

# 2023 LEGISLATIVE REPORT



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# 2023 Legislative Session

## Overview

The 82<sup>nd</sup> Session of the Oregon Legislature adjourned on June 25, the designated constitutional date for sine die.

The 2023 Session was both historic and unique for Oregonians; we welcomed a new Governor, Tina Kotek, and said goodbye to one of the longest serving members of the body, Senate President Peter Courtney. This was the first in-person session since the beginning of the Covid-19 pandemic and with it came a large contingency of new legislators that had never served inside the Capitol and never or rarely attended in-person meetings with their colleagues or the public. Adding to these challenges was the complicating factor of a Capitol building undergoing a seismic retrofit that at its core, was being demolished and rebuilt – much like the Legislative body itself.

The state also saw a large turnover in leadership in both chambers. In January, the Senate appointed Senator Rob Wagner President and Senator Kate Lieber Majority Leader. Senator Tim Knopp was re-appointed to the position of Minority Leader. Speaker Rayfield completed his second session as leader of the House, serving alongside long-time House member, Paul Holvey – Speaker pro tempore. Representative Julie Fahey completed her second term as House Majority Leader and Vicki Breese-Iverson continued serving as Minority Leader.

The Legislature introduced 2970 bills for consideration and passed 653 despite a six-week walkout by 10 Republicans that denied the Senate a quorum. The walkout left many critical bills, including most of the state agencies' budget bills and large amounts of federal funding allocations, in limbo. Ultimately, negotiations yielded deals among parties, and the Senate was able to return and pass all the budgets and several critical policy bills.

The walkout changed the Legislature's strategy for passing bills with a limited number of days left to conduct business, and as a result the Climate and Energy packages were negotiated and passed by combining 20 bills into two bills – HB 3409 and HB 3630, both of which are covered in this report.

The Oregon Public Utility Commission (PUC) tracked approximately 200 bills that either directly or indirectly impacted the agency or had the potential to impact. This report covers bills with a direct impact on the PUC, bills that touch on the PUC's work but do not directly impact our authority, and bills that failed to pass but could be introduced in a future session.

All bills introduced during the 2023 Legislative Session, along with their amendments, may be found on the [Oregon Legislative Information System](#) website. Enrolled bills are those passed and signed by the Governor. Permanent laws passed during the 2023 Legislative Session will be codified in the 2023 edition of Oregon Revised Statutes.

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## Public Administration

### [HB 2805](#) **Public Meetings**

HB 2805 modifies several definitions related to public meeting requirements under ORS 192.610. Under the bill, a public body may be subject to public records law when convening a meeting in a physical location for which a quorum is needed to make a decision or to deliberate toward a decision on any matter while using electronic video, telephone, electronic written communication, or an intermediary to communicate with participants the body.

The bill does not apply to deliberations of state agencies conducting hearings on contested cases under ORS chapter 183; communications of a governing body that are purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body.

**Effective: 9/24/2023**

**Chapter 417 (2023 Laws)**

### [HB 2806](#) **Public Body – Executive Sessions**

HB 2806 provides that a public body may hold an executive session for the purpose of considering matters related to the safety of the governing body and the public body staff, volunteers, security of the public facility and for responses to cyber security threats.

**Effective: 7/13/2023**

**Chapter 252, (2023 Laws)**

### [HB 2112](#) **Public Records**

HB 2112 updates definitions and terminology used in public records law pertaining to records retention and removes outdated terminology.

**Effective: 1/1/2024**

**Chapter 35, (2023 Laws)**

### [HB 3167](#) **Publication of Legal Notices**

HB 3167 modifies several definitions including “bona fide subscriber” and “newspaper” and adds the definition of “digital newspaper” to allow for publication of legal notices in digital newspapers. The bill allows a newspaper exemption under specified circumstances.

**Effective: 7/13/2023**

**Chapter 257, (2023 Laws)**

### [SB 11](#) **Public Meetings of State Government**

SB 11 requires state boards or commissions that meet through telephone or other electronic means to record and promptly post the meeting on a publicly accessible website or hosting service to allow members of the public, without charge, to observe and listen to meetings. The bill does not apply to instances where a state board or commission meets in executive session.

