

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, 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,

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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, 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

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