

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

- **Congressional Summer Recess – Washington, D.C.** Congress is now in its summer recess and no legislative action will be taken during this period. Neither the House nor Senate will be in session again until after Labor Day in September. [Read more.](#)

FEDERAL – Regulatory

- **Lesser Prairie Chicken.** In a victory for oil and gas groups, last Tuesday, the U.S. Fish and Wildlife Service announced that it was formally removing the lesser prairie chicken from a federal protection list under the Endangered Species Act. The agency said the move follows recent Texas court rulings that stripped the lesser prairie chicken of federal protection and any challenges would be an uphill court battle. Oil and gas groups had strongly opposed the threatened listing. The Permian Basin Petroleum Association said such classification would have impeded operations and cost companies hundreds of millions of dollars in oil and gas development in one of the country's most prolific basins, the Permian Basin in the Texas Panhandle and eastern New Mexico. [Read more.](#)
- **BLM Lease Sale – Montana.** Bids on three oil and gas leases brought in nearly \$28,000 at an auction the Bureau of Land Management (BLM) held July 12 in Billings. All three leases are for federal minerals in Fall River County, South Dakota, which lie beneath private surface ownership and are within the administrative boundaries of the Buffalo Gap National Grassland, administered by the U.S.D.A. Forest Service. Murfin Drilling Company Inc., of Wichita, Kansas, was the highest bidder, paying \$66 an acre for a lease on a 320 acre parcel. [Read more.](#)
- **State Land Office Results – New Mexico.** On July 21, the State Land Commissioner, Aubrey Dunn, announced the New Mexico State Land Office's Fiscal Year 2016 with revenue topping \$495 million. While the land office saw a 37 percent drop in oil and gas royalty revenue due to downward pressure on oil prices, the office made significant progress in processing right-of-way applications. [Read more.](#)
- **BLM Moab Master Leasing Plan – Utah.** On July 21, the BLM released its final master leasing plan ([link to BLM plan website](#)) covering nearly 785,000 acres of Utah public land in Grand and San Juan counties, nearly a year after it was originally proposed. The plan included a final environmental impact statement and proposed resource management plan amendments, according to the BLM's Canyon Country District Office in Moab.

“In this plan, we make sure that southern Utah’s energy resources can be responsibly accessed while also ensuring that Moab’s recreation economy can continue to flourish,” said BLM Director Neil Kornze. BLM said that a 30-day public protest period and 60-day governor’s consistency review would commence in late July when the final rule and associated documents are scheduled for publication in the Federal Register.

[Read more.](#)

- **BLM National Monument Review – Utah.** Last week, U.S. Interior Secretary Sally Jewell visited the Bears Ears region – the 1.9-million acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred – to meet with proponents and opponents of a proposal to declare the area a National Monument. Utah’s Republican leaders, many rural residents, and even some Native Americans fiercely oppose a proposal they believe would become another layer of unnecessary federal control and close the area for development. Members of Utah’s all-GOP congressional delegation are urging Jewell, instead, to back the plan from Reps. Rob Bishop and Jason Chaffetz. Their draft proposal, released earlier this year, calls for protections of about 4 million acres of land in the state, including some parts of the Bears Ears area, and to open up 1 million acres around the state for recreation and oil and gas development. The Interior Department has not yet indicated whether, or when, they might make any determination on the proposals. [Read more.](#)
- **Bears Ears – Utah.** Related to the above, the law firm of Welborn Sullivan Meck & Tooley, P.C. have put together an informative backgrounder on the Bears Ears proposed national monument as well as U.S. House Representative, and Natural Resources Chairman, Rob Bishop’s Public Lands Initiative plan which allows for both preservation and resource development. [Read more.](#)

FEDERAL – Judicial

- **EPA Methane Emissions Rule – Washington, D.C.** Last week, North Dakota’s Attorney General sued the Environmental Protection Agency (EPA) over new methane emission rules at oil and gas facilities. In a filing in the D.C. Circuit Court of Appeals, the state said it considers the new rule “arbitrary, capricious, an abuse of discretion and not in accordance with law.” The EPA’s rule, part of an Obama administration strategy to reduce methane emissions, sets new standards for methane leaks related to natural gas extraction, including drilling and pumping, at new or modified gas wells. The EPA published the rule in the Federal Register in June. [Read more.](#)
- **BLM Management Plan – Colorado.** On July 18, in [*Wilderness Workshop et al v. United States Bureau of Land Management et al*](#) (Case No. 1:2016-cv-01822), a group of environmental activists sued the BLM claiming the agency illegally approved drilling of 4,198 oil and gas wells on 147,000 acres in the Colorado River Valley, and leasing

another 456,100 acres for other projects. The Wilderness Workshop, Western Colorado Congress, Natural Resources Defense Council, and the Sierra Club say the BLM did not consider alternatives to reduce the acreage available for oil and gas leases. For its part, the BLM claims that “most future drilling will take place in areas where oil and gas development has already occurred.” [Read more.](#)

ELECTION ALERT:

🌐 Continental Resources CEO, Harold Hamm, who last week addressed the Republican Convention in Cleveland, is apparently being considered for the position of Energy Secretary by Republican presidential nominee, Donald Trump, should he win election this November. Dan Eberhart, an oil investor and Republican financier, said he had been told by officials in Trump’s campaign that Hamm, who has been an informal advisor to Trump on energy policy since at least May, was “the leading contender” for the position. [Read more.](#)

State-by-State Legislative Session Overview

Alaska adjourned its fifth special session on July 18, [Alaska Dispatch News](#) reports. Independent Gov. Bill Walker had called the session to resolve budget issues related to the state’s estimated \$3.2 billion budget deficit. The House had adjourned from the special session on July 15 with members saying that none of Governor Walker’s proposals had sufficient support to pass. The Senate had been scheduled to hold committee hearings on Walker’s tax proposals and his plan to restructure the Permanent Fund to help balance the budget, but adjourned due to insufficient motivation in the House. Walker has said that his proposed budget reforms will have to wait until after the November elections, when vacancies assure that there will be at least a few new legislators for him to work with.

Massachusetts is in regular session.

California and **New Jersey** are in recess until August 1. **Ohio** is in recess until August 2. **Michigan** is in recess until August 3. The **U.S.** Congress is in recess until September 6. **Pennsylvania** is in recess until September 19. The **District of Columbia** Council is in recess until September 20. **Illinois** is in recess until November 15 and is expected to convene a veto session on that day.

Utah adjourned a special session related to budget issues on July 13. **Alaska** adjourned a special session on budget issues on July 18. **Hawaii** adjourned a special session related to contractual issues for hospital employees on July 20.

North Dakota is expected to convene a special session related to budget issues on August 2.

Delaware Democratic Gov. Jack Markell has until July 31 to act on legislation or it is pocket vetoed. **North Carolina** Republican Gov. Pat McCrory has until July 31 to act on legislation or it becomes law without signature. **Alaska** Independent Gov. Bill Walker has 20 days from presentment, Sundays excluded, 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. **Rhode Island** Democratic Gov. Gina Raimondo has 10 days from presentment to act on legislation or it becomes law without signature.

Vermont Democratic Gov. Peter Shumlin had acted on all legislation as of July 1. **Louisiana** Democratic Gov. John Bel Edwards had acted on all legislation as of July 12. **Missouri** Democratic Gov. Jay Nixon had a signing deadline on July 14. **South Carolina** Republican Gov. Nikki Haley had acted on all legislation as of July 22.

Utah Republican Gov. Gary Herbert had acted on all legislation from the third special session as of July 18.

The following states are currently holding interim committee hearings: [Alabama](#), [Alaska](#), [Arizona](#), [Arkansas](#), [Colorado](#), [Connecticut](#), [Georgia House](#), [Hawaii](#), [Idaho](#), [Indiana](#), [Iowa](#), [Louisiana](#), [Kansas](#), [Kentucky](#), [Maine](#), [Maryland](#), [Minnesota](#), [Mississippi House](#) and [Senate](#), [Missouri House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire House](#) and [Senate](#) (committee hearings published in calendar) [New York Assembly](#) and [Senate](#), [North Carolina](#), [North Dakota](#), [Oregon](#), [South Carolina](#), [Tennessee](#), the [Texas House](#), [Senate](#) and [Joint](#), [Utah](#), [Vermont](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting bill draft requests/prefiles for the 2017 session: [Alabama House](#) and [Senate](#), [Colorado](#), [Kentucky](#), [Montana](#), [Nevada](#), [North Dakota](#), [Oklahoma](#), [Utah](#), [Virginia](#) and [Wyoming](#) (draft requests appear on individual committee pages).

Endangered Species

As noted above, the U.S. Fish and Wildlife Service fulfilled a court ruling on July 19 and removed the lesser prairie-chicken from the list of endangered species, the agency reported in a [press release](#). The agency reported that the administrative action to remove the bird from the list does not constitute a biological determination on whether the animal should be protected or not. The agency will be re-evaluating the bird's status and the threats it faces using the best available scientific information available and whether or not it will be relisted.

Landmen

Independent Contractors

Massachusetts [SB 2446](#) passed the Senate Ways and Means Committee on July 19. SB 2446 proposes amendments to [HB 4351](#). The proposed amendments would allow independent contractors to be eligible for temporary disability leave or family care leave if the individual has

paid a premium for at least one quarter during the past 12 month base period prior to the claim. An independent contract would be eligible for a maximum of 16 weeks of family care leave in a benefit year. Under the amendment, independent contractors would be eligible for temporary disability leave for a maximum of 26 weeks of temporary disability leave in a benefit year.

Oil and Gas

General Oil and Gas

The [National Conference of State Legislatures](#) is holding its annual Legislative Summit August 8-11 in Chicago, **Illinois**.

The [American Legislative Exchange Council \(ALEC\) Annual Meeting](#) will be held July 27-29 in Indianapolis, **Indiana**. Sessions of interest include:

- Energy Subcommittee Meeting – Energy, Environment and Agriculture – Wednesday July 27 8:00-9:15 a.m.
- Environmental Health and Regulation Subcommittee – Energy, Environment and Agriculture – Wednesday July 27, 9:15-10:00 a.m.
- Agriculture Subcommittee - Energy, Environment and Agriculture – Wednesday July 27, 10:00-10:45 a.m.

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