**Effective: 1/1/2024**

**Chapter 565 (2023 Laws)**

## Electric Utilities

### [HB 3143](#) PGE Securitization

HB 3143 authorizes a public utility, upon approval by the PUC, to issue bonds and securitize debt for costs and expenses incurred or to be incurred by a public utility associated with events subject to federal or state declaration of emergency or an energy conservation program that provides loans and cash payments to public utility customers.

**Effective: 7/31/2023**

**Chapter 529 (2023 Laws)**

## PUC-Introduced Legislation

### [HB 3160](#) PUC General Statutory Clean Up

HB 3160 makes minor, non-substantive changes to the statutes ([ORS 757](#), [ORS 758](#)) that govern PUC proceedings. These changes ensure procedural practices reflect current practices and proper notice occurs for various utility actions. HB 3160 focuses on three areas, and they include:

- **Rate Cases** – The PUC may suspend rates to conduct an investigation for a period of up to nine months. The bill codifies existing practices and eliminates the need for serial suspensions of tariff filings for PUC review. The bill removes an initial six-month period of suspension and an additional three-month suspension for rates or a schedule of rates to go into effect and replaces them with one nine-month suspension period.
- **Merger Dockets** – The bill eliminates the current 19 business day requirement for the PUC to approve mergers or acquisition of utilities. The bill removes the unrealistic time limit and gives the PUC and its stakeholders up to 11 months to review the proposed application, and the time limit may be extended by agreement between the PUC and the applicant.
- **Utility Territory Allocation** – The bill changes provisions to ensure more effective notice is given to affected customers when a utility seeks exclusive service territory designation or to amend previously allocated territories. The practice of filings being posted in newspapers circulated in areas of affected customers continues, and the bill adds requirements that all customers of record receive notification via mail or e-mail, and the PUC issue a press release to local media outlets serving the affected service areas.

**Effective: 1/1/2024**

**Chapter 53 (2023 Laws)**

### [HB 3161](#) Renewable Portfolio Implementation Plan (RPIP)

HB 3161 relates to electric company's plan to meet requirements of renewable portfolio standard (RPS) by amending ORS 469A.075 and 469A.170. The RPS contains compliance requirements for Oregon's two largest investor-owned utilities – PGE and PacifiCorp – and eligible electric service suppliers. Under [ORS 469A.075 and 469A.170](#) the utilities must each file a Renewable Portfolio Implementation Plan to the PUC every two years,

and an additional annual compliance report to the PUC detailing how they complied with the RPS requirements and at what cost.

HB 3161 eliminates the requirement for these utilities to file separate RPS implementation plans every two years and now requires them to describe their plans to meet the RPS as part of their Integrated Resource Plans and Clean Energy Plans. The bill also changes ORS 469A.170 dealing with compliance reporting that details utility and energy service supplier compliance, or their failure to comply, with the RPS.

**Effective: 1/1/2024**

**Chapter 54 (2023 Laws)**

### [HB 3173](#) **Tribal Consultation**

HB 3173 establishes the 15-member Task Force on Tribal Consultation for the purpose of identifying and clarifying requirements of state agencies to engage in tribal consultation. The House, Senate and Governor appoint membership. The task force is required to submit a report to the Legislature no later than September 15, 2024.

**Effective: 9/4/2023**

**Chapter 531(2023 Laws)**

### [HB 3179](#) **County Permitting of Renewable Energy Facilities**

HB 3179 modifies the definition of “renewable energy facility” further decreasing the jurisdictional thresholds of the Energy Facility Siting Council in favor of allowing the use of a county-by-county approach for siting larger solar facilities. The bill creates a requirement for counties to provide a decommissioning plan that must include bonding or other security as financial assurance for the restoration of the site to a useful, nonhazardous condition. State and local road authorities are prohibited from discriminating against or favoring a renewable energy facility when reviewing or granting an application to place, build or construct within the right of way of a state highway or county roadway.

**Effective: 1/1/2024**

**Chapter 336 (2023 Laws)**

### [HB 3201](#) **Broadband Access, Affordability and Adoption**

HB 3201 directs the Oregon Business Development Department to establish a program to provide financial assistance for the purpose of supporting broadband access, affordability, and adoption. The bill gives the agency the authority to adopt criteria for administration and provide preference to projects that serve unserved or underserved communities. The bill defines “underserved location” and “unserved location”.

