

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

SB 208/a

March 11, 2009

Madam President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE CONSERVATION COMMITTEE SUBSTITUTE
FOR SENATE BILL 208**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, line 14, after "severance", insert "or other written agreement".
2. On page 2, line 25, after "section", strike "and shall govern the" and on page 3, strike lines 1 through 5 in their entirety and strike line 6 up to the period.
3. On page 3, line 22, after "required", insert "or unless such persons have placed of record the instrument establishing their ownership interest in underlying pore space. The ownership of pore space and any easement, license or lease related thereto shall be subject to Chapter 14, Articles 8 through 10 NMSA 1978".
4. On page 4, line 13, after "person", insert "or released from the reservoir by another person".
5. On page 4, line 16, after "easement", strike "or" and insert in lieu thereof a comma and on line 17, after "license", insert "or lease".
6. On page 4, line 22, after "reservoir", strike the rest of the line, strike lines 23 and 24 in their entirety and on line 25, strike "department," and insert in lieu thereof "that is producing, is under development or is subject to a valid and subsisting lease for exploration or development of hydrocarbons or other minerals".

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7. On page 4, line 23, before the comma, insert ", as of the date of commencement of injection".
8. On page 4, line 25, after "department", insert ", pursuant to the Oil and Gas Act and the regulations thereunder".
9. On page 5, line 8, after "license", insert ", lease".
10. On page 5, line 18, after "therein", insert ", that can be exercised without interference with the integrity of the reservoir or the geologic sequestration of carbon dioxide or other gases therein".
11. On page 6, line 8, after "license", insert ", lease".

Respectfully submitted,

Cisco McSorley, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 4 Against
Yes: 6
No: Eichenberg, Lopez, Martinez, Payne
Excused: Sanchez, B.
Absent: None

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