

1 HOUSE BILL 549

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 LIMIT
13 EMINENT DOMAIN AUTHORIZATION FOR WHICH ANY PERSON, FIRM,
14 ASSOCIATION OR CORPORATION MAY EXERCISE THE RIGHT OF EMINENT
15 DOMAIN FOR PIPELINES OR OTHER FACILITIES FOR CONVEYANCE OF
16 PETROLEUM, NATURAL GAS AND CARBON DIOXIDE GAS AND THE PRODUCTS
17 DERIVED THEREFROM, PROVIDED THAT NO LESS THAN SEVENTY-FIVE
18 PERCENT OF THE VOLUME OF SUCH PETROLEUM, NATURAL GAS AND CARBON
19 DIOXIDE GAS ORIGINATES IN, IS PROCESSED IN OR IS USED IN NEW
20 MEXICO.

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

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

25 "70-3-5. EMINENT DOMAIN POWER.--

.200384.2

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 A. Any person, firm, association or corporation may
2 exercise the right of eminent domain to take and acquire the
3 necessary ~~[right-of-way]~~ right of way for the construction,
4 maintenance and operation of pipelines, including microwave
5 systems and structures and other necessary facilities for the
6 purpose of conveyance of petroleum, natural gas and carbon
7 dioxide gas and the products derived therefrom; ~~[but]~~ provided
8 that no less than seventy-five percent of the volume of such
9 petroleum, natural gas and carbon dioxide gas originates in, is
10 processed in or is used in New Mexico. Any such ~~[right-of-way]~~
11 right of way shall in all cases be so located as to do the
12 least damage to private or public property consistent with
13 proper use and economical construction. Such land and ~~[right-~~
14 ~~of-way]~~ right of way shall be acquired in the manner provided
15 by the Eminent Domain Code. Pursuant to the requirements of
16 Sections 42A-1-8 through 42A-1-12 NMSA 1978, the engineers,
17 surveyors and other employees of such person, firm, association
18 or corporation shall have the right to enter upon the lands and
19 property of the state and of private persons and of private and
20 public corporations for the purpose of making necessary surveys
21 and examinations for selecting and locating suitable routes for
22 ~~[such]~~ pipelines, microwave systems, structures and other
23 necessary facilities, subject to responsibility for any damage
24 done to ~~[such]~~ the property in making surveys and examinations.

25 B. The authorization provided for pursuant to

.200384.2

underscoring material = new
~~[bracketed material] = delete~~

1 Subsection A of this section for pipelines conveying petroleum,
2 natural gas and carbon dioxide gas and products derived
3 therefrom shall apply to trunk lines, including lines owned or
4 operated by public utilities or interstate pipelines connecting
5 a well ~~[or wells]~~ under a purchase or conveying contract, and
6 shall not apply to gathering lines other than pipelines owned
7 or operated by public utilities or their affiliates or
8 interstate pipelines or to operators of pipelines whose rates
9 are prescribed or whose operations are licensed by the ~~[state~~
10 ~~corporation]~~ public regulation commission pursuant to Section
11 70-3-1 or 70-3-2 NMSA 1978. For the purposes of this
12 subsection, the term "trunk line" is defined as the main
13 transmission line ~~[which]~~ that transports petroleum, natural
14 gas and carbon dioxide gas and the products derived therefrom
15 from a producing area to the area where the petroleum, natural
16 gas and carbon dioxide gas and the products derived therefrom
17 are to be used. All other pipelines used in connection with
18 ~~[such]~~ transportation of petroleum, natural gas and carbon
19 dioxide gas and the products derived therefrom are defined as
20 "gathering lines"."