HB 3201 provides a regulatory framework to align Oregon statute with federal rules, guidance, and best practices related to federal broadband funds by eliminating restrictions on the federal Coronavirus Capital Projects Fund. The measure aligns speed requirements and technology needs and requirements with access to funding. The bill provides several processes for public notice, comment, and challenges to applications.

**Effective: 7/18/23**

**Chapter 338 (2023 Laws)**

## Climate Package

### [HB 3409](#)      **Climate Package**

HB 3409 represents a package of several House and Senate policy bills that were compiled to address climate change. Not all these measures directly impact the PUC, captured here are those areas of HB 3409 that have a clear nexus to the PUC's work or related interests. Each heading includes the lead agency and the bill number where it originated.

[ORS 468A.205](#) is referred to throughout many sections of the bill, that statute relates to state policy for greenhouse gas emissions reduction goals.

#### **ODOE – Designated State Agency Programs for Energy Efficiency in Buildings – [SB 868](#)**

HB 3409 sets a new goal for owners, operators, or residents of residential or commercial buildings in the state to install and use at least 500,000 new heat pumps by 2030. The state is required to provide programs and support for the accelerated purchase and installation of heat pump technologies to help meet the state's greenhouse gas emission reduction goals. The bill designates the PUC, along with several other state agencies, as an agency involved in programs related to the promotion, implementation, incentivization or regulation of energy efficiency of buildings.

Greenhouse gas emissions reduction goals have been given the meaning of policies and goals for reducing greenhouse gas emissions to achieve, at a minimum, emission reductions consistent with the goals specified in ORS 468A.205.

The PUC, as a designated agency under HB 3409, shall consider actions to aid in achieving emission reductions that include considering greenhouse gas emissions reduction goals in designated state agency program regulatory decisions; and, working in consultation with other agencies to improve access to existing and new programs related to energy efficiency and resilience; and, where appropriate, reduce or eliminate barriers to accessing energy efficiency measures or appliances that result in the greatest available energy efficiency and reductions of greenhouse gas emissions.

The Oregon Department of Energy (ODOE) is required to submit a report to the Governor and the Legislature by September 15 of each odd-numbered year beginning in 2025 evaluating the rate of heat pump technology adoption and progress in emission reductions. ODOE is required to collaborate with other designated state agencies.

HB 3409 creates the Energy Efficient Technologies Information and Training Fund. These funds may be used by ODOE to collaborate with other state agencies to reduce financial and nonfinancial barriers to home energy efficiency and resilience, and will prioritize workforce training, education and awareness of programs, rebates, and the need for heat pumps and other energy efficiency upgrades. \$2 million has been appropriated for this fund.

#### **DCBS: Energy Efficiency in New Buildings – [SB 869](#)**

The bill directs the Department of Consumer and Business Services (DCBS), through the approval of their appropriate advisory boards, to exercise their current authority to facilitate emission reductions consistent with the greenhouse gas emissions reduction goals in ORS 468A.205. This direction includes, among other



provisions, setting goals for improved energy efficiency in buildings for each code development cycle; specifying energy efficiency goals for new residential and commercial construction to achieve by 2030, at new residential and commercial building sites, at least a 60 percent reduction in annual energy consumption from statewide building code standards in effect in 2006; and update the Reach Code under [ORS 455.500](#).

DCBS must study the use of lower carbon materials in the statewide building code or applicable specialty code, or other means for reducing greenhouse gas emission attributable to building materials that DCBS identifies through consultation with the Department of Environmental Quality (DEQ) and report to the Legislature by December 31, 2024.

#### **ODOE - Energy Performance Standards for Covered Commercial Buildings – [SB 870](#)**

Several sections of this bill provide direction to ODOE on the creation and adoption of a new commercial building energy performance standard program based on the American National Standards Institute’s standards for Energy Efficiency in Existing Buildings (ANSI/ASHRAE/IES Standard 100). ODOE is required to adopt rules for the new program by December 31, 2024, and update the standard no later than July 1, 2029, and each successive year for five years. The bill states that in adopting the energy performance standard ODOE may require utilities, eligible building owners and other entities to aggregate data for covered commercial buildings that have multiple meters and to report or provide the aggregated data for reports required under the bill.

