓	✓	✓	✓	✓		✓

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

SENATE VOTES

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

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BILLS WOC SUPPORTED

BILLS WOC OPPOSED

SENATOR	BILLS WOC SUPPORTED					BILLS WOC OPPOSED		
	HB 66	HB 122	HB 164	HB 170	HB 205	HB 101	SF 16	SF 136
James, Tom	✓	X	–	X	–	✓	X	✓
Kinskey, Dave	✓	✓	–	X	–	✓	X	✓
Kolb, John	✓	✓	–	X	–	✓	✓	✓
Kost, R.J.	✓	✓	–	X	–	✓	✓	✓
Landen, Bill	✓	✓	–	X	–	✓	✓	✓
McKeown, Troy	✓	X	–	X	–	✓	X	✓
Nethercott, Tara	✓	✓	–	X	–	✓	X	✓
Pappas, Stephan	✓	✓	–	X	–	✓	✓	✓
Perkins, Drew	✓	X	–	X	–	✓	✓	✓
Rothfuss, Chris	✓	✓	–	✓	–	✓	X	X
Salazar, Tim	✓	X	–	X	–	✓	X	✓
Schuler, Wendy	✓	✓	–	E	–	✓	✓	✓
Scott, Charles	✓	C	–	X	–	✓	✓	✓
Steinmetz, Cheri	✓	X	–	X	–	✓	✓	✓
Wasserburger, Jeff	✓	E	–	✓	–	✓	X	E

MAJOR THEMES OF THE SESSION AND OTHER BILLS OF INTEREST

From a conservation perspective, the 2021 session was certainly a mixed bag. We saw a few good bills and ideas that gained support from both chambers, with some truly exciting forward steps taken on the important issue of public lands access. Many unpopular and problematic bills that would have posed major conservation challenges died, frequently due to strong and persistent input from determined citizens. And as always, the voices of everyday Wyomingites proved to be the most effective countermeasure against poor legislative decision-making.

Committee discussions and floor debates revealed several concerning trends that we will continue to watch and work on. For example, this year we saw the reawakening of anti-public lands sentiment, as several legislators cosponsored **HOUSE BILL 141**, a bill that would have paved the way for Wyoming to pursue **PUBLIC LANDS TRANSFER** to the state. The public of Wyoming has, time and time again, expressed opposition to this idea, and the general unpopularity and infeasibility of transfer meant that it never even received airtime on the floor of the House. We also saw efforts to insert this issue as a consideration for the Joint Agriculture committee over the interim. Fortunately, the legislative Management Council pulled the topic from consideration this interim. We expect that we will continue to see transfer efforts in future sessions, however — and public lands advocates in Wyoming should be prepared to continue speaking up against this concept.

State lands are also increasingly the focus of legislative attention. The demise of HB 164 was one side of the coin, while on the other, several legislators pushed **HOUSE BILL 242**, a bill that would have opened the door to long-term (up to 99 year) **RESIDENTIAL LEASES ON STATE LANDS**. This bill could have allowed housing developments on state lands, and some of the target parcels mentioned in conversation around the bill included state parcels that are popular recreation destinations for Wyomingites. This bill lacked measures to address important resource management, transparency, and liability concerns, and it ultimately did not move forward. However, we anticipate seeing similar ideas resurface, alongside other problematic ideas focused on short-term monetization of state lands that conflict with sustainable opportunities for long term land management.

One way to think about the emergence of these problematic topics is as perceived “easy fixes” for the **STATE’S BUDGET CRISIS**, which is the result of a structural reliance on mineral taxes that is no longer financially viable for the state. Mineral tax revenues are in permanent decline due to long-term global shifts in energy markets away from fossil

fuels, and these changes were compounded in 2020 with the significant impact of the COVID-19 pandemic on energy production. When we lose revenues, we lose the ability to pay for the services our state relies on. With the prevailing anti-tax sentiment among many members of the legislature, it's disappointing but not surprising that there was no substantial movement this session to bring forward new solutions to meet revenue needs.

Indeed, our state legislature is rife with denialism about the realities of the **PERMANENT GLOBAL SHIFT AWAY FROM FOSSIL FUELS**, especially coal, and the impacts that are already being felt in Wyoming energy communities. Some legislators even referred to the concept of energy transition as “defeatist” versus a necessary recognition of reality to help Wyoming workers and communities weather the inevitable big changes ahead. Rather than address these realities, many of our elected leaders are choosing to try to save coal by statute. We continue to see bills such as **HOUSE BILL 166, ANOTHER EFFORT TO PREVENT COAL-FIRED POWER PLANTS FROM CLOSING**, find success despite opposition from citizens and consumer advocates.

These themes will continue to play defining roles in the interim leading up to the 2022 session. Already, the tug-of-war over the idea that revenue declines are permanent and structural — rather than the result of inherent market “volatility,” as some fossil fuel proponents claim — has manifested in Joint Revenue committee discussions. But the revenue crisis touches essentially every state agency and major policy issue, so expect to hear from us about the ramifications of our current crisis increasingly in the context of conservation.

Finally, this interim, we also expect to see the Select Tribal Relations committee reconsider **SENATE FILE 88**, a bill intended to resolve the **OWNERSHIP STATUS OF FOSSILS AND ARTIFACTS** on split estates that raised major concerns for tribal interests. While an effort led by Rep. Andi Clifford would have amended the bill to address those concerns, the bill was ultimately passed without that change, and on further consideration the Select Tribal Relations committee decided to take it up as a topic in order to fix the statute. In other interim committees, we also expect to see important conversations around state-federal land exchanges continue, as well as around coal-fired power generation, carbon offsets, and reclamation.