

GOVERNMENTAL AFFAIRS REPORT

FEDERAL – Legislative

S. 2820 – Congressional Oversight of the Antiquities Act. On September 14, [S. 2820](#), known as the Congressional Oversight of the Antiquities Act, was introduced by Sen. Mike Lee (R-UT). The bill would reform the Antiquities Act “to ensure more transparent and accountable designations of national monuments.” Sen. Lee said, “Since its inception, the Antiquities Act has been a tool to protect archaeological resources on public lands. Over the years, however, there have been instances where the Act’s broad language has been used to unilaterally designate vast amounts of public land as national monuments without sufficient public input or Congressional oversight.” Further, “The bill highlights instances like the designation of the Grand-Staircase-Escalante National Monument under President Clinton and the Bears Ears National Monument under President Obama. Both monuments cover millions of acres. Most recently, President Biden’s establishment of a 917,600-acre monument in northern Arizona further underscores the necessity for reform.” House companion bill, [H.R. 5499](#), was introduced on September 14 by Rep. Mariannette Miller-Meeks (R-IA). [Read more.](#)

H.R. 5509 – Electronic Permitting Modernization Act. On September 14, [H.R. 5509](#), known as the Electronic Permitting Modernization Act, was introduced by Rep. Katie Porter (D-CA). The bill would “streamline the Department of Interior’s permitting process. Permission to use federal lands for various activities would be easier to acquire under the bipartisan bill, which establishes a centralized location to access each type of permit.” According to Rep. Porter, “The Electronic Permitting Modernization Act would push the Department of Interior into the 21st century by encouraging the development of electronic

permits that are easily accessible. It would require the Department of Interior to centralize these permits onto one webpage and provide resources to help individuals get assistance with permitting questions. The bill establishes reporting mechanisms to help Congress hold the Department accountable for its e-permitting implementation.” [Read more.](#)

H.R. 5482 – Energy Poverty Prevention and Accountability Act of 2023. On September 26, official bill text was made available for [H.R. 5482](#), known as the Energy Poverty Prevention and Accountability Act of 2023. Sponsored by Rep. Harriet Hageman (R-WY), the bill “would force the Biden Administration to be transparent in providing realistic economic impacts of anti-energy policies.” According to Rep. Hageman, the bill “requires reviews of existing energy laws and regulations to determine if they are adversely impacting energy prices, and establishes metrics to ensure future laws and regulations do not inflict energy poverty on at risk communities. This legislation responds directly to President Biden’s targeting of resource producing states like Wyoming at the expense of all Americans who benefit from reliable and affordable energy.” Senate companion version, [S. 2826](#), was introduced the same day by Sen. Dan Sullivan (R-AK). [Read more.](#)

H.R. 5457 – Carbon Dioxide Removal Research and Development Act of 2023. On September 14, [H.R. 5457](#), known as the Carbon Dioxide Removal Research and Development Act of 2023, was introduced by Rep. Paul Tonko (D-NY). According to Rep. Tonko, “The bill responds to the realities of climate change and follows the recommendations of the scientific community to implement a federal plan to develop carbon dioxide removal (CDR) technologies.” Specifically, the bill “launches a 10-year, multi-agency

program for carbon dioxide research, development & demonstration; incorporates diverse and innovative technologies, including direct air capture, biological carbon removal, and ocean-based carbon removal; establishes and funds a robust research program at the National Science Foundation to ensure that developments in carbon dioxide removal are guided by the best available science and data; [and] prioritizes holistic social, economic, and environmental considerations to minimize risk and maximize co-benefits to ecosystems and communities.” The Senate companion version, [S. 2812](#), was introduced by Sen. Brian Schatz (D-HI). [Read more.](#)

