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 PAPEN
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
discretion;

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

(3) otherwise not in accordance with law.

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

Susana Martinez
Governor
State of New Mexico