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SENATE BILL 386

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Don Kidd

AN ACT

RELATING TO PROCUREMENT; AMENDING SECTION 73-21-16 NMSA 1978  
(BEING LAWS 1943, CHAPTER 80, SECTION 14, AS AMENDED) TO  
CHANGE THE REQUIREMENT FOR PUBLICATION OF NOTICE FOR CERTAIN  
BIDS BY WATER AND SANITATION DISTRICT BOARDS.

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

Section 1. Section 73-21-16 NMSA 1978 (being Laws 1943,  
Chapter 80, Section 14, as amended) is amended to read:

"73-21-16. GENERAL POWERS.--For and on behalf of the  
district, the board [~~shall have~~] has the following powers:

- A. to have perpetual existence;
- B. to have and use a corporate seal;
- C. to sue and be sued and be a party to suits,  
actions and proceedings;
- D. except as otherwise provided in the Water and  
Sanitation District Act, to enter into contracts and

.130018.1

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1 agreements affecting the affairs of the district, including  
2 contracts with the United States and any of its agencies or  
3 instrumentalities. Except in cases in which a district will  
4 receive aid from a governmental agency, a notice shall be  
5 published for bids on all construction contracts for work or  
6 material [~~or both~~] involving an expense of [~~five thousand~~  
7 ~~dollars (\$5,000)~~] ten thousand dollars (\$10,000) or more.

8 The district may reject any and all bids, and if it appears  
9 that the district can perform the work or secure material for  
10 less than the lowest bid, it may proceed to do so;

11 E. to borrow money and incur indebtedness and  
12 evidence the indebtedness by certificates, notes or  
13 debentures and to issue bonds in accordance with the  
14 provisions of [~~that~~] the Water and Sanitation District Act;

15 F. to acquire, dispose of and encumber real and  
16 personal property, water rights, water and sewer works and  
17 plants and any interest in them, including leases and  
18 easements;

19 G. to refund any bonded indebtedness or revenue  
20 bonds of the district without an election in accordance with  
21 the provisions of [~~that~~] the Water and Sanitation District  
22 Act;

23 H. to [~~have the management~~] manage, control and  
24 [~~supervision of~~] supervise all the business and affairs of  
25 the district and the construction, installation, operation  
and maintenance of district improvements;

I. to hire and retain agents, employees, engineers

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1 and attorneys;

2 J. to have and exercise the power of eminent  
3 domain and dominant eminent domain and, in the manner  
4 provided by law for the condemnation of private property for  
5 public use, to take ~~[any]~~ property necessary to the exercise  
6 of the powers granted in ~~[that]~~ the Water and Sanitation  
7 District Act, both within and without the district;

8 K. to construct and maintain works and establish  
9 and maintain facilities across or along ~~[any]~~ a public street  
10 or highway and in, upon or over ~~[any]~~ vacant public lands  
11 ~~[which public lands]~~ that are ~~[now or may become]~~ the  
12 property of the state and to construct works and establish  
13 and maintain facilities across ~~[any stream of water or~~  
14 ~~watercourse]~~ streams or watercourses; provided, however, that  
15 the district shall promptly restore ~~[any such]~~ an affected  
16 street or highway to its former state of usefulness ~~[as~~  
17 ~~nearly as may be]~~ and shall not use the street or highway in  
18 ~~[such]~~ a manner ~~[as to]~~ that completely or unnecessarily  
19 ~~[impair]~~ impairs its usefulness;

20 L. to fix ~~[and from time to time to]~~, increase or  
21 decrease water and sewer rates, tolls or charges for services  
22 or facilities furnished or made available by the district,  
23 including ~~[without limiting the generality of the foregoing]~~  
24 standby charges for both water and sewers, and to pledge that  
25 revenue for the payment of any indebtedness of the district.  
Until paid, all rates, tolls or charges constitute a  
perpetual lien on ~~[and against]~~ the property served, and ~~[any]~~

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1 ~~such~~ the lien may be foreclosed in the same manner as  
2 provided by the laws of New Mexico for the foreclosure of  
3 real estate mortgages. The board shall shut off or  
4 discontinue service for delinquencies in the payment of the  
5 rates, tolls or charges or in the payment of taxes levied  
6 pursuant to the Water and Sanitation District Act. ~~[and]~~ The  
7 board shall prescribe and enforce rules ~~[and regulations]~~  
8 for the connection with and the disconnection from  
9 ~~[properties of]~~ the works and facilities of the district.  
10 For health and sanitary purposes, the board shall have the  
11 power to compel the owners of inhabited property within a  
12 sanitation district to connect their property ~~[with]~~ to the  
13 sewer system of the district, and ~~[upon a failure so to~~  
14 ~~connect]~~ if an owner fails to do so within sixty days after  
15 written notice by the board, the board may cause the  
16 connection to be made and a lien to be filed against the  
17 property for the expense incurred in making the connection;  
18 provided, however, that no owner shall be compelled to  
19 connect his property with ~~[such]~~ a sewer system unless a  
20 service line is brought by the district to a point within  
21 four hundred feet of his dwelling place;

22 M. to adopt and amend bylaws not in conflict with  
23 the constitution and laws of the state for carrying on the  
24 business, objects and affairs of the board and of the  
25 district; and

N. to ~~[have and]~~ exercise all rights and powers  
necessary or incidental to or implied from the specific

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1 powers granted in this section [~~Such specific powers shall~~  
2 ~~not be considered as a limitation upon~~] and, additionally,  
3 any power necessary or appropriate to carry out the purposes  
4 and intent of [~~that~~] the Water and Sanitation District Act."