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HOUSE BILL 279

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO PIPELINE SAFETY; PROVIDING FOR SAFETY OF
INTRASTATE PIPELINES; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 19-7-57 NMSA 1978 (being Laws 1912,
Chapter 82, Section 53, as amended) is amended to read:

"19-7-57. [~~COMMISSIONERS~~] COMMISSIONER- - POWERS- -
EASEMENTS- - RIGHTS OF WAY. -- [~~Sec. 54.~~] The commissioner may
grant rights of way and easements over, upon or across state
lands for public highways, railroads, tramways, telegraph,
telephone and power lines, irrigation works, mining, logging
and [~~for~~] other purposes upon payment by the grantee [~~or~~
grantees] of the price fixed by the commissioner, which shall
not be less than the minimum price for the lands, used, as
fixed by law. The commissioner may grant a right of way or

underscored material = new
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1 easement over, upon or across state lands for oil, hazardous
2 liquid and gas pipelines if the contract requires compliance
3 with the Pipeline Safety Act and rules adopted pursuant to
4 that act and provides for regulators' agency access to records
5 of compliance. "

6 Section 2. Section 70-3-13 NMSA 1978 (being Laws 1969,
7 Chapter 71, Section 3) is amended to read:

8 "70-3-13. POWERS AND DUTIES OF COMMISSION. -- The
9 commission [~~may~~]:

10 A. shall promulgate, amend, enforce and repeal
11 reasonable [~~regulations~~] rules establishing minimum safety
12 standards for the transportation of oil, hazardous liquids and
13 gas and for the design, installation, inspection, testing,
14 construction, extension, operation, replacement and
15 maintenance, including internal and external surveillance for
16 pipe integrity and installation of emergency flow restricting
17 devices, of oil, [~~or~~] hazardous liquid and gas pipeline
18 facilities as may be required by federal law. Safety
19 standards shall not be applicable to oil, hazardous liquid or
20 gas pipeline facilities in existence on the date the safety
21 standards are adopted; provided, however, that whenever the
22 commission upon investigation and hearing determines that an
23 oil, hazardous liquid or gas pipeline facility is hazardous to
24 life or property, it may require the person operating the oil,
25 hazardous liquid or gas pipeline facility to take the steps

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1 necessary to remove the hazards. Safety [~~regulations~~] rules
2 shall be practicable and designed to meet the need for
3 pipeline safety. Safety [~~regulations~~] rules promulgated for
4 oil, hazardous liquid and gas pipeline facilities or the
5 transportation of oil, hazardous liquids and gas shall be
6 consistent with federal law and [~~with~~] rules [~~and regulations~~
7 ~~promulgated under authority of the Natural Gas and Pipeline~~
8 ~~Safety Act of 1968 being Public Law 90-481~~]. Safety
9 [~~regulations~~] rules adopted hereunder shall not apply to any
10 transportation of oil or oil pipeline facilities regulated by
11 the federal department of transportation. Rules adopted
12 pursuant to the Pipeline Safety Act shall substantially
13 conform to federal pipeline safety rules;

14 B. may advise, consult, contract and cooperate
15 with any agency of the federal government or any other state
16 in projects of common interest in the regulation of safety of
17 oil, [~~or~~] hazardous liquid and gas pipeline facilities and the
18 transportation of oil, hazardous liquids and gas and
19 administer the authority delegated to the commission by any
20 contract with the federal government or any agency thereof;

21 C. may accept, receive, apply for or administer
22 grants or other funds or gifts from public or private
23 agencies, including the federal government, or from any other
24 person;

25 D. may make investigations consistent with the

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1 Pipeline Safety Act and, in connection therewith, enter
2 private or public property at all reasonable times. The
3 results of investigations shall be reduced to writing if any
4 enforcement action is contemplated and a copy thereof
5 furnished to the operator of the oil, hazardous liquid or gas
6 pipeline facilities investigated before any enforcement action
7 is initiated; and

8 E. may require persons subject to the Pipeline
9 Safety Act to maintain the records, file the reports and
10 develop the plans for inspection and maintenance of oil,
11 hazardous liquid or gas pipeline facilities as the commission
12 may, by [~~regulation~~] rule, require for proper administration
13 of the Pipeline Safety Act; provided, however, that the use of
14 the term "rights of way" does not authorize the commission to
15 prescribe the location or routing of any oil, hazardous
16 liquid or gas pipeline facility. "