The bill creates two tiers of commercial buildings and compliance requirements for the new energy performance standards with deadlines for compliance, and civil penalties on building owners for non-compliance. ODOE is required to establish and administer a \$2 million incentive program for early and voluntary adopters of the Tier 1 and Tier 2 building requirements.

Tier 1 buildings include hotels, motels, and nonresidential buildings equal to or larger than 35,000 square feet (excluding parking garages). Tier 2 buildings include hotels, motels, and nonresidential buildings larger than 20,000 square feet and less than 35,000 square feet, in addition to multifamily residential, schools, dormitories, universities, and hospitals that are equal to or greater than 35,000 square feet (excluding parking garages).

#### **DAS - State Agencies to Conduct Assessment of Energy Use – [SB 871](#)**

The Department of Administrative Services (DAS) with cooperation from ODOE, is required to develop a methodology and work plan for state agencies to implement a comprehensive assessment of energy use and greenhouse gas emissions of **state-owned** buildings. DAS may require agencies to conduct assessments in phases or stages and specify a minimum building size subject to assessments. DAS may procure and make available to state agencies services from contractors to conduct assessments. The bill requires DAS, in collaboration with DEQ and ODOE, to oversee all capital projects for major renovation that exceed \$1 million in estimated contract price. Eligible state agencies must provide regular progress reports to DAS on capital projects.

#### **DEQ - Rebate Program – Medium and Heavy Duty Zero-Emission Vehicles – [HB 2714](#)**

The bill directs DEQ to establish and administer a rebate program for purchasing or leasing eligible zero-emission vehicles with a gross vehicle weight rating of 8,501 pounds or greater. The bill establishes the Zero-Emissions Medium and Heavy-Duty Vehicle Incentive Fund. The bill appropriates \$3 million and stipulates that the Environmental Quality Commission by rule must require that at least 40 percent of the moneys deposited in the fund per biennium are allocated to fund the provision of rebates for vehicles located in communities disproportionately burdened by diesel pollution.

### **DLCD - Finding Opportunities and Reducing Conflict in Siting Solar Power Generation Facilities – [HB 3181](#)**

HB 3409 directs the Oregon Department of Land Conservation and Development (DLCD) to conduct a rulemaking by November 3, 2023, to allow local governments to consider solar power generation a rural use for purposes of justifying a reason for a goal exception under Chapter 600 of Oregon’s administrative rules. The rules shall take into consideration potential conflicts with resource lands, public feedback, suitability for contributing to the state’s clean energy goals, proximity to future and current transmission access and locations for potential interconnection, the ability to avoid negative impact on natural resources, forestry, habitat, agriculture, community needs and historic, cultural, or archaeological resources.

Under the bill, the DLCD is allowed to enter into intergovernmental agreements with other state agencies and tribal governments for several purposes including furnishing information or technical assistance and identifying opportunities to streamline permitting and review practices across and between state agencies.

The bill requires DLCD to appoint a Rules Advisory Committee (RAC) and describes the members needed to fulfill the RAC’s obligations under the bill. The RAC is required to produce a report that DEQ must submit to the Legislature by September 15, 2025.

### **ODOE - Oregon Climate Action Commission formerly the Global Warming Commission – [SB 522](#)**

HB 3409 renames the Oregon Global Warming Commission to the Oregon Climate Action Commission (OCAC) and expands the membership of the commission by adding one member with experience in environmental justice, a youth member, as well as directors from several state agencies including those representing Department of Land Conservation and Development; Oregon Health Authority; Oregon Business Development Department; Department of Administrative Services; Fish and Wildlife; Housing and Community Services and the executive director of the Oregon Watershed Enhancement Board.

The bill requires that state agencies regularly report to the commission on their efforts and progress toward the greenhouse gas emissions reduction goals in ORS 468A.405 and to prepare for the effects of global warming.

