

# GOVERNMENTAL AFFAIRS WEEKLY REPORT

## Weekly Highlights At-A-Glance

### FEDERAL – Legislative

#### **S.J. Res. 14 – Methane Emissions Regulations**

**Rollback.** On April 29, the U.S. Senate rescinded Trump-era methane regulations in favor of more stringent rules put in place during the Obama administration. By a 52-42 vote on [S.J. Res. 14](#), which included three Republicans – Sen. Rob Portman (R-OH), Sen. Susan Collins (R-ME), and Sen. Lindsey Graham (R-SC) – the lawmakers were able to overturn the rulemaking by use of the 1996 [Congressional Review Act](#), which allows Congress to scrap federal rules if acted upon within 60 legislative days of the session and only requires a majority vote. Lead sponsor, Sen. Martin Heinrich (D-NM), told Bloomberg Government, “It’s interesting that something this common sense still only attracts a few very moderate Republicans.” The congressional disapproval of the 2020 Trump-era rule, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review* ([85 Fed. Reg. 57018](#)), relaxed methane emissions standards that then-President Trump said burdened the industry. President Biden publicly supported the congressional resolution, stating in an April 27 [Statement of Administration Policy](#) that this “action would ensure that this rule, which eliminated pollution standards for methane emissions from the oil and gas sector and eliminated all emission standards for the transmission and storage segments of that sector, will have no force or effect and reinstate the pollution reduction requirements established under the Clean Air Act in 2012 and 2016.” [Read more.](#)

**EPA House Hearing.** On April 29, the House Subcommittee on Environment and Climate Change of the Committee on Energy and Commerce [held a hearing](#) on the “Fiscal Year 2020 EPA Budget,” in

which Environmental Protection Agency (EPA) Administrator Michael Regan (D) told lawmakers that the EPA plans on issuing a proposed rule in September 2021 for reducing methane emissions. This comes on the heels of the congressional rescission of the Trump-era rulemaking (*noted above*) that relaxed methane emissions standards. According to Bloomberg Government, environmental groups have asked the Biden administration to set methane leak-detection-and-repair requirements for both new and existing oil and gas wells that will pare the sector’s emissions of the potent greenhouse gas 65 percent from 2012 levels. [Read more.](#)

#### **S. 855 –Water Rights Protection Act of 2021.**

On April 21, official bill text was made available for [S. 855](#), known as the *Water Rights Protection Act of 2021*. The bill, sponsored by Sen. John Barrasso (R-WY), ranking member of the Senate Committee on Energy and Natural Resources, would protect privately owned waters from being seized by the federal government. “The Water Rights Protection Act will stop Washington power grabs of water rights in Wyoming and the West,” said Sen. Barrasso. “Washington has routinely attempted to extort Americans’ water rights through implementing burdensome regulations and excessive red tape. Ranchers, farmers, tribal members, and other water users’ livelihoods are being threatened. This bill will put a stop to this abuse of power and will help ensure an abundant supply of clean water for future generations.” Specifically, the bill would forbid the Departments of the Interior and Agriculture from mandating water users transfer water rights to the United States or purchase water rights in the name of the United States as a condition of any permit, lease, or other use agreement; prevent unlawful seizures of groundwater; and recognize state water law and require coordination with states. [Read more.](#)

