

# Legislative Update, March 8

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**HB 286. Financial assurance.** Increasing penalties for any violation of the Oil & Gas Act to \$10,000 per day, per violation or a third degree felony per day per violation, has not been pulled back to the House Floor yet. I am hearing that House Majority Leadership is putting pressure on those who crossed the aisle to vote the bill down. I am hopeful the votes stay strong. If this bill does manage to get out of the House, I am already working Senate members since I expect the co-sponsor of the bill, Senator Sanchez, to assign it to one committee. And if it passes that committee it will go directly to the floor for a vote next week during the waning hours of the session.

**HB 429. Environmental Private Right of Action.** Will impact all industries regulated under the Oil & Gas Act, the Environmental Improvement Board and the Water Quality Act, any order, rule or permit issued under any of these acts on the House Floor today. It was passed-over yesterday. I understand there is an amendment and, again, House Majority Leadership is working hard to avoid members crossing the aisle. The New Mexico Environmental Law Center is also sending out email blasts to its member base to flood those members with hate mail and nasty calls. I am hopeful those votes will stand strong for industry.

Finally, **HB 531. Attorney General Contingency Fees** is still on the House calendar. There will be additional amendments on the floor. This bill will also affect any regulated entity in New Mexico who could be prosecuted by the attorney general. This would create a fund for the attorney general to hire external attorneys who would recoup fees upon winning cases. This will result in bounty hunters filing frivolous suits against businesses. Again the votes have been worked on this bill and I am hopeful they will hold.

As an update, **SB 547. Ban on Horizontal Oil and Gas Fracturing** was killed in Senate Conservation on an 8-2 vote.

**SB 159** and two other bills were rolled together. These bills would have granted expanded authority to the attorney general to hire contingency fee lawyers. The substitute bill was killed in committee.

Karin Foster