S.J. Res. 9 – Lesser Prairie-Chicken Joint Resolution of Disapproval. (*Update to 3/6/23 Report*) On September 26, President Biden vetoed [S.J. Res. 9](#), a joint resolution of Congress that “would prevent the lesser prairie-chicken from receiving protected status under the Endangered Species Act.” [Read the veto message here.](#) The resolution, for which Congress failed to override the President’s veto, would have nullified the U.S. Fish and Wildlife Service rulemaking finalized on November 22, 2022, which determined threatened status for the Northern distinct population segments (DPS) and endangered status for the Southern DPS and “adds the DPSs to the List of Endangered and Threatened Wildlife.” (See [87 Fed. Reg. 72674](#)) According to the resolution sponsor, Sen. Roger Marshall (R-KS), “Placing the lesser prairie-chicken on the endangered species list should not be happening in the first place. Farmers, ranchers, and others in Kansas and the region have been instrumental in the recovery of the species to this point while the climate activists demanding this rule have no understanding of the threat it poses to Kansas’s economy, especially the energy and ag industries.” [Read more.](#)

Congressional Letter on Carbon Capture Utilization and Sequestration and Hydrogen Technology. On September 21, U.S. Representatives Jared Huffman (D-CA) and Sean Casten (D-IL) delivered a letter to President Biden regarding carbon capture utilization and sequestration and hydrogen technology. The congressmen wrote, “While we have

a range of views regarding carbon capture utilization and sequestration (CCUS) and hydrogen technology, we agree that infrastructure for these technologies should be deployed only with the highest environmental safeguards and would urge strongly against advancing deployment of these technologies without a safe and protective regulatory framework.” The letter writers ask for responses to a number of questions “regarding the work of the many agencies engaged with respect to CCUS and hydrogen technology and infrastructure.” [Read more.](#)

Federal Onshore Oil and Gas Program House Natural Resources Committee Hearing. On September 19, the House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, held an oversight hearing titled, *Examining the Biden Administration’s Mismanagement of the Federal Onshore Oil and Gas Program*. Witnesses included the Wyoming County Commissioners Association, Western Organization of Resource Councils, and Kathleen Sgamma, President of the Western Energy Alliance. To access a full video recording of the hearing and witness testimony, [Read more.](#)

[FEDERAL – Regulatory](#)

BLM Land Withdrawal – New Mexico. On September 18, the Interior Department “announced a proposal by the Bureau of Land Management (BLM) to protect more than 4,000 acres within the Placitas area in Sandoval County, New Mexico, to safeguard sacred Tribal lands, boost important local recreation opportunities, and support wildlife habitat connectivity. The proposed mineral withdrawal would prevent new mining claims and oil and gas development in the area for a 50-year period, subject to valid and existing rights.” [Read the announcement here.](#) (See also: [Notice of Proposed Withdrawal and Public Meeting, New Mexico](#); [88 Fed. Reg. 64924](#)). The public comment period is open through December 19, 2023. The BLM also announced a public meeting for the proposal to be held November 14, 2023 in New Mexico. [Read more.](#)

BLM Oil Shale Management Agency Information Collection Activities. On September 12, the BLM published a notice of information collection, *Agency Information Collection Activities; Oil Shale Management* ([88 Fed. Reg. 62592](#)). The notice is regarding a BLM renewal of information collection activities that “applies to the exploration, development, and utilization of oil shale resources on the BLM-managed public lands.” The public comment period is open through November 13, 2023. [Read more.](#)

BLM Draft Resource Management Plan and Environmental Impact Statement – California. On September 29, the BLM published a *Notice of Availability of the Draft Resource Management Plan and Environmental Impact Statement for the Redding and Arcata Field Offices and an Associated Environmental Impact Statement, California* ([88 Fed. Reg. 67344](#)). The notice announces that the BLM “has prepared a Northwest California Integrated Draft Resource Management Plan and Draft Environmental Impact Statement (Draft RMP/EIS) for the Redding Field Office and Arcata Field Office. By this notice, the BLM is providing information announcing the opening of the comment period on the Draft RMP/EIS and is announcing the comment period on the BLM’s proposed areas of critical environmental concern.” The planning area for this notice “is in Mendocino, Humboldt, Del Norte, Siskiyou, Trinity, Shasta, Tehama, and Butte counties, California, and encompasses approximately 382,200 acres of public land and approximately 295,100 subsurface acres of Federal mineral estate.” The notice opens a 90-day public comment period. [Read more.](#)

