

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

March 8, 2019

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE AGRICULTURE & WATER RESOURCES COMMITTEE
SUBSTITUTE FOR HOUSE BILL 175

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 19, strike "17" and insert in lieu thereof "16".
2. On page 3, line 2, strike "and".
3. On page 3, between lines 2 and 3, insert the following new subsection:

"I. "non-joining provider" means a public water or wastewater utility that is not a joining entity; and".
4. Reletter the succeeding subsection accordingly.
5. On page 3, line 4, strike "provides" and insert in lieu thereof "is authorized to provide" and after "services", insert "in accordance with the Regional Water Utility Authority Act".
6. On page 3, line 8, after the subsection designation "A.", insert "owning,".
7. On page 3, line 23, after "entities", insert "with proven managerial, financial and technical capacity to own and operate the facilities of an authority".
8. On page 6, line 21, after "facilities;", insert "provided that an authority shall not condemn property owned by a non-joining provider;".
9. On page 6, line 24, strike "16" and insert in lieu thereof "15".
10. On page 7, lines 6 through 11, strike Paragraphs (12) and (13) in their entirety and insert in lieu thereof the

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following new paragraph:

"(12) for health and sanitary purposes, compel the connection of inhabited property within the service area if the authority's services are available within four hundred feet of the property line; provided that an authority is responsible for assuming the cost of making the services available up to the property line; and".

11. Renumber the succeeding paragraph accordingly.

12. On page 11, line 13, strike the comma, strike lines 14 and 15 in their entirety and strike line 16 through "Act".

13. On page 12, line 3, strike "extend" and insert in lieu thereof "provide", after "services", insert ", by contract," and on lines 3 and 4, strike "by contract".

14. On page 12, line 8, strike "and".

15. On page 12, strike lines 9 through 14 in their entirety and insert in lieu thereof the following new paragraphs:

"(2) the service area of an authority shall not extend more than five miles beyond the authority's water service distribution or wastewater facilities, excluding extensions from time to time into areas contiguous to the service area or encroachments into areas within five miles of the water service distribution or wastewater facilities operated by a non-joining provider; and

(3) an authority's exclusive right to provide water or wastewater services within the service area shall not prevent an entity entitled to a forty-year planning protection under Section 72-1-9 NMSA 1978 from providing water and wastewater services within the entity's place of use that is on file with the state engineer."

16. On page 13, line 2, strike "service areas" and insert in lieu thereof "places of use".

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17. On pages 13 and 14, strike Section 14.
18. Renumber succeeding sections accordingly.
19. On page 19, between lines 3 and 4, insert the following new subsection:

"C. If an authority or a non-joining provider files a complaint with the public regulation commission, the public regulation commission shall have jurisdiction to hear and resolve a dispute concerning the authorized service area of an authority but only to the extent the service area encroaches into an area served by an existing public-regulation-commission-regulated utility."

Respectfully submitted,

Gail Chasey, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: Armstrong, D., Cadena, Cook, Ely, Rehm
Absent: None

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