### **H.R. 1503 – Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021.**

On April 20, official bill text was made available for [H.R. 1503](#), known as the *Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2021*. The bill, sponsored by Rep. Mike Levin (D-CA), would “amend the Mineral Leasing Act to make certain adjustments in leasing on Federal lands for oil and gas drilling.” Specifically, the bill would “Protect taxpayers and end giveaways for oil and gas companies by eliminating noncompetitive oil and gas leasing, requiring companies to pay a fee to nominate lands for leasing, and raising the onshore oil and gas royalty rate, rental fee, and the minimum bid amount; Increase transparency by requiring companies that nominate lands for oil and gas leasing and bid on leases disclose their identities, and protects landowners by requiring the Secretary of the Interior to notify them and the broader public about oil and gas lease sales; Restore community input by eliminating actions taken by the Trump Administration that cut public participation in oil and gas leasing decisions and shortened public comment periods; Safeguard environmental resources by enhancing reviews under the National Environmental Policy Act, and reinstate the use of master leasing plans to better protect lands where drilling interests conflict with other uses; and Require the Bureau of Land Management to write rules on the impacts to water resources of hydraulic fracturing on federal lands, including baseline water testing and public disclosure, and full public disclosure of fracking chemicals.” [Read more.](#)

**H.R. 1506 – Transparency in Energy Production Act of 2021.** On April 20, official bill text was made available for [H.R. 1506](#), known as the *Transparency in Energy Production Act of 2021*. The bill, sponsored by Rep. Alan Lowenthal (D-CA), would “provide for the accurate reporting of fossil fuel extraction and emissions by entities with leases on public land.” According to the bill sponsor, the legislation “will allow the American people to have information about the impact of fossil fuels by having companies who hold, or are seeking, a lease to drill on federal lands, record and report the resulting emissions that come

from drilling on the land or in the water. The legislation requires industry-developed reporting standards established by the nationally recognized Sustainable Accounting Standards Board (SASB) to ensure quality reporting.” [Read more.](#)

**H.R. 1517 – Ending Taxpayer Welfare for Oil and Gas Companies Act of 2021.** On April 20, official bill text was made available for [H.R. 1517](#), known as the *Ending Taxpayer Welfare for Oil and Gas Companies Act*. The bill, sponsored by Rep. Katie Porter (D-CA), would “amend the Mineral Leasing Act to make certain adjustments to the fiscal terms for fossil fuel development and to make other reforms to improve returns to taxpayers for the development of Federal energy resources.” Specifically, the legislation would “raise royalties, rental rates, inspection fees, and penalties on oil and gas companies that extract resources from public lands,” according to the bill sponsor. [Read more.](#)

**H.R. 1512 – Climate Leadership and Environmental Action for our Nation's Future Act.** On April 19, official bill text was made available for [H.R. 1512](#), known as the *Climate Leadership and Environmental Action for our Nation's Future Act* or the *CLEAN Future Act*. The bill is a comprehensive package which seeks to dramatically cut greenhouse gas emissions as well as seeking “environmental justice” policies which include “repealing oil and gas production exemptions from landmark environmental laws.” According to the bill sponsor, “the CLEAN Future Act also features a suite of complementary policies, including proposals to remove barriers to clean energy and reduce super pollutants like methane. The legislation is the result of 27 hearings in the Energy and Commerce Committee on the climate crisis over the last two years.” [Read more.](#)

**H.R. 1492 – Methane Waste Prevention Act of 2021.** On April 20, official bill text was made available for [H.R. 1492](#), known as the *Methane Waste Prevention Act of 2021*. The bill, sponsored by Rep. Diana DeGette (D-CO), “would require the Environmental Protection Agency and Bureau of

Land Management to set strict new standards limiting the amount of methane that oil and gas producers can release into the atmosphere from their drilling sites. Under the terms of DeGette's bill, oil and gas producers would be required to take steps to cut their methane emissions by at least 65 percent by 2025; and by at least 90 percent below their 2012 emissions by 2030." [Read more.](#)