BLM Resource Advisory Council Meeting – Colorado. On September 29, the BLM announced that the Rocky Mountain Resource Advisory Council will hold its 2023 fall meeting on November 9, 2023 at the BLM’s Royal Gorge Field Office with a virtual participation option also available to the public. [Read more.](#)

BLM Minerals Management: Adjustment of Cost Recovery Fees. On September 28, the BLM published a final rule, *Minerals Management: Adjustment of Cost*

Recovery Fees ([88 Fed. Reg. 66695](#)), that “updates the fees set forth in the Department of the Interior’s onshore mineral resources regulations for the processing of certain minerals program-related actions. It also adjusts certain filing fees for minerals-related documents. These updated fees include those for actions such as lease renewals, mineral patent adjudications, and Applications for Permits to Drill (APDs).” [Read more.](#)

BLM Land Management – Wyoming. On September 12, the BLM published a proposed “supplementary rule to protect natural resources and provide for public health and safety. The proposed supplementary rule would apply to all public lands and BLM facilities in Wyoming.” (See [Notice of Proposed Supplementary Rule for Public Lands in Wyoming](#); [88 Fed. Reg. 62500](#)). The supplementary rule mainly regards certain behaviors and acts on Wyoming federal lands and does not alter the existing resource management plans related to oil and gas leasing. The public comment period is open through November 13, 2023. [Read more.](#)

Energy Department Hydrogen Funding. On September 20, the U.S. Department of Energy (DOE) announced “\$47.7 million in funding for 16 research, development, and demonstration (RD&D) projects across 13 states to advance clean hydrogen technologies. The selected projects aim to lower technology costs, enhance hydrogen infrastructure, and improve the performance of hydrogen fuel cells—supporting DOE’s efforts to reduce costs and enable commercial-scale deployment of clean hydrogen, which is a versatile energy resource that can be produced with zero or near-zero emissions.” U.S. Energy Secretary Jennifer M. Granholm said, “Today’s announcement will help accelerate DOE’s efforts to advance clean hydrogen, providing the nation another exciting tool to clean up some of our most energy-intensive sectors while revitalizing American manufacturing for decades to come.” [Read more.](#)

ONRR Notice of Information Collection. On September 26, the Interior Department’s Office of Natural Resources Revenue (ONRR) published a notice of information collection, *Agency Information Collection Activities: Outer Continental Shelf (OCS) Net Profit*

Share Payment ([88 Fed. Reg. 66049](#)), that is proposing to renew an information collection for “renewed authority to collect information necessary to determine net profit share payments due the United States pursuant to Outer Continental Shelf oil and gas leases.” According to the notice, “ONRR collects information necessary to receive and verify net profit share payments due the United States pursuant to Outer Continental Shelf oil and gas leases. The requirement to accurately and timely maintain and provide this information is mandatory.” The public comment period is open through October 26, 2023. [Read more.](#)

U.S. Department of Labor Overtime Pay Rule.

On September 18, the U.S. Department of Labor announced it “is updating and revising the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. Significant proposed revisions include increasing the standard salary level to the 35th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (currently the South)—\$1,059 per week (\$55,068 annually for a full-year worker)—and increasing the highly compensated employee total annual compensation threshold to the annualized weekly earnings of the 85th percentile of full-time salaried workers nationally (\$143,988). The Department is also proposing to add to the regulations an automatic updating mechanism that would allow for the timely and efficient updating of all the earnings thresholds.” (See [Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees](#); 88 Fed. Reg. 62152). The public comment period for this notice of proposed rulemaking is open through November 7, 2023. As noted by Steptoe & Johnson, “Although the proposed rule has not yet gone into effect, employers should reevaluate the compensation structure for their employees with an eye on the new proposed salary threshold for overtime.” [Read more.](#)

White House Guidance on Social Cost of Greenhouse Gases. On September 21, The Biden White House announced it is directing federal agencies

to consider the Social Cost of Greenhouse Gases (SC-GHG) in the development and implementation of their budgets, in their procurement processes, and in environmental reviews conducted pursuant to the National Environmental Policy Act as appropriate. According to the White House, by taking this action, “the Biden-Harris Administration is announcing another key step to catalyze further action across the federal government and protect people from the growing impacts of the climate crisis by accounting for climate change impacts in certain key agency decisions.” [Read more.](#)

White House Launches American Climate Corps.

