

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

HB 337/a

March 13, 2009

Madam President:

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

HOUSE BILL 337, as amended

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

1. Strike House Agriculture and Water Resources Committee Amendment 4.

2. On page 18, between lines 21 and 22, insert the following new subsection:

"D. "proponents and opponents" means residents or nonresidents of a district who pay or are liable for paying rates, tolls, fees and charges assessed by that district;"

3. Reletter the succeeding subsections accordingly.

4. 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;

**FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009**

SJC/HB 337

Page 2

(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 to the district court of the county in which the district is located by a customer who appeared before the board at the public hearing and protested the adjustment to the rates, tolls, fees or charges; 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 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;

**FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009**

SJC/HB 337

Page 3

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

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

(4) the board shall, within three working days of receipt of the decision, mail a copy of the decision to each proponent and opponent;

(5) the board shall pay all expenses of the public 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 proponent or opponent who appeared at the public hearing;

(7) the board may, 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 its decision to the proponents and opponents;

(8) within thirty days following mailing of the board's decision, a proponent or opponent who appeared at the first public hearing 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."".

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

SJC/HB 337

Page 4

Respectfully submitted,

Cisco McSorley, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Lopez, Martinez, Sanchez, B., Sanchez, M.

Absent: None

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