OCAC, working with ODOE and DEQ, is required to prepare a detailed forecast of expected greenhouse gas emission reductions; and periodically evaluate the greenhouse gas emissions reduction goals established by ORS 468A.205 and, as necessary, make recommendations to the Legislature for updating the goals based on best available science. OCAC is further required to submit a report to the Legislature by December 1 (a change from March 31) of each even-numbered year (a change from odd-numbered years) that describes Oregon’s progress in meeting its greenhouse gas emissions goals.

### **DEQ - Opportunities to Reduce Oregon’s Consumption-Based Greenhouse Gas Emissions – [SB 522](#)**

Under the bill, DEQ in consultation with OCAC, is required to evaluate opportunities to reduce Oregon’s [consumption-based emissions](#), and report its findings and recommendations to the Legislature by September 15, 2024.

### **ODOE - Extension of Sunset for Solar and Storage System Rebate Program – [HB 3418](#)**

HB 3409 extends the sunset for the [Oregon Solar + Storage Program](#) to January 2, 2029, and SB 5506 allocated an additional \$10 million to the program. The bill also made changes to the program to require that only the purchase of the solar and storage system occur at the same time and removed the requirement that the contractor purchase, construct and install a paired solar and storage system together.

### ODOE – Residential Heat Pump Program – [HB 3056](#)

HB 3409 makes several changes to the Heat Relief Bill (SB 1536/2022). These changes include the following:

- Makes changes to the meaning of the term “extreme heat event” and the use of “forecast zone” as it applies to where a premise is located.
- Grant recipients must report to ODOE on the status and use of funds for the period July 1 through June 30.
- Reporting deadline for the Oregon Heat Pump Program is extended from September 15, 2023, to December 31, 2023.

**Effective: 7/27/2023**

**Chapter 442 (2023 Laws)**

## Electric Vehicles

### [HB 3550](#) State Agency Lease/Purchase of EVs

HB 3550 requires a state agency that leases or purchases a new light-duty vehicle on or after January 1, 2025, to only purchase a zero-emission vehicle as defined under ORS 283.398. The bill amends the definition of “light-duty vehicle” to mean a vehicle with a gross vehicle weight rating of 8,500 pounds or less and could include a passenger car, station wagon, pickup truck, minivan equipped for passengers or cargo, sport utility vehicle, crossover vehicle or similar specialty vehicle. The bill offers exceptions under specific circumstances.

**Effective: 1/1/2024**

**Chapter 553 (2023 Laws)**

## Energy Package

### [HB 3630](#) Energy Package

#### ODOE - Assistance for Environmental Justice Communities – [SB 852](#)

HB 3630 requires ODOE to establish a program to provide assistance with energy projects and activities to environmental justice communities as defined in [ORS 469A.400](#). The program must provide information regarding funding resources, technical assistance, and other support that may be available.

#### ODOE - State Energy Strategy – [HB 2534](#)

The bill directs ODOE to develop a comprehensive state energy strategy that identifies pathways to achieving the state’s energy policy objectives. The bill identifies the types of parties that must inform the strategy and factors that must be considered when identifying optimized pathways. ODOE is required to engage with relevant state agencies, federally recognized tribes, and stakeholders that represent a diverse range of interests, perspectives, and education; socioeconomic backgrounds; communities; and geographic areas of the state.

The department may contract with third parties for assistance in performing the department’s duties under this section, including assistance with technical or facilitation services.

All agencies of the state are required to furnish information and advice to the department that are considered necessary to perform the department's duties under this section.

ODOE is required to produce a report on the energy strategy and submit the report to the Legislature by November 1, 2025. The report is required to recommend legislation or changes to policy necessary to implement the state energy strategy.

#### **ODOE - County Energy Resilience Plans – HB 3378**

HB 3630 finds that counties should plan for and develop energy resilience in preparation for major grid disruptions to enable them to maintain basic services and functions. The bill outlines key provisions for developing energy resilience plans that include the identification and mapping of existing energy infrastructure located within the county, including transmission and distribution lines, substations and energy storage systems; inventory of the energy consumption needs for critical public service facilities; areas where development of alternative energy generation and storage resources will meet local energy resilience needs; and, opportunities to coordinate and locate energy infrastructure development to align with and support critical public service facilities. Critical public service facilities are defined in the bill to mean those facilities related to law enforcement, fire protection, health and medical services, fuel and fueling, public works and engineering, public information and communications, and emergency response.

