

FORTY-SEVENTH LEGISLATURE  
FIRST SESSION, 2005

SB 830/a

March 13, 2005

Madam President:

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

**SENATE BILL 830, as amended**

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

1. Strike all senate corporations and transportation committee amendments.

2. On page 1, between lines 17 and 18, insert the following paragraph:

"(1) "county" means an H class county or a county with a population, as shown by the most recent federal decennial census, greater than twenty-five thousand;"

3. Renumber the succeeding paragraphs accordingly.

4. On page 1, line 22, strike "and".

5. On page 2, line 22, strike the period and insert in lieu thereof a semicolon and "and".

6. On page 2, between lines 22 and 23, insert the following paragraph:

"(4) "municipality" means a home rule municipality, a charter municipality or a municipality with a population, as shown by the most recent federal decennial census, greater than twenty thousand."

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7. On page 3, line 10, strike the period and insert in lieu thereof a comma and the following:

"provided that the development agreement shall not commit the municipality or county to obligations in contravention of Section 6-6-11 NMSA 1978. Duties of a municipality or county pursuant to the terms of a development agreement are subject to the availability of appropriations sufficient to satisfy the obligations of the agreement.".

8. On page 3, between lines 10 and 11, insert the following subsections:

"D. A development agreement shall be consistent with the comprehensive plan and related sub-area plans of the municipality or county in effect when the development agreement is entered into.

E. The term of a development agreement shall be specified in the agreement.

F. A development agreement shall provide for periodic review by the municipality or county and for termination of the development agreement by the municipality or county in the event of a material breach that is not cured within a reasonable period of time.

G. The development agreement shall provide for a progress review by the municipality or county to ensure that the person who entered into the agreement is proceeding satisfactorily with the terms of the agreement and is meeting any time benchmarks and performance goals of the agreement. The time for the progress review shall be specified in the agreement but shall not be more than fifteen years after the agreement is executed.".

9. Reletter the succeeding subsections accordingly.

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10. On page 4, line 4, strike "and" and between lines 4 and 5, insert the following paragraph:

"(3) for up to twenty years after the execution of the agreement, the use of land subject to the development agreement shall be subject to the zoning ordinances and rules in place when the development agreement is executed; and".

11. Renumber the succeeding paragraph accordingly.

Respectfully submitted,

\_\_\_\_\_  
Cisco McSorley, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: None

Absent: None

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