

WEEKLY HIGHLIGHTS AT-A-GLANCE**FEDERAL – Regulatory**

- **Public Lands – Wyoming.** On November 10, the state's county commissioners formally announced plans to give Congress a Wyoming blueprint on whether more than 750,000 acres of road-less federal wilderness study areas should be preserved or reclassified, possibly for development, which may include greater oil and gas permitting on those federal lands. While other states, like Utah, which looks to seize federal property, the Wyoming commissioners are looking to forge a better partnership with federal agencies in "meaningful but pragmatic ways" to better manage those lands. [Read more.](#)

FEDERAL – Legislative

- **Oil & Gas** – On October 21, H.R. 3682, known as the REBUILD Act, took a significant step forward when referred to the U.S. House Subcommittee on Energy and Mineral Resources for consideration. The bill, introduced earlier last month by U.S. Rep. Brett Guthrie (R-KY), seeks to spur economic growth, by among other initiatives, develop Federal oil and gas resources by streamlining oil and gas permitting, increasing onshore oil and gas development, mandates increased Federal onshore lease sales, provides leasing certainty by limiting Federal lease withdrawals, and requires greater Congressional oversight over Federal land lease approval. [Read more.](#)
- **Independent Contractors** – On November 5, U.S. Sen. Sherrod Brown (D-OH) introduced S. 2252, the *Fair Playing Field Act*, which was subsequently referred to the U.S. Senate Committee on Finance. The bill seeks to amend the Internal Revenue Code to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications. While the current prospects for passage are low, this legislation could have negative implications for AAPL members. While the bill purports to protect the misclassification of low-wage workers, the broad contours of the legislative text could ensnare landmen. We will actively monitor this bill for further developments. [Read more.](#)
- **Congressional – Wyoming.** U.S. Rep. Cynthia Lummis (R-WY), the state's sole congressional representative in the U.S. House of Representatives, announced last Thursday that she will not seek re-election. Former Vice President Dick Cheney's elder daughter, Liz Cheney, said she is seriously considering running for the seat.

Lummis, a four-term Wyoming Republican, is known as a vocal advocate for expanded oil and natural gas development and as a staunch opponent of limits on federal land mineral drilling. “She has been an essential part of our Washington team using her agriculture, business, legal, legislative and state treasurer background to make a big difference,” says Wyoming’s senior Senator, Mike Enzi. [Read more.](#)

STATE – Legislative

- **Leasing – Illinois.** On November 9, S.B. 1562, an Oil and Gas Lease Requirements bill, was referred to the House Rules Committee for recommendations in advance of a full floor vote. The Act, if passed, amends the Illinois Oil and Gas Act to establish criteria for the state Department of Natural Resources to determine lease terminations due to non-development or non-production. Final action on the bill has been extended to December 4, 2015 and we will keep you updated if the bill comes to a vote. [Read more.](#)
- **Landmen – Texas.** Effective January 1, 2016, a new Texas law, H.B. 1683, requires all notaries commissioned on or after January 1, 2016 to include an identification number issued by the Secretary of State on their notary stamps and seals. The State Bar of Texas advises, however, that all Texas notaries should replace their existing notary stamps and seals with one that includes the new requirement of an identification number to avoid document validity challenges in title transactions and probate. [Read more.](#)
- **Mineral Rights – New York.** On November 10, S.B. 5288, a Republican-sponsored bill providing that oil, gas, and mineral rights shall be sold along with any property sold pursuant to a tax foreclosure sale, was delivered to the N.Y. Governor for signature. With broad bipartisan support, the Governor’s signature is expected. [Read more.](#)

STATE – Judicial

- **Leasing – Ohio.** On November 5, 2015, the Ohio Supreme Court issued its long-awaited decision in *Chesapeake Exploration, LLC v. Buell*, Slip Opinion No. 2015-Ohio-4551. The lengthy majority opinion confirms in short that a “recorded oil and gas lease is a title transaction” for purposes of the state’s Dormant Mineral Act, “but the expiration of such a lease is not.” [Read more about the decision here.](#)

State-by-State Legislative Session Overview

Illinois, Massachusetts, Michigan, New Jersey, Ohio, the Pennsylvania House and Wisconsin are in regular session. The **District of Columbia** Council and the **U.S. Congress** are also in regular session. The **Pennsylvania** Senate is also in recess and is scheduled to return on November 16. **California**’s special sessions on health and transportation have yet to adjourn, though the legislature has adjourned for the year and will not reconvene until January 4.

The following governors have bill signing deadlines on the dates provided: **South Carolina** Republican Gov. Nikki Haley has until January 14 to act on legislation or it becomes law without signature. **Maine** Republican Gov. Paul LePage has until January 16 to act on any bills sent to him on July 16. All other legislation has been acted on. **Montana** Democratic Gov. Steve Bullock has 10 days from presentment to act on legislation or it becomes law without signature. **New York** Democratic Gov. Andrew Cuomo has 10 days from presentment to act on legislation or it becomes law without signature. **Tennessee** Republican Gov. Bill Haslam has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature.

Alabama, Florida, the **Kansas** House, **Kentucky, Oklahoma** and the **Tennessee** House and Senate are now pre-filing for the 2016 legislative session.

The following states are currently holding interim committee hearings: **Alabama, Alaska, Arizona, Arkansas**, the **California** Assembly and Senate, **Colorado, Connecticut**, the **Florida** House and Senate, the **Georgia** House and Senate, **Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota**, the **Mississippi** House and Senate, the **Missouri** House and Senate, **Montana, Nebraska, Nevada, New Hampshire** House and Senate, **New Mexico**, the **New York** Assembly, **North Dakota**, the **Oklahoma** House and Senate, **Rhode Island**, the **South Carolina** House and Senate, **South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia** and **Wyoming**.

Oil and Gas

General Oil and Gas

New Jersey [AR 220](#) and [AR 257](#) are scheduled to be considered on November 16 in the Assembly Environment and Solid Waste Committee. AR 220 would urge the National Marine Fisheries Service to cancel all plans relating to the performance of seismic testing in the Atlantic Ocean near Barnegat Bay in New Jersey. AR 257 would urge the U.S. Congress to enact legislation that would impose greater safety requirements on the shipment of crude oil by rail, including a ban on the interstate shipment of crude oil that has not been treated to remove extremely volatile compounds; a national standard for crude oil that prohibits a vapor pressure volatility level of greater than 8.5 pounds per square inch during transport; a phase-out of substandard rail tank cars within two years; and a fund to compensate the victims of derailments of trains carrying crude oil and pay for accident clean up and infrastructure damage by levying a tax on crude oil shipment.