Investor-owned utilities operating or serving customers in a county that is developing an energy resilience plan are required, to the best of their ability, to assist with requests from the county for information about energy infrastructure located or serving customers of the county, if information is exempt from disclosure under ORS 192.355.

The Oregon Department of Energy is required to establish a grant program to cover costs of developing energy resilience plans that meet the requirements laid out in the bill. ODOE has been allocated \$2 million for grants under the new program and individual counties may be awarded up to \$50,000. ODOE is required to report to the Legislature in 2025 identifying the counties that have received grants and the status of their energy resilience plans.

#### **ODOE - Home Energy Programs – HB 3166 A**

ODOE in consultation with the Housing and Community Services Department is required to establish two new programs; one that will create a whole home energy program to provide rebates to homeowners, multi-family building owners and aggregators for home energy efficiency retrofits, and a second that provides high-efficiency electric home rebates for the purchase and installation of appliance and non-appliance upgrades. One focus of the program is to ensure the programs maximize benefits for applicants by leveraging federal and state resources.

#### **State Department of Energy Single Resource – HB 3166 A**

ODOE is directed to create a single resource that provides interested parties with information, technical assistance, and assistance in finding contractors and financing options related to energy efficiency incentives and programs. ODOE is responsible for coordinating the exchange of information and data between federal and state agencies, private and public utility providers, and energy efficiency incentive or program providers to create and maintain the single resource. ODOE is authorized to contract with an entity to carry out certain provisions in this section of HB 3630.

## Appropriations for HB 3630

The Legislature allocated \$4,238,727 in General Fund appropriation to carry out provisions for the state energy strategy and the creation of the home energy programs – sections 1-8.

The Legislature increased ODOE’s budget limitation for expense related to provisions to assist Environmental Justice Communities by \$402,385 – section 1.

**Effective: 7/31/2023**

**Chapter 562 (2023 Laws)**

## Budget

### [SB 5534](#)      **PUC 2023-25 Budget – Effective July 27, 2023**

SB 5534 is the 2023-25 budget bill for the PUC, which is funded primarily from a Utility Gross Operating Revenue fee, the Residential Service Protection Fund (RSPF), and the Oregon Universal Service Fund. The agency also receives federal funds from the United States Department of Transportation for the Natural Gas Pipeline Safety Program.

The PUC receives a Utility Gross Operating Revenue fee of up to 0.45 percent assessed on a utility’s annual gross operating revenue. On average, the PUC’s regulatory oversight costs consumers approximately \$0.37 per month on each natural gas, electric, telecommunications, and water bill. Additionally, a RSPF surcharge is applied to each paying retail subscriber who has telephone, cellular, or interconnected voice over internet protocol service with access to the Oregon Telecommunication Relay Service and pays \$0.03 per month to support the RSPF program. In statute, the PUC can assess an amount not to exceed \$0.35 per month. The surcharge is reviewed annually to ensure revenue matches expenditures. The PUC’s Natural Gas Pipeline Safety Program receives Federal Funds that cover approximately 60 percent of the costs to operate this program.

The Residential Service Protection Fund (RSPF) program is projecting to need fewer operating funds in the 2023-25 biennium and Other Funds expenditure limitation for the RSPF will be reduced by \$2,000,000.

SB 5534 creates a total funds budget of \$118,797,606, which is comprised of \$62,754,500 Other Funds expenditure limitation, \$54,829,960 Other Funds Nonlimited, \$1,213,146 Federal Funds expenditure limitation, and 142 positions (141.00 FTE). The budget is a 2.5 percent increase from the 2021-23 Legislatively Approved Budget and a 0.4 percent increase from the 2023-25 Current Service Level.