On September 21, the Biden administration launched the American Climate Corps, “a workforce training and service initiative that will ensure more young people have access to the skills-based training necessary for good-paying careers in the clean energy and climate resilience economy.” According to the White House, the American Climate Corps “will mobilize a new, diverse generation of more than 20,000 Americans – putting them to work conserving and restoring our lands and waters, bolstering community resilience, deploying clean energy, implementing energy efficient technologies, and advancing environmental justice, all while creating pathways to high-quality, good-paying clean energy and climate resilience jobs in the public and private sectors after they complete their paid training program.” [Read more.](#)

FEDERAL – Judicial

ESG Climate and Environmental Factors

Department of Labor Rule. On September 21, a federal judge appointed by President Trump sided with the Biden administration’s Department of Labor “on an administration rule that would allow retirement advisers to include climate and environmental factors in their calculations.” In his ruling in [State of Utah v. Walsh](#) (Case No. 2:23-cv-00016-Z), Judge Matthew Kacsmaryk of the Northern District of Texas, “granted the administration’s petition to dismiss a lawsuit by 25 Republican state attorneys general, led by Texas’s Ken Paxton and Utah’s Sean Reyes.” As reported by *The Hill*, “Kacsmaryk’s 14-page ruling

rejects the red states' argument that the environmental and sustainable governance (ESG) rule violates the Administrative Procedure Act and the Employment Retirement Income Security Act, which regulates retirement plans. He wrote that the Biden administration rule still complies with those statutes, because it prioritizes financial considerations over environmental ones and thus has no 'overarching regulatory bias in favor of ESG strategies.'"

[Read more.](#)

Federal Offshore Oil and Gas Lease. In a victory for the oil and gas industry, on September 21, the U.S. District Court for the Western District of Louisiana issued a preliminary injunction against the Biden administration "requiring the Interior Department to go ahead with its impending Gulf of Mexico oil and gas lease sale without the restrictions on acreage and ship movements that were added just a month before the planned sale." In [State of Louisiana v. Haaland](#) (Case No. 2:23-cv-01157-JDC-KK), plaintiffs who are the State of Louisiana, American Petroleum Institute, and Chevron USA Inc., and Shell Offshore Inc. "seek to halt the addition of a term to Lease Sale 261 by the Bureau of Ocean Energy Management and the withdrawal of six million acres from that sale." The Interior Department sought to add restrictions on acreage and ship movements "that were added just a month before the planned sale." In short, this "eleventh hour" move by the Interior Department would pull roughly 6 million acres off the auction block which Louisiana argued could cost the state as much as \$2.2 million in lost royalties. Here, the court "found that an injunction was warranted because the industry plaintiffs were likely to succeed at trial in their charges that BOEM violated the Outer Continental Shelf Lands Act (OCSLA) and the Administrative Procedure Act in the way BOEM tacked on acreage restrictions and ship restrictions without adequate justification in terms of legal and regulatory procedure and without adequate opportunity for public comment. The extra restrictions were announced to protect Rice's whales, an endangered species only known to live in the northeastern Gulf of Mexico in an area where no oil and gas leasing occurs. BOEM in January concluded that the restrictions in place to protect whales

appeared sufficient, 7 months before announcing new restrictions." The court wrote, "The process followed here looks more like a weaponization of the Endangered Species Act than the collaborative, reasoned approach prescribed by the applicable laws and regulations. Even when an agency's decision is based on political considerations, it is not excused from justifying the position—particularly when the decision is a pivot from a prior policy." In response to the ruling, the Interior Department filed a notice on September 22 that it would appeal the preliminary injunction to the U.S. Court of Appeals for the Fifth Circuit. On September 26, [that court ruled against the Biden administration and environmental activists](#) by leaving the lower court order in place and specifically ordered that the offshore sale take place no later than November 8, 2023. [Read more.](#)

