

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

- **Public Lands – Utah.** On January 20, House Natural Resources Chairman Rob Bishop (R-Utah) released a long-awaited draft bill, the Utah Public Lands Initiative Act, which covers 18 million acres of public lands in eastern Utah. The bill drew praise from state and energy industry officials but strong opposition from conservation groups, despite plans to protect 4.3 million acres of land from development. The plan would grant state control over the use of Utah lands, which would include designating more than one million acres for new recreation and economic development opportunities, including oil and gas production. [Read more.](#)

FEDERAL – Regulatory

- **Public Lands – Wyoming.** Casper City Council has authorized Mayor Daniel Sandoval to write a letter to the Bureau of Land Management (BLM) asking it to remove two oil and gas leases for sale next month on land under consideration for annexation. On February 2, the BLM plans to offer leases on property owned by Wyoming Land Acquisition Partners LLC. However, if the sales take place the land cannot be annexed. [Read more.](#)
- **Public Lands; Royalties.** On January 22, the Interior Department proposed a [new rule](#) to reduce methane emissions from oil and gas operations. Tighter restrictions are sought on leaks, as well as venting and flaring of natural gas. The proposal is also intended to increase the royalties that oil and gas companies pay to drill on public lands by tightening requirements on when operators owe royalties on flared gas. [Read more.](#)

FEDERAL – Judicial

- **Public Lands – Montana.** (*Update to case status reported in the December 7, 2015 Weekly Report*). Parties in the ongoing lease cancellation litigation involving the Interior Department and leaseholder, Solonex, LLC, have failed to reach an agreement over a disputed federal lease in the Badger-Two Medicine region. After lengthy negotiations failed to result in a settlement agreement, last week both parties asked U.S. District Judge Richard Leon to allow the lawsuit to proceed. [Read more.](#)

STATE – Legislative

- **Independent Contractors – Nebraska.** State Senator Burke Harr has reintroduced LB 276 as a carryover bill from the 2015 legislative session. The purpose of the bill is to establish a process for an individual to apply to the state Department of Labor to become a certified independent contractor. If an individual becomes a certified independent contractor they would be exempt from all requirements to be covered under a policy of workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act. Certification may also have the beneficial effect of stemming any misclassification actions against workers or hiring companies. [Read more.](#)
- **Recorded Instruments; Validity – Ohio.** Senate Bill No. 257, a bipartisan bill introduced by Senators Bill Seitz (R) and Michael Skindell (D), and referred to committee last week, would amend the state's curative statute entitled "Validating certain deeds – limitations," by expanding the scope of what defects may be cured, creating a presumption of the validity of recorded instruments, and reducing the time period for curing the covered defects from the current statutory period of 21 years down to just four years, among other provisions. [Read more.](#)
- **Severance Tax; Leasing – Oklahoma.** State Senator Mike Mazzei (R) has pre-filed SB 1024, a bill for introduction on February 1, which extends the time period during which production is eligible for exemption on economically at-risk leases. This incentive reflects the historical stance of state policymakers toward assisting producers to keep the state's economically marginal wells operating. It also reduces any influence severance taxes may have in the decision to shut-in an at-risk well. [Read more.](#)
- **Landmen; Notaries – Texas.** REMINDER: As we reported in the November 16, 2015 Weekly Report, as of January 1, 2016, a new Texas law, H.B. 1683, required all notaries commissioned on or after January 1 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.](#)

INDUSTRY NEWS FLASH: The BLM has announced that U.S Forest Service veteran, Jerry Perez, has been named the new BLM California State Director. As State Director, Perez will oversee the management of 47 million acres of subsurface mineral estates underlying federal surface land, as well as millions of acres underlying privately owned land and tribal land within the state. [Read more.](#)

State-by-State Legislative Session Overview

Indiana, Iowa, Kansas Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia and Wisconsin are in regular session. The **District of Columbia** and the **U.S. Congress** are also in regular session.

The following states are expected to convene their 2016 legislative sessions on the dates provided: **Utah** (January 25); **Oregon** (February 1); **Alabama** (February 2); **Connecticut** (February 3) and **Wyoming** (February 8).

Ohio Republican Gov. John Kasich has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature. **Maine** Republican Gov. Paul LePage had a bill signing deadline on January 16. **New Jersey** Republican Gov. Chris Christie had a bill signing deadline on January 19.

Alabama, Louisiana, Oklahoma, Utah and Wyoming are now pre-filing for the 2016 legislative session.

The following states are currently holding interim committee hearings: **Alabama, Arkansas, Connecticut, Minnesota, Montana, Nevada, North Dakota**, the **Oklahoma** House and Senate, **Utah** and **Wyoming**.

Landmen

Two amendments to **Wisconsin SB 375** were offered by bill sponsor Sen. Frank Lasee, R-De Pere, on January 20. The amendments are available [here](#) and [here](#). The bill would generally amend current law regulating the practice and licensure of real estate brokers and real estate salespersons. It would create provisions addressing independent real estate practice by brokers, which is not addressed under current law. Under these provisions, a broker who is associated with a firm would also be authorized to engage in independent real estate practice, as specified. The bill would also define an “employee” for the purposes of these provisions to specify that a licensee would not be considered an employee of a firm if:

- A written agreement has been entered into with the firm that provides that the licensee may not be treated as an employee for federal and state tax purposes.
- 75 percent or more of the annual compensation related to sales or output paid by the firm to the licensee pursuant to the agreement is directly related to the brokerage services performed by the licensee on behalf of the firm.

The majority of the bill would take effect on July 1, 2016 or on the day after publication by the Legislative Reference Bureau, whichever is later. SB 375 is significantly similar to [AB 456](#), which had Assembly [Amendment 2](#) and [Amendment 3](#) offered on January 19 and 20, respectively.

Lands

Wisconsin [AB 319](#) had the public hearing requirement waived by the Senate Organization Committee on January 19, and on January 20 the bill was concurred in on third reading by the Senate and was messaged back to the Assembly. Current law prohibits the condemnation of real property owned by the state, a municipality or a county, with an exception for high-voltage transmission lines constructed by electric public utilities and cooperative associations. These bills would extend the exception regarding condemnation to include natural gas distribution and transmission lines constructed by natural gas public utilities. If enacted they would take effect one day after publication by the Legislative Reference Bureau.

Oil and Gas

Bundling and Pooling

West Virginia [HB 4211](#) was introduced on January 21 by Rep. Isaac Sponaugle, D-Franklin, and was referred to the House Energy and House Judiciary committees. The bill would prohibit an order establishing a deep oil or gas well drilling unit or coal bed methane unit from being entered without a voluntary agreement from all ownership interests in the unit. The bill would take effect on July 1, 2016.