## **FEDERAL – Regulatory**

**BLM Oil and Gas Leasing Program Hearing.** On April 27, the U.S. Senate Committee on Energy & Natural Resources held a full committee hearing on "The Department of the Interior's Onshore Oil and Gas Leasing Program." According to the hearing announcement, "The purpose of this hearing is to examine energy development on federal lands, focusing on the current status of the Department of the Interior's onshore oil and gas leasing program." Testifying witnesses included Nada Culver, Deputy Director of Policy and Programs for the Bureau of Land Management; Gov. Mark Gordon (R-WY); Vicki Hollub, Occidental Petroleum President and Chief Executive Officer; and Kathleen Sgamma, President of the Western Energy Alliance. In a stinging rebuke of President Biden's policies, Gov. Mark Gordon told the panel, "I do not believe the climate goals of this Administration will be reached by targeting the Federal oil and gas leasing program. Let me state what is obvious: this moratorium on leasing during the review discriminates against the people of Wyoming and every other Western state with Federal minerals [...] And all of this seems completely unnecessary. Any comprehensive, thoughtful, diligent and meaningful review could be done without stopping the entire leasing program." Senators also questioned the current permitting and leasing review process which requires senior Interior Department approvals, and which has invariably delayed customary processes; the timeline for the indefinite pause; and the loss of revenue to states and localities resulting from a de facto ban on new federal leasing. The BLM official's testimony also revealed that the agency will be cancelling all second quarter lease sales and Culver was evasive about

whether third quarter sales would move ahead. AAPL members may [watch an archived video](#) of the full hearing. [Read more.](#)

**BLM Director Nomination.** On April 22, the White House officially announced Tracy Stone-Manning as President Biden's pick for BLM Director. Stone-Manning "was most recently senior advisor for conservation policy at the National Wildlife Federation (NWF). Before joining the Federation, she served as Montana Governor Bullock's chief of staff, where she oversaw day-to-day operations of his cabinet and the state's 11,000 employees." Stone-Manning also formerly served as Montana's Director of the Department of Environmental Quality and as a regional director and senior advisor to Democratic Montana Senator Jon Tester. While at the NWF, Stone-Manning had been a vocal critic of Trump administration policies favoring oil and gas development on federal lands. [Read more.](#)

**Office of Natural Resources Revenue.** On April 21, the Office of Natural Resources Revenue (ONRR) published a Notice of Information Collection, *Agency Information Collection Activities; Accounts Receivable Confirmations Reporting* ([86 Fed. Reg. 20710](#)), "covering the collection of royalties and other mineral revenues due, which obligations are accounted for as accounts receivables." The public comment period is open through June 21, 2021 for this ONRR proposal to renew an information collection. [Read more.](#)

**Office of Natural Resources Revenue.** On April 21, the ONRR published a Notice of Information Collection, *Agency Information Collection Activities; Indian Oil and Gas Valuation, 30 CFR Parts 1202, 1206, and 1207* ([86 Fed. Reg. 20708](#)), which "pertains to the valuation of oil and gas produced from leases on Indian lands, Indian oil and gas royalties, and required recordkeeping for oil and gas valuation and royalties for Indian Tribes and allottees." The public comment period is open through June 21, 2021. [Read more.](#)

**Resource Advisory Council – Alaska.** On April 21, the Bureau of Land Management (BLM) published notice of its Alaska Resource Advisory Council (RAC) meeting. The 15-member Alaska RAC serves in an advisory capacity concerning BLM issues relating to land use planning and the management of the public land resources located within the State of Alaska. The virtual meeting will be held on May 25, 2021 and is open to the public. [Read more.](#)

**Resource Advisory Council – Nevada.** On April 14, the BLM published notice of its Sierra Front-Northern Great Basin Resource Advisory Council (RAC). The meeting, which is open to the public, will be held July 15 and July 16, 2021. The meeting will be held both virtually and in-person. Written comments are due by July 14, 2021. According to the BLM, “The 15-member RAC provides recommendations to the Secretary of the Interior, through the BLM Nevada State Director, on a variety of planning and management issues associated with public land management in the RAC’s area of jurisdiction.” [Read more.](#)

