

**FORTY-NINTH LEGISLATURE
FIRST SESSION**

March 19, 2009

Mr. Speaker:

Your **CONFERENCE COMMITTEE**, to whom has been referred

HOUSE BILL 337, as amended

has had it under consideration and reports same with the following recommendation:

1. The following House Agriculture and Water Resources Committee Amendments be APPROVED:

Nos. 1, 2 and 3.

2. The following House Agriculture and Water Resources Committee Amendment be DISAPPROVED:

No. 4.

3. The following House Taxation and Revenue Committee Amendments be APPROVED:

Nos. 1 and 2.

4. The following Senate Judiciary Committee Amendments be APPROVED:

Nos. 1, 2 and 3.

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5. The following Senate Judiciary Committee Amendment be DISAPPROVED:

No. 4.

and that the bill be amended further as follows:

6. Strike page 36, line 21 through page 37, line 18, and insert in lieu thereof:

"B. If the board has not elected to become subject to the jurisdiction of the public regulation commission:

(1) at least thirty days after publication of a notice of the board's intention to adjust rates, tolls, fees or charges, the board shall conduct a public hearing on the proposed resolution, at which time, after hearing proponents and opponents, the board may reject, amend or adopt the resolution adjusting the rates, tolls, fees or charges;

(2) within thirty days after publication of the resolution adjusting rates, tolls, fees or charges, the new rates, tolls, fees or charges may be appealed by a taxpaying elector to the district court of the county in which the district is located; and

(3) the district court shall consider the petition to overturn the adjustments, based on the record of the board hearing in which the resolution was adopted, under the court's rules governing review by a district court of administrative decisions or orders.

C. If the board of any district located in a class A county with a population according to the 2000 federal decennial

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census of more than one hundred twenty-five thousand and less than one hundred thirty-five thousand has not elected to become subject to the jurisdiction of the public regulation commission:

(1) at least thirty days after publication of a notice of the board's intention to adjust rates, tolls, fees or charges, the board shall conduct a public hearing on the proposed resolution;

(2) at the expense of the board, the board shall appoint a hearing officer to conduct the public hearing to be chosen from a list of hearing officers provided by the commission, and shall engage a court reporter to record the hearing and produce a verbatim written record of the hearing;

(3) the board's hearing officer shall:

(a) hear proponents and opponents of the proposal;

(b) issue a decision rejecting, amending or adopting the resolution adjusting the rates, tolls, fees or charges; and

(c) within thirty days following the hearing, file the decision with the board;

(4) within seven days of receipt of the decision, the board shall mail a copy of the decision to each proponent and opponent who appeared at the hearing or who requested a written copy of the decision, and the board shall post the decision on the district's web site;

(5) the board shall pay all expenses of the public

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hearing and may charge a reasonable fee for production of copies of the record; provided that any citizen has the right to obtain a copy of the record on payment of the fee;

(6) within twenty days following the board's mailing of the decision of the hearing officer, the decision may be appealed to the board by a taxpaying elector;

(7) within thirty days of receipt of an appeal of the hearing officer's decision, the board shall, based on a review of the record of the first public hearing, reject, approve or amend the decision of the hearing officer and shall mail a copy of the board's decision within seven days to each proponent and opponent who appeared at the hearing or who requested a written copy of the decision, and the board shall post the decision on the district's web site;

(8) within thirty days following mailing of the board's decision, a taxpaying elector may appeal the decision of the board to the district court of the county in which the district is located; and

(9) the district court shall consider the petition to overturn the adjustments, based on the record certified by the court reporter of the public hearing and the decision of the board, under the court's rules governing review by a district court of administrative decisions or orders."".

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Respectfully submitted,

Roberto "Bobby" J. Gonzales

Joseph Cervantes

Jimmie C. Hall

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____