STATE – Legislative

Local Taxation – California. On September 20, Democrat-sponsored measure, ACA-1, was enacted by the legislature without the governor's signature. "This constitutional amendment, subject to voter approval, allows a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure, as specified." As no effective date was provided, the law takes effect on January 1, 2024 under California law. [Read more.](#)

Taxation – Michigan. On September 14, HB 5008 was introduced by Rep. Nate Shannon (D). The bill amends existing tax law to provide that "To the extent deducted in arriving at federal taxable income, add any specified outsourcing expenses. For purposes of this subdivision: (i) 'Eligible expenses' means any trade or business expenses that the taxpayer is allowed to claim as a deduction under section 162 of the internal revenue code and any permit and license fees, lease brokerage fees, equipment installation costs, and any other similar expenses.(ii) 'Specified outsourcing expenses' means any eligible expenses paid or incurred by the taxpayer and attributable to the elimination of any trade or business of the taxpayer

that was located in this state and any eligible expenses paid or incurred by the taxpayer and attributable to the relocation of any trade or business of the taxpayer that was previously located in this state and subsequently reestablished outside of this state.” [Read more.](#)

STATE – Regulatory

Environmental Justice Policy – Pennsylvania.

On September 16, the Pennsylvania Department of Environmental Protection (DEP) adopted an interim final [Environmental Justice Policy](#). According to the DEP, “The purpose of the policy is to facilitate environmental justice in communities across the Commonwealth of Pennsylvania and to ensure equity and environmental justice in the administration of DEP’s constitution, statutory, and regulatory duties.” There is a formal public comment period open until October 29, 2023. The DEP will also hold a number of public meetings throughout October. [Read more.](#) According to law firm K&L Gates, the interim policy “will materially impact how and when major environmental permits are issued in Pennsylvania and also impact enforcement of environmental laws in EJ areas.” Further, “The Interim Final EJ Policy is a significant modification and expansion of the Department’s prior EJ policy, effective since 2004, with respect to (1) the indicators considered in determining whether a permit application will trigger review under the policy, and (2) in the amount of discretion provided to the Department during the permitting process and, separately, during an enforcement action brought by DEP involving an EJ area.” [Read more.](#)

RRC Commissioner Christian Opposes Proposed Endangered Species Designation – Texas.

On September 28, Texas Railroad Commissioner Wayne Christian sent a letter to the Biden Administration’s U.S. Fish and Wildlife Service (USFWS) director opposing the USFWS pending rule which would designate the Dune Sagebrush Lizard as an endangered species under the Endangered Species Act (ESA). (See [Endangered and Threatened Wildlife and Plants: Endangered Species Status for the Dunes Sagebrush Lizard](#); 88 Fed. Reg. 42661).

According to Christian, this classification will specifically impact hydrocarbon exploration and production in West Texas since the lizard species habitat is specifically found in the Permian Basin region. In the letter, Commissioner Christian detailed “concerns that this unnecessary action could severely stifle Texas oil and natural gas operations, weaken American energy independence, and jeopardize U.S. national security.” Christian said, “Texas must fight the Biden Administration on this most recent ‘weaponization’ of the ESA trying to shut down oil and gas operations in the Permian Basin.” [Read the letter here.](#)

RRC Energy Conservation Programs and Gas Utility Service Rulemaking – Texas. On September 19, the Texas Railroad Commission (RRC) released a proposed new update to [16 Texas Administrative Code §7.480](#), relating to Energy Conservation Programs, and [proposed amendments](#) to [§7.460](#), relating to Suspension of Gas Utility Service Disconnection During an Extreme Weather Emergency. Per the RRC, “Staff proposes the new rule pursuant to [House Bill 2263](#), 88th Legislative Session (2023) which added new Subchapter J, Natural Gas Energy Conservation Programs, in Chapter 104, Texas Utilities Code. The amendments to §7.460 are proposed pursuant to Texas Utilities Code §105.023, which requires the Commission to adopt a classification table to guide courts in issuing civil penalties against gas utilities who disconnect service to residential customers during an extreme weather emergency.” The public comment period is open through October 25, 2023. [Read more.](#)

