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HOUSE BILL 366

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

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO NATURAL RESOURCES; PROVIDING FOR PREEMPTION BY THE STATE OVER ALL MATTERS RELATING TO THE CONSERVATION, EXTRACTION, PRODUCTION, PROCESSING, ~~AND 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, and storage and transportation, except on tribal lands.

B. The oil conservation division of the energy,

underscored material = new
~~[bracketed material] = delete~~

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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, and 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,
except for statutory authority granted to other state agencies.
8 ~~[It~~

9 ~~shall have]~~ This jurisdiction includes the exclusive authority
10 to permit the siting of oil or gas
11 wells and ancillary facilities, the drilling and completion of
12 oil or gas operations as well as producing, processing, and storage
13 and transportation of oil or gas.

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

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

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