**Resource Advisory Council Nominations – Nevada.** On April 28, the BLM published notice of its *Call for Nominations to the Mojave-Southern Great Basin and Sierra Front-Northern Great Basin Resource Advisory Councils* ([86 Fed. Reg. 22449](#)). The Resource Advisory Councils are specifically seeking industry representatives in energy and mineral development, among other stakeholders and participants. All nominations must be received no later than June 14, 2021. [Read more.](#)

**Resource Advisory Council Nominations – New Mexico.** On April 28, the BLM published notice of its *Second Call for Nominations for the Bureau of Land Management New Mexico Resource Advisory Councils* ([86 Fed. Reg. 22704](#)). According to the BLM, “The purpose of this notice is to request public nominations to the Bureau of Land Management’s (BLM) Northern New Mexico Resource Advisory Council (RAC) and Southern New Mexico RAC that have vacant positions and/or members whose terms are scheduled to expire. These RACs provide advice

and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas.” All nominations must be received no later than June 1, 2021. [Read more.](#)

**Resource Advisory Council – Utah.** On April 15, the BLM published notice of its Utah Resource Advisory Council (RAC) meeting, which will be held virtually on May 25, 2021 and is open to the public. According to the BLM announcement, “Agenda topics will include: BLM Utah priorities, renewable energy, Great American Outdoors Act update, recreation strategy, recreation dispersed camping, recreation High Desert trail (from Washington County to Tooele), recreation annual passes around the state, back country air strips in resource management plans, recreation management by the BLM and State of Utah in Red Cliffs Zone 6, Modified Cedar City Field Office Recreation Site Business Plan, and other issues as appropriate.” [Read more.](#)

## **FEDERAL – Judicial**

**Climate Change Policies – Louisiana.** On April 22, Louisiana, joined by nine other states, sued the Biden administration in federal court challenging the administration’s approach to calculating the financial impacts of climate change. In [Louisiana v. Biden](#) (Case No. 2:21-cv-01074), the plaintiff states challenge President Biden’s decision to restore Obama-era values for an analytical tool called the “social cost of greenhouse gases.” According to Bloomberg Law, “Agencies use the metric to assess the harm caused by emissions of carbon dioxide, methane, and other gases. The Trump administration slashed the value, and the Biden administration reversed course in February.” The litigants claim that the underlying values for the social cost of greenhouse gases never followed proper public notice and comment procedures. “This ‘social cost’ overreach revives an Obama-era scheme that unnecessarily forces the monetary cost of a global issue on American governments, businesses, and families,” said Louisiana Attorney General Jeff Landry (R). Wyoming Gov. Mark Gordon

(R) also argued that Biden's decision applies a "highly biased feel-good rationale that has the potential to significantly harm industries critical to the nation's and my state's livelihood." [Read more.](#)

#### **Leasing; Royalties; Post-Production Costs – Ohio.**

On March 8, in *Eaton v. Ascent Resources-Utica, LLC* (Case No. 2:19-cv-3412), the U.S. District Court for the Southern District of Ohio addressed a dispute involving lessors' claims that the deduction of post-production costs from their royalties, itemized as "compression, processing, treating, transportation, fuel marketing, gathering, and other costs," violated their lease agreements. At a prior stage in the litigation, the Court disagreed, holding that the "at-the-well" rule applied to the royalty because the provision referred to "the market value at the well," even if the gas was not actually sold at the wellhead and reiterating that the at-the-well rule requires that post-production costs be shared proportionately between a lessor and lessee. Here, the lessors argued that the at-the-well rule had been interpreted incorrectly, but that Court concluded that "Cunningham ignores the plain text and attempts to create ambiguities relying on extrinsic evidence in contravention of Ohio law." Further, the Court explained that the "plain text of the royalty provision unambiguously references the value of the gas at the wellhead—not the value of the gas at the wellhead only if the gas is sold there." In sum, the Court held there "is no plain-text support for Cunningham's assertion that the wellhead price refers only to oil and gas actually sold at the wellhead." On a fraud claim, the Court did not rule because as the Court stated, the case was still at a motion-to-dismiss stage due to an amended consolidated class action complaint filed and discovery was still ongoing but left the door open for the lessees to seek dismissal under a different procedural motion. [Read more.](#)

