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AN ACT

RELATING TO OIL AND GAS; IMPOSING FEES; CREATING A FUND;  
MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Oil and Gas Act is  
enacted to read:

"FEES--APPROPRIATION.--

A. The following fees are required to be paid to  
the oil conservation division of the energy, minerals and  
natural resources department:

(1) with each application for a non-federal  
and non-Indian permit to drill, deepen, plug back or reenter  
a well, the applicant shall submit to the division a  
nonrefundable fee of five hundred dollars (\$500);

(2) with each individual application for  
administrative approval of a non-standard location, downhole  
commingle, surface commingle, off-lease measurement, release  
notification and corrective action, change of operator,  
application for modification to surface waste management  
facility, request for the creation of a new pool, proposed  
alternative method permit or closure plan application or  
authorization to move produced water, the applicant shall  
submit to the division a nonrefundable fee of one hundred  
fifty dollars (\$150);

1 (3) with each application for a fluid  
2 injection well permit, the applicant shall submit to the  
3 division a nonrefundable fee of five hundred dollars (\$500)  
4 per well;

5 (4) with each application for a permit for a  
6 commercial surface waste management facility, landfill or  
7 landfarm, the applicant shall submit to the division a  
8 nonrefundable fee of ten thousand dollars (\$10,000) per  
9 facility;

10 (5) with each application for an  
11 administrative hearing, re-hearing or de novo hearing before  
12 the division or commission, the applicant shall submit to the  
13 division a nonrefundable fee of five hundred dollars (\$500)  
14 per application; and

15 (6) with each application for a continuance  
16 of an administrative hearing, re-hearing or de novo hearing  
17 before the division or commission, the applicant shall submit  
18 to the division a nonrefundable fee of one hundred fifty  
19 dollars (\$150) per application.

20 B. An application for an administrative hearing,  
21 re-hearing or de novo hearing before the oil conservation  
22 division or commission will be considered to be materially  
23 amended if the amendment is made for a purpose other than to  
24 correct:

25 (1) typographical errors; or

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(2) clerical errors.

C. The "oil conservation division systems and hearings fund" is created in the state treasury as a nonreverting fund. All funds received by the oil conservation division from fees imposed pursuant to Subsection A of this section shall be delivered to the state treasurer and deposited in the fund. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of energy, minerals and natural resources or the secretary's authorized representative. Money in the fund is subject to appropriation by the legislature to the division to develop and modernize the division's online application processing system, online case management system and online case file system and for other technological upgrades and hearing administration costs. Any unexpended or unencumbered balance remaining in the fund at the end of a fiscal year shall not revert to the general fund. Money in the fund in fiscal year 2020 may be expended by the division for the purposes of the fund."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019. \_\_\_\_\_