STATE – Judicial

Bona Fide Purchaser Status; Mineral Rights – New Mexico. In a recent case, *Premier Oil & Gas, Inc. v. Welch* (Case No. 2023-NMSC-017), the New Mexico Supreme Court addressed a situation in which the Court of Appeals “held that an heirship judgment that conveyed mineral rights to a good faith buyer’s predecessor in interest was void for lack of jurisdiction.” Here, the “issue presented for the New Mexico Supreme Court was whether the buyer was

entitled to rely on the void judgment in its claim of bona fide purchaser status.” Relying on case precedent, the Supreme Court “concluded that a party who purchases property sold under a judgment that is not void on its face is entitled to bona fide purchaser status.” The court “further clarified that extrinsic evidence of lack of jurisdiction was not permitted to overcome the rights of a purchaser who properly relied upon the order of the court as ‘an authority emanating from a competent source.’” Thus, here, the court held that Premier Oil & Gas, Inc. “was a bona fide purchaser” and affirmed the Court of Appeals decision. [Read more.](#)

NPRI Floating Royalty Interests – Texas. In a recent case, *Johnson v. Clifton* (Case No. 08-22-00132-CV), parties filed an appeal to a trial court order in which a Reeves County, Texas court “interpreted a 1951 deed as conveying a fixed 1/128th royalty interest to the grantees.” The successors-in-interest to the grantees contended that “the trial court erred and should have instead interpreted the deed to convey a floating 1/16th royalty interest to the grantees. On cross-appeal, certain Appellees contend that the trial court correctly interpreted the deed, while others contend that the deed conveyed a 1/128th mineral interest, with a corresponding 1/128th floating royalty interest.” Here, the Texas Court of Appeals (Eighth District) reversed the trial court’s order, finding that “the deed conveyed a non-participating 1/16th mineral interest with a corresponding floating 1/16th royalty interest.” [Read more.](#)

Floating Royalty Interests – Texas. In a recent case, *Permico Royalties, LLC v. Barron Properties Ltd.* (Case No. 08-22-00168-CV), the Texas Court of Appeals (Eighth District) addressed an appeal from a trial court order “granting summary judgment in favor of Barron Properties Ltd., Knackwurst Properties LLC, and E. Don Poage (collectively the Barron Entities), in which the trial court interpreted a 1937 deed as reserving a 1/16th fixed royalty to the original grantors and their heirs and assigns.” The appellants, “Permico Entities Royalties, LLC and Alden Oestreich (collectively the Permico Entities), who are successors-in-interest to the grantors, contend that the

trial court erred and should have instead interpreted the deed as reserving a 1/2 floating royalty interest.” Here, the appellate court reversed “the trial court’s order and render[ed] judgment that the deed reserved a 1/2 floating royalty interest.” [Read more.](#)

INDUSTRY NEWS FLASH

► **Institute for Energy Research Highlights List of Actions Taken by the Biden Administration Against Oil, Gas and Coal.** The Institute for Energy Research (IER), a free-market energy research nonprofit, has been building “a list of actions the Biden administration and Democrats have taken against oil, gas and coal. By November 2022, the list had 125 actions. By April, it had grown to 150. This month, the IER updated the list to 175 actions taken since President Joe Biden took office that have harmed oil, gas and coal industries. [Read more.](#) Alex Stevens, IER Manager of Policy and Communications, told *Cowboy State Daily* that with the 2024 election on the horizon, Biden is waving his anti-fossil fuel credentials. “It’s obvious that the administration, in order to appease parts of its base, is really focused on continuously rolling out more actions that are going to hurt the oil and gas industry.” [Read more.](#)