### **STATE – Legislative**

**Notarial Acts – Idaho.** On April 23, Gov. Brad Little (R) signed HB 107 into law. The Act updates the Revised Uniform Law of Notarial Acts (RULONA) savings clause for minor deficiencies contained in

a notarial act to apply retroactively for documents acknowledged and recorded prior to the enactment of RULONA which provides that any document recorded prior to July 1, 2017 is conclusive evidence of the validity of that document's acknowledgement. The Act takes immediate effect. [Read more.](#)

**Independent Contractors – Kansas.** (*Update to 2/8/21 Weekly Report*) In a victory for landmen and the profession, on April 26, Gov. Laura Kelly (D) signed HB 2196 into law. The Act, sponsored by the House Committee on Commerce, Labor and Economic Development (R), amended existing employment law to specifically protect independent contractor landmen by providing that landmen providing services on a contractual basis are not considered employees. Specifically, "[t]he bill revises the Employment Security Law by excluding from the definition of 'employment' contractual services performed by a petroleum landman. Such services are defined to include mineral rights management and negotiations, development of minerals, research of public and private property records, and title work. For purposes of the bill, 'minerals' includes oil, natural gas, or petroleum. Such services are not to include services performed for 501(c)(3) organizations exempt from federal income taxation." The Act takes immediate effect. [Read more.](#)

**Greater Sage-Grouse – Montana.** (*Update to 2/22/21 Weekly Report*) On April 23, Gov. Greg Gianforte (R) signed SB 230 into law. The Act, sponsored by Sen. Mike Lang (R), sets forth the agreement for payment of costs for implementation of the Montana Greater Sage-Grouse Stewardship Act "to maintain, enhance, restore, expand, or benefit habitat and populations for the heritage of Montana and its people." The Act is effective July 1, 2021. [Read more.](#)

**Royalty Payments – North Dakota.** (*Update to 1/11/21 Weekly Report*) On April 26, Gov. Doug Burgum (R) signed HB 1080 into law. The Act, sponsored by Rep. Jason Dockter (R), amends and reenacts North Dakota Century Code sections [15-05-10](#) and [47-16-39.1](#) regarding Board of

University and School Lands by “reducing the rate of interest and penalties owed by payers for late royalty payments and changes the statute of limitations and limits the ability to collect outstanding royalties owed to the funds managed by the Board.” The Act is effective August 1, 2021. [Read more.](#)

**Postproduction Costs – North Dakota.** *(Update to 1/25/21 Weekly Report)* On April 22, Gov. Doug Burgum (R) signed SB 2217 into law. The Act, sponsored by Sen. Brad Bekkedahl (R), provides for a legislative management study of postproduction cost deductions. The Act is effective August 1, 2021. [Read more.](#)

**Unclaimed Property – North Dakota.** *(Update to 1/11/21 Weekly Report)* On April 19, Gov. Doug Burgum (R) signed SB 2048 into law. The Act, sponsored by the Senate Committee on Industry, Business and Labor (R), amends existing law regarding unclaimed and abandoned property relating to the Revised Uniform Unclaimed Property Act and provides new provisions for when a mineral interest is deemed to be used, among other related provisions. The Act is effective August 1, 2021. [Read more.](#)

**Trust Lands – North Dakota.** *(Update to 2/22/21 Weekly Report)* On April 19, Gov. Doug Burgum (R) signed SB 2065 into law. The Act, sponsored by the Senate Energy and Natural Resources Committee (R), allows “for the board of university and school lands to lease lands under its control for the underground storage of hydrocarbons and the jurisdiction of the industrial commission to regulate the permitting and amalgamation of the underground storage of oil or gas.” The Act is effective August 1, 2021. [Read more.](#)