The following amounts were established in SB 5534:

(1) Utility program	\$40,839,567
(2) Residential Service Protection Fund	\$10,589,606
(3) Administration	\$10,316,913
(4) Oregon Board of Maritime Pilots	\$1,008,414

**Effective Date: 7/27/2023**

**Chapter 483 (2023 Laws)**

## 2024 Legislature

### [HCR 38](#)      **2024 Legislative Session Limitations and Deadlines**

HCR 38 creates the administrative framework for the 2024 short Legislative Session. The bill establishes by law the number of bills that each Legislator and legislatively created committee may introduce during the 2024 Session and the timelines and exceptions that govern the drafting of measures.

The bill states that members of the Senate and House may each prepare and submit no more than two drafts of measures for the 2024 Legislative Session. Interim Committees of both chambers may prepare and submit no more than three drafts of measures. The Governor and Chief Justice of the Supreme Court are both limited to introducing no more than three draft measures. In the past both the Governor and Chief Justice were allowed to introduce five measures for each short session.

The limitations on measure introductions do not apply to:

- The President of the Senate
- The House Committee on Rules
- Joint Committee on Ways and Means with respect to appropriation of fiscal measures
- Joint Committee on Conduct, the Senate Committee on Conduct, or the House Committee on Conduct with respect to matters, procedures, policies, and rules within the jurisdiction of a committee on conduct as set by rule or prescribed by statute.

HCR 38 establishes the following deadlines for drafting and the submission of measures prior to the start of the 2024 session:

- Members, committees, the Governor, and the Chief Justice must submit their request for drafts of measures to the Office of Legislative Counsel on or before 5:00 p.m. on **November 9, 2023**.
- The Office of Legislative Counsel must deliver draft measures back to requestors on or before 5:00 p.m. on **January 8, 2024**.
- Requestors must submit drafts of measures for introduction to the Senate Desk or the House Desk no later than 5:00 p.m. on **January 12, 2024**.

Exceptions to these deadlines exist for the President of the Senate, the House Committee on Rules, Joint Committee on Ways and Means, and the Joint Committee on Conduct, the Senate Committee on Conduct, or the House Committee on Conduct.

**Filed with the Secretary of State 6/29/2023.**

## Bills that Failed to Pass

[SB 678 A](#) – This bill created a policy for the state, that counties and tribal territories that share coastlines with offshore wind energy development benefit from wind energy development and offshore wind lease payments and that a meaningful share of the benefits go to local and regional communities that represent coastal,

fishing, and tribal communities, ecosystems and environments, and economies. DLCD would have been required to lead efforts to carry out the policies established in the bill and lead outreach and coordination efforts with state agencies, local governments, and affected communities. The bill required DLCD to develop a report covering their implementation activities and to submit the report to the Legislature by December 31, 2024.

**HB 2816** – This bill created a greenhouse gas reduction mandate for owners of high energy use facilities that had a primary purpose of providing electronic data processing or hosting those services or was producing or processing cryptocurrency or services related to cryptocurrencies, and if the facility used a base load of 10 or more megawatt-hours and was the customer of a consumer-owned utility. The bill provided penalties and an exclusion from receiving tax benefits for non-compliance. The bill defined “baseline emissions level” and “high energy use facility,” and set greenhouse gas emissions reduction amounts at:

- (a) By 2027, 60 percent below baseline emissions level
- (b) By 2030, 80 percent below baseline emissions level
- (c) By 2035, 90 percent below baseline emissions level
- (d) By 2040, 100 percent below baseline emissions level

**HB 3055 A** – This bill would have required the PUC to establish an eligibility cap for standard avoided cost rates and contracts for the purchase of energy or energy and capacity from qualifying facilities at no less than 10 megawatts. It would have removed the requirement for the PUC to establish an eligibility cap for nameplate capacity for a small power production facility that produces energy using solar or wind energy to qualify as a qualifying facility at no less than 10 megawatts. The bill would have required the PUC to permit an energy storage system to be paired with a qualifying facility such that the energy storage system provides storage capacity for the energy produced by the small power production facility.

**HB 3459 A** – This bill would have extended the sunset on the requirement for the PUC to provide, through rates charged to all customers of electric companies, funds for low-income electric bill payment and crisis assistance from January of 2024 to January of 2026. The bill would have reduced the amount collected from \$10 million to \$5 million per calendar year, and removed the requirement that assistance be only for customers who lost income due to circumstances arising from disease caused by SARS-CoV-s.