

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 133

SENATE BILL 389, as amended

Introduced by

SENATOR CARROLL H. LEAVELL
SENATOR GAY G. KERNAN
SENATOR STEVEN P. NEVILLE
SENATOR MARY KAY PAPAN
SENATOR WILLIAM E. SHARER



CHAPTER 133

AN ACT

RELATING TO OIL AND GAS; ENACTING A NEW SECTION OF THE OIL AND GAS ACT TO CREATE REQUIREMENTS FOR ADOPTING AND APPEALING RULES.

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:

"ADOPTION OF RULES--APPEALS.--

A. No rule shall be adopted pursuant to the Oil and Gas Act until after a hearing by the commission.

B. Any rule adopted under the Oil and Gas Act shall be filed and published in accordance with the State Rules Act. No rule shall be filed until the latter of twenty days after the commission has entered an order or has refused a rehearing application pursuant to Section 70-2-25 NMSA 1978.

C. Any party of record to the proceeding before the commission or any person adversely affected by a rule adopted under the Oil and Gas Act may appeal to the court of appeals within thirty days after filing of the rule under the State Rules Act. All such appeals shall be upon the record made by the commission. Upon appeal, the court of appeals shall set aside the rule only if found to be:

(1) arbitrary, capricious or an abuse of

1 discretion;

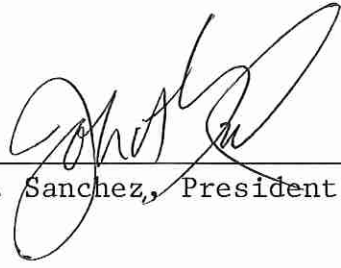
2 (2) not supported by substantial evidence in
3 the record; or

4 (3) otherwise not in accordance with law.

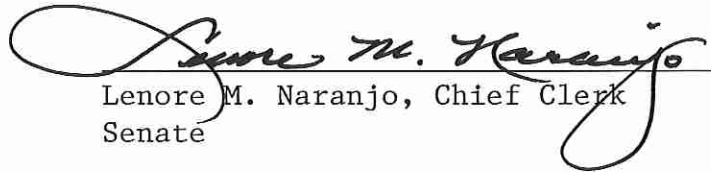
5 D. As used in this section, "rule" includes an
6 amendment or repeal of a rule." _____

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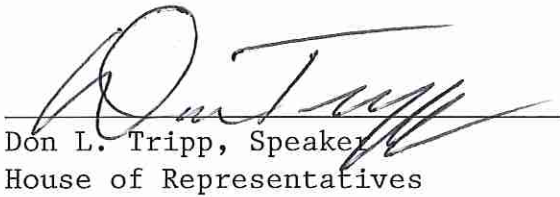
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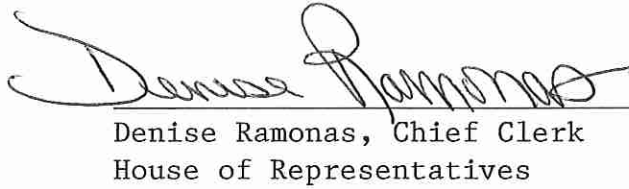
John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Don L. Tripp, Speaker
House of Representatives



Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 10th day of April, 2015



Governor Susana Martinez
State of New Mexico