**Unclaimed Property; Recovery Fees – Oklahoma.** *(Update to 2/22/21 Weekly Report)* On April 28, Gov. Kevin Stitt (R) signed HB 2226 into law. The Act, sponsored by Rep. Anthony Moore (R), amends existing law regarding unclaimed property, which includes funds or property involved that are mineral proceeds, to provide that “In the event that the

claimant of such funds or property is deceased and did not personally agree to the fee in writing, a fee for recovery can only be collected from each identified heir, devisee or legatee that has affirmatively agreed to that fee in writing.” The Act is effective November 1, 2021. [Read more.](#)

**Oil and Gas Liens – Oklahoma.** *(Update to 1/25/21 Weekly Report)* On April 20, Gov. Kevin Stitt (R) signed SB 632 into law. The Act, sponsored by Sen. Zack Taylor (R), relates to oil and gas liens, and adds new definitions of oil and gas rights to also include proceeds owed for oil and gas drilling and development; proceeds from the acquisition of oil and gas rights including but not limited to a lease bonus or pooling bonus; or proceeds from an unfulfilled contract or agreement for the purchase of mineral rights. The Act is effective November 1, 2021. [Read more.](#)

**Registration of Instruments – Tennessee.** *(Update to 2/22/21 Weekly Report)* On April 20, Gov. Bill Lee (R) signed HB 633 into law. The Act, sponsored by Rep. Dave Wright (R), requires either a licensed attorney or the custodian of the original version of an electronic document, instead of the custodian of the electronic version, to certify the electronic document for registration by a county register. The Act is effective July 1, 2021. [Read more.](#)

**Leasing; Overriding Royalties; Washouts – Texas.** *(Update to 4/5/21 Weekly Report)* On April 21, HB 4218 passed the House. The bill, sponsored by Rep. Tom Craddick (R), amends existing law regarding a cause of action for the bad faith washout of an overriding royalty interest in an oil and gas lease. [Read more.](#)

**Tax Valuation – West Virginia.** *(Update to 3/8/21 Weekly Report)* On April 28, Gov. Jim Justice (R) signed [HB 2581](#) into law. The Act, sponsored by Del. Dianna Graves (R), provides, among other tax change provisions, revised methodology to value oil and natural gas properties by the Tax Commissioner. The Act takes immediate effect. [Read more.](#)

## **STATE – Regulatory**

**Hydraulic Fracturing Ban – California.** On April 23, [Gov. Gavin Newsom \(D\) announced](#) that he has “directed the Department of Conservation’s Geologic Energy Management (CalGEM) Division to initiate regulatory action to end the issuance of new permits for hydraulic fracturing (‘fracking’) by January 2024.” The Governor also “requested that the California Air Resources Board (CARB) analyze pathways to phase out oil extraction across the state by no later than 2045.” In a statement, Governor Newsom said, “I’ve made it clear I don’t see a role for fracking in that future and, similarly, believe that California needs to move beyond oil.” Under the Governor’s directive, “CalGEM will immediately initiate the rulemaking to halt the issuance of new hydraulic fracturing permits by 2024.” Industry groups immediately condemned the announcement. “Once again, Gov. Newsom has chosen to ignore science, data and facts to govern by bans, mandates and personal fiat,” said Catherine Reheis-Boyd, President of the Western States Petroleum Association. “Banning nearly 20% of the energy production in our state will only hurt workers, families and communities in California and turn our energy independence over to foreign suppliers.” However, the announcement may not result in the regulatory changes sought by the embattled governor who is now facing a recall election as early as this summer after the [Secretary of State verified enough voter signatures](#) last week to move forward with the election. We will continue to keep AAPL members updated on any proposed rulemaking that arises from the Governor’s directive. [Read more.](#)

