

Opinion No. 54-5927

March 29, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. R. R. Spurrier Secretary and Director New Mexico Oil Conservation
Commission P. O. Box 871 Santa Fe, New Spurrier:

{*373} You have requested the opinion of this office upon the meaning of "entry of an order", as it appears in § 69-223, N.M.S.A., 1941 Comp., as amended, (Laws 1953, Ch. 72, Sec. 17). Pertinent parts of this section provide for application for rehearing within 20 days after "entry of an order", and appeal to District Court within 20 days after "entry of an order" upon petition for rehearing.

{*374} In all Courts of record and administrative bodies, it is general procedure to maintain a record or minute book in which the official acts of the Court or board are entered by its authorized clerk or agent. Section 69-206, N.M.S.A., 1941 Comp., as amended, (Laws 1953, Ch. 72, Sec. 5) directs that your Commission shall maintain a book or record of rules, regulations and orders duly made by your Commission. Sections 69-220, 69-210 and 69-206, N.M.S.A., 1941 Comp., as amended, (Laws 1953, Ch] 72, Secs. 14, 9 and 5) grant your Commission the authority to make such rules and regulations as are necessary to carry out your delegated duties in the manner specified under § 69-221, N.M.S.A., 1941 Comp., as amended, (Laws 1953, Ch. 72, Sec. 15).

The exact question has not been decided by the Supreme Court of this State, but as to Court judgments, the time for computing appeals is from the date of entry of the order. Rules of Appellate Procedure, Rule 2, Sec. 2, **King v. McElroy**, 21 P. 2d 80, 37 N.M. 238. In other jurisdictions, entry has been held to mean recording or causing to be recorded in due form. **Thomason v. Ruggles**, 69 Cal. 465, 11 P. 20; **Wiseman v. Wilson**, 98 N.Y.S. 2d 351; Abbott's Law Dictionary 43. A record has been defined to be "a memorial or remembrance in rolls of parchment of the proceedings and acts of a court of justice which has power to hold plea, according to the course of the common law, of real and mixed actions". Co. Litt 260(a).

It is, therefore, the opinion of this office that "entry of an order", as it appears in the law dealing with the Oil Conservation Commission, means entering it upon a minute book or other proper book used to record the official acts of the Commission.

We trust this is of some assistance to you.

By: William J. Torrington

Assist. Attorney General