

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

384/a

February 28, 2009

Madam President:

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

SENATE BILL 384

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

1. On page 1, line 15, after the semicolon insert "PROVIDING FOR CERTAIN NOTICE BEFORE DISTRICT ELECTIONS;".

2. On page 18, line 17, after the first occurrence of "system", strike the remainder of the line and on line 18, strike "system".

3. On page 20, before line 1, insert the following new section:

"Section 3. Section 73-21-14 NMSA 1978 (being Laws 1943, Chapter 80, Section 13, as amended) is amended to read:

"73-21-14. ELECTIONS.--

A. In any district, except a district created pursuant to a petition signed by the [~~chairman~~] chair of the board of county commissioners of a county, on the second Tuesday of January in the second calendar year after the organization of the district and on the second Tuesday of January every second year thereafter, there shall be elected by the taxpaying electors of the district one member of the board to serve for a term of six years, except that if the district elects to adopt four-year terms, the member shall serve for a term of four years.

B. In any district created pursuant to a petition signed by the [~~chairman~~] chair of the board of county commissioners of a county, one year after the organization of the district and every second year thereafter, there shall be elected by the taxpaying

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

SCONC/SB 384

Page 2

electors of the district at least two, but no more than three, members of the board to serve for a term of two years.

C. Not later than thirty days before any election pursuant to ~~[Subsections]~~ Subsection A or B of this section, nominations may be filed with the secretary of the board, and, if a nominee does not withdraw ~~[his]~~ the nominee's name before the first publication of the notice of election, ~~[his]~~ the name shall be placed on the ballot. The board shall provide for holding such election and shall appoint judges to conduct it. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection ~~[therewith]~~ with the election as the board may direct. If within ninety days prior to a board election, the district publishes materials that describe the qualifications, experience and accomplishments of incumbents, equal space shall be made available without charge for similar information provided by opponents seeking a position on the board. The returns of the election shall be certified to and shall be canvassed and declared by the board. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify."".

4. Renumber the succeeding sections accordingly.

5. On page 20, line 12, strike "to be repaid from" and insert in lieu thereof "secured by".

6. On page 21, line 24, strike "make and" and after "or", insert "obtain".

7. On page 36, strike lines 21 through 25 and on page 37, strike lines 1 through 18 and insert in lieu thereof the following subsection:

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

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

SCONC/SB 384

Page 3

(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 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."",

and thence referred to the **JUDICIARY COMMITTEE.**

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

SCONC/SB 384

Page 4

Respectfully submitted,

Bernadette M. Sanchez, Chairman

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

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: None

Absent: None

SB0384C01

.177863.2