## **STATE – Judicial**

**Well Plugging – New Mexico.** On April 22, Stephanie Garcia Richard, Commissioner of Public Lands of the State of New Mexico, filed suit against two oil and gas companies, seeking “damages against a former State Land Office oil and gas lessee, BC&D Operating, Inc., and a related company, Dominion Production Company, for their failure to clean up two massive abandoned leases on state land in McKinley

County.” In the case, [Richard v. BC & D Operating, Inc.](#) (Case No. not yet docketed), the State Land Office claims the companies had not “honored their obligations to the state land trust, which include plugging at least 29 oil wells abandoned by the defendants; full remediation and reclamation of over 500 acres of state trust land with 29 unplugged and 15 plugged well sites to include the full removal of infrastructure, trash, and debris, and the cleanup of any contamination associated with the site; and the payment of penalties for trespassing on state trust land since the leases expired in July 2018.” According to the Commissioner, this lawsuit is part of the state’s Accountability and Enforcement Program, launched in November 2020, which is an “agency-wide programmatic approach being undertaken to ensure oil and gas companies, and other lease holders, honor their contractual promise to operate and close out responsibly.” [Read more.](#)

## **Adverse Possession; Mineral Reservations – Ohio.**

On April 2, in [Tomechko v. Garrett](#) (Case No. 2021-Ohio-1377), the Ohio Court of Appeals, Seventh District, addressed a case involving mineral reservations and co-tenancy and whether the appellants adversely possessed the appellees’ oil and gas when they entered into an oil and gas lease in 1989. Here, the Court held that the appellants adversely possessed the appellees’ oil and gas “because they leased and produced the appellees’ oil and gas and the lessee paid the appellants for such production.” Further, “although the two wells drilled on the appellants’ property were only producing from shallow formations, the Court held that the appellants also adversely possessed the deep formations” because “[a]dverse possession of the deep rights should follow the shallow rights due to the alteration of the surface and subsurface from drilling and removing the oil and gas.” In sum, the appellants adversely possessed the deep formations based on their “adverse possession of the shallow rights, the permeating nature of the drilling and production of oil and gas, and the lease with Trans Atlantic which provided for drilling to all strata.” [Read more.](#)

**Leasing; Ratifications; Trespass – Texas.** On April 16, the Texas Supreme Court decided a case which the Court deemed “principally a trespass-to-try-title suit between the lessees of adjacent mineral estates.” In *Concho Resources, Inc. v. Ellison* (Case No. 19-0233), the lessor alleged that the defendant lessees/operators drilled several wells either on the plaintiff’s leasehold or closer to the lease line than Railroad Commission rules allowed. The defendants, relying on a boundary stipulation between the fee owners of the two mineral estates and the plaintiff’s written acceptance of the stipulation, claimed that the lessor ratified the agreed boundary line, foreclosing the trespass claims. The trial court granted summary judgment for the defendants, but the appellate court reversed finding for the mineral owners, holding that the boundary stipulation is void and thus may not be ratified. Here, the Supreme Court disagreed with the appellate court, holding that the boundary stipulation was valid and that the defendants conclusively established their ratification defense. [Read more.](#)

## INDUSTRY NEWS FLASH

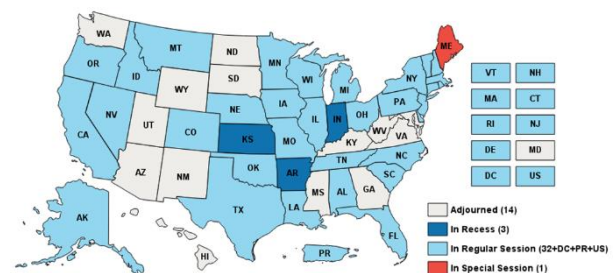
► **President Biden announces bold plan to cut greenhouse gas emissions.** As part of a two-day climate summit with world leaders, President Biden announced on April 22 that the U.S. will reduce its own greenhouse gas emissions 50-52 percent from 2005 levels by the end of the decade, “significantly boosting a commitment made under former President Barack Obama that was scrapped by former President Donald Trump.” ([See White House Fact Sheet here](#)) While President Biden’s “pledge would require changes that would touch the lives of nearly every American” the ambitious plan would most likely require a mix of regulatory and legislative acts, and “Republicans in Congress are unlikely to support legislation that would make major reductions in U.S. emissions, for example by penalizing fossil fuel use or mandating renewable power, and any regulations Biden’s administration

issues are sure to face challenges from industry.” [Read more.](#)

