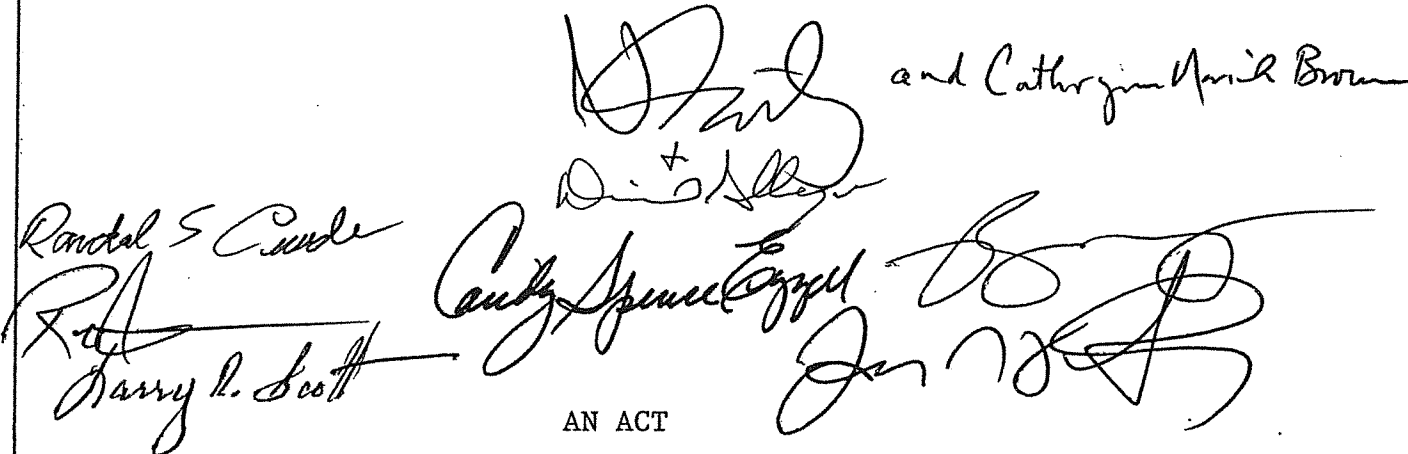


HOUSE BILL 366

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY


 and Cathryn April Brown
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 D. +
 C. +
 J. +

AN ACT

RELATING TO NATURAL RESOURCES; PROVIDING FOR PREEMPTION BY THE
 STATE OVER ALL MATTERS RELATING TO THE CONSERVATION,
 EXTRACTION, PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION
 OF OIL AND GAS AND THE WASTE OF POTASH; PROVIDING EXCLUSIVE
 JURISDICTION TO THE OIL CONSERVATION DIVISION AND COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 70-2-6 NMSA 1978 (being Laws 1935, Chapter 72, Section 4, as amended) is amended to read:

"70-2-6. COMMISSION'S AND DIVISION'S POWERS AND DUTIES.--

A. The state has exclusive jurisdiction and authority over all matters relating to oil and gas conservation, extraction, production, processing, storage and transportation.

B. The oil conservation division of the energy,

[bracketed material] = delete

[bracketed material] = delete

1 minerals and natural resources department, and the oil
2 conservation commission as provided in Subsection D of this
3 section, shall have [~~and is hereby given~~] concurrent, exclusive
4 jurisdiction [~~and authority~~] over all matters relating to the
5 conservation, extraction, production, processing, storage and
6 transportation of oil and gas and the prevention of waste of
7 potash as a result of oil or gas operations in this state. [~~It~~
8 shall have] This jurisdiction includes the siting of oil or gas
9 wells and ancillary facilities, the drilling and completion of
10 oil or gas operations as well as producing, processing, storage
11 and transportation of oil or gas.

12 C. The division, and the commission as provided in
13 Subsection D of this section, have concurrent, exclusive
14 jurisdiction, authority and control of and over all persons,
15 matters or things necessary or proper to enforce effectively
16 the provisions of [~~this~~] the Oil and Gas Act or any other law
17 of this state relating to the conservation, extraction,
18 production, processing, storage and transportation of oil or
19 gas and the prevention of waste of potash as a result of oil or
20 gas operations.

21 [~~B.~~] D. The commission [~~shall have~~] has concurrent
22 jurisdiction and authority with the oil conservation division
23 to the extent necessary for the commission to perform its
24 duties as required by law. In addition, any hearing on any
25 matter may be held before the commission if the division

1 director, in [his] the director's discretion, determines that
2 the commission shall hear the matter."

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