

1 SENATE BILL 389

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Carroll H. Leavell

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10 AN ACT

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

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

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

18 "[NEW MATERIAL] ADOPTION OF RULES--APPEALS.--

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

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

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underscored material = new
[bracketed material] = delete

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

1 C. Any person who is or may be affected by a rule
2 adopted under the Oil and Gas Act may appeal to the court of
3 appeals within thirty days after filing of the rule under the
4 State Rules Act. All such appeals shall be upon the record
5 made by the commission. Upon appeal, the court of appeals
6 shall set aside the rule only if found to be:

- 7 (1) arbitrary, capricious or an abuse of
8 discretion;
9 (2) not supported by substantial evidence in
10 the record; or
11 (3) otherwise not in accordance with law.

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