► **OPEC+ to keep current plan to gradually raise production.** On April 27, the Organization of the Petroleum Exporting Countries and its allies (OPEC+) met and decided to keep their current plan to gradually raise production. This will gradually lift oil production by 350,000 b/d in May, 350,000 b/d in June, and 441,000 b/d in July. [Read more.](#)

## LEGISLATIVE SESSION OVERVIEW

### States in Session



**Session Notes (by date):** Alabama, Alaska, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and Wisconsin are in regular session. The U.S. Congress is also in session.

The following legislatures are in recess until the dates provided: **Kansas** (May 3), **Arkansas** and **Indiana** (TBD). The **Arkansas** legislature will return this fall where they will take up legislative and congressional redistricting, which has been delayed due to issues with the U.S. Census Bureau. After they approve redrawn district lines they will adjourn sometime in September and soon thereafter be called back for a special session by Republican Gov. Asa Hutchinson to discuss tax cuts and reform, reports [JA Little Rock Public Radio](#). The **Indiana** legislature will return later this year to draw and approve new districts for themselves and the state’s nine U.S.



House seats. House Speaker Todd Huston, R-Fishers, says he expects legislators to reconvene “September-ish,” as reported by [93.1FM WIBC](#). According to [HB 1372](#), the legislature must adjourn no later than November 15.

The following states adjourned their 2021 legislative sessions on the dates provided: **Arizona** (April 24), **Washington** (April 25), and **Hawaii** and **North Dakota** (April 29).

The following states are scheduled to adjourn their 2021 legislative sessions on the date provided: **Florida**, **Iowa**, and **Tennessee** (April 30).

### **Signing Deadlines** (by date): **West Virginia**

Republican Gov. Jim Justice had until April 28 to sign or veto legislation or it became law without signature. However, if the bill in question was a budget bill or supplementary appropriations bill, the governor only had until April 16 to act before it became law. **Arizona** Republican Gov. Doug Ducey has until May 6 to sign or veto legislation or it becomes law without signature. **Georgia** Republican Gov. Brian Kemp has until May 10 to sign or veto legislation or it becomes law without signature. **Washington** Democratic Gov. Jay Inslee has until May 18 to sign or veto legislation or it becomes law without signature. **Maryland** Republican Gov. Larry Hogan has until June 1 to sign or veto legislation or it becomes law without signature. **Hawaii** Democratic Gov. David Ige has until July 1 to sign or veto legislation or it becomes law without signature. **Illinois** Democratic Gov. J.B. Pritzker has 60 days from presentment to sign or veto legislation or it becomes law without signature. **Indiana** Republican Gov. Eric Holcomb has seven days from presentment to sign or veto legislation, or it becomes law without signature. **Kentucky** Democratic Gov. Andy Beshear has 10 days from presentment, except Sundays, to sign or veto legislation or it becomes law without signature. **Maine** Democratic Gov. Janet Mills must act on legislation presented within 10 days of adjournment or it becomes law unless returned within three days after the next meeting of the same legislature. **Mississippi** Republican Gov. Tate Reeves has 15 days from presentment, except Sundays, to sign or veto

legislation or it becomes law without signature. **North Dakota** Republican Gov. Doug Burgum has 15 days from presentment, Saturdays and Sundays excepted, to sign or veto legislation or it becomes law without signature. ■

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