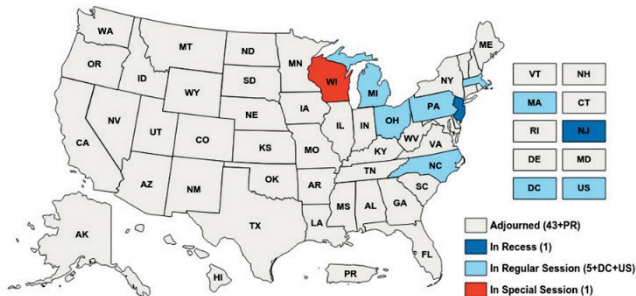
► **Goldman Sachs Rejects Climate Activist Calls to Stop Financing Oil and Gas.** Last week, Goldman Sachs CEO, David Solomon, told attendees at the American Energy Security Summit that this bank refuses to yield to climate activists calling for his company and others to stop financing oil and gas operations. “Traditional energy companies are hugely important to the global economy, they are hugely important to Goldman Sachs,” said Solomon. “We are all going to continue to finance traditional companies for a long time.” [Read more.](#)

► **Texas Upstream Oil and Gas Jobs Rise Again.** Last week, the Texas Oil and Gas Association (TXOGA) reported that the “Texas upstream oil and natural gas industry has added 12,100 jobs in 2023,” referring to newly released data from the Texas Workforce Commission. “In August alone, employment in the sector rose by 1,200 jobs, TXOGA highlighted.”

And since “the COVID-low point of September of 2020, industry has added 51,500 Texas upstream jobs, averaging growth of 1,479 jobs a month, TXOGA pointed out.” [Read more.](#)

LEGISLATIVE SESSION OVERVIEW

States in Session



Session Notes: Michigan, North Carolina, Ohio, Pennsylvania, and Wisconsin are in regular session. The U.S. Congress is also in session. North Carolina is scheduled to adjourn on October 2.

Oklahoma Republican Gov. Kevin Stitt signed an [executive order](#) on September 11 to reconvene the legislature for a special session, beginning October 3, regarding the state’s tax system. Governor Stitt outlined three agenda priorities for the special session which include a tax cut that puts Oklahoma on a path toward zero state income taxes, a measure to increase budget transparency and a trigger law mandating if a court rules an individual exempt from a state tax due to their race, heritage or political classification, then no Oklahoman will be required to pay that tax, reports [KOSU](#).

Texas Republican Gov. Greg Abbott announced that he will be calling for a special session in October. The special session will focus on school choice, with Governor Abbott saying he was “more determined than ever” to pass school choice, which would allow parents to use taxpayer dollars to remove their children from public schools, reports [The Texas Tribune](#). This proposal has faced resistance in the House previously, with both Democrats and rural Republicans blocking it.

Signing Deadlines (by date): **California** Democrat Gov. Gavin Newsom has until October 14 to sign or veto legislation or it becomes law without signature. **Michigan** Democrat Gov. Gretchen Whitmer has 14 days to act on legislation or it becomes law without signature. **Pennsylvania** Democrat Gov. Josh Shapiro has 10 days from presentment to act on legislation or it becomes law without signature.

The following states are currently holding 2023 interim committee hearings or studies: [Alabama](#), [Alaska](#), [Arizona](#), [Arkansas](#), [California Assembly](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Florida House](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Illinois House](#) and [Senate](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Minnesota](#), [Mississippi House](#) and [Senate](#), [Missouri House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire House](#) and [Senate](#), [New Mexico](#), [New York Assembly](#) and [Senate](#), [North Dakota](#), [Oklahoma House](#) and [Senate](#), [Oregon](#), [Rhode Island](#), [South Carolina House](#) and [Senate](#), [South Dakota](#), [Tennessee](#), [Texas House](#), [Utah](#), [Vermont](#), [Virginia House](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2023 bill drafts, pre-files and interim studies: [Alabama](#), [Delaware](#), [Florida](#), [Georgia](#), [Illinois House](#) and [Senate](#), [Iowa](#), [Nevada](#), [New Hampshire](#), [North Carolina](#), [Oklahoma House](#) and [Senate](#), [Tennessee](#), [Utah](#) and [Wyoming](#). ■

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