

1 HOUSE BILL 548

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Matthew McQueen

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10 AN ACT

11 RELATING TO OIL AND GAS; AMENDING SECTION 70-3-5 NMSA 1978
12 (BEING LAWS 1953, CHAPTER 42, SECTION 8, AS AMENDED) TO REMOVE
13 CARBON DIOXIDE GAS FROM THE PURPOSE FOR WHICH ANY PERSON, FIRM,
14 ASSOCIATION OR CORPORATION MAY EXERCISE THE RIGHT OF EMINENT
15 DOMAIN FOR PIPELINES OR OTHER FACILITIES FOR CONVEYANCE.

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

18 SECTION 1. Section 70-3-5 NMSA 1978 (being Laws 1953,
19 Chapter 42, Section 8, as amended) is amended to read:

20 "70-3-5. EMINENT DOMAIN POWER.--

21 A. Any person, firm, association or corporation may
22 exercise the right of eminent domain to take and acquire the
23 necessary [~~right-of-way~~] right of way for the construction,
24 maintenance and operation of pipelines, including microwave
25 systems and structures and other necessary facilities for the

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underscored material = new
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1 purpose of conveyance of petroleum and natural gas [~~carbon~~
2 ~~dioxide gas~~] and the products derived therefrom, but any such
3 [~~right-of-way~~] right of way shall in all cases be so located as
4 to do the least damage to private or public property consistent
5 with proper use and economical construction. Such land and
6 [~~right-of-way~~] right of way shall be acquired in the manner
7 provided by the Eminent Domain Code. Pursuant to the
8 requirements of Sections 42A-1-8 through 42A-1-12 NMSA 1978,
9 the engineers, surveyors and other employees of such person,
10 firm, association or corporation shall have the right to enter
11 upon the lands and property of the state and of private persons
12 and of private and public corporations for the purpose of
13 making necessary surveys and examinations for selecting and
14 locating suitable routes for [~~such~~] pipelines, microwave
15 systems, structures and other necessary facilities, subject to
16 responsibility for any damage done to [~~such~~] the property in
17 making surveys and examinations.

18 B. The authorization provided for pursuant to
19 Subsection A of this section for pipelines conveying petroleum
20 and natural gas [~~carbon dioxide gas~~] and products derived
21 therefrom shall apply to trunk lines, including lines owned or
22 operated by public utilities or interstate pipelines connecting
23 a well [~~or wells~~] under a purchase or conveying contract, and
24 shall not apply to gathering lines other than pipelines owned
25 or operated by public utilities or their affiliates or

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1 interstate pipelines or to operators of pipelines whose rates
2 are prescribed or whose operations are licensed by the [~~state~~
3 ~~corporation~~] public regulation commission pursuant to Section
4 70-3-1 or 70-3-2 NMSA 1978. For the purposes of this
5 subsection, the term "trunk line" is defined as the main
6 transmission line [~~which~~] that transports petroleum and natural
7 gas [~~carbon dioxide gas~~] and the products derived therefrom
8 from a producing area to the area where the petroleum and
9 natural gas [~~carbon dioxide gas~~] and the products derived
10 therefrom are to be used. All other pipelines used in
11 connection with [~~such~~] transportation of petroleum and natural
12 gas [~~carbon dioxide gas~~] and the products derived therefrom are
13 defined as "gathering lines"."

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