

FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009

SB 528/a

March 13, 2009

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

SENATE BILL 528

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

1. On page 2, line 22, after "board" insert "and that directly services high-occupancy-vehicle transit infrastructure, including bus turnouts, feeder and side roads and parking areas for transit stations and dedicated high-occupancy-vehicle lanes, including high-occupancy-vehicle counter-flow lanes".

2. On page 3, between lines 3 and 4, insert the following new section:

"Section 3. Section 73-25-6 NMSA 1978 (being Laws 2003, Chapter 65, Section 6) is amended to read:

"73-25-6. POWERS OF THE DISTRICT.--

A. A district is a body politic and corporate. In addition to other powers granted to the district pursuant to the Regional Transit District Act, the district may:

(1) have perpetual existence, except as otherwise provided in the contract;

(2) sue and be sued;

(3) enter into contracts and agreements affecting the affairs of the district;

(4) establish, collect and increase or decrease fees, tolls, rates or charges for the use of property of a regional transit system financed, constructed, operated or maintained by the

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district; except that fees, tolls, rates or charges imposed for the use of a regional transit system shall be fixed and adjusted to pay for bonds issued by the district;

(5) pledge all or a portion of the revenues to the payment of bonds of the district;

(6) finance, construct, operate or maintain regional transit systems within the boundaries of the district; provided, however, that action taken pursuant to this subsection on a regional transit system defined in Paragraph (2) of Subsection H of Section 73-25-3 NMSA 1978 does not create a right of control or ownership in a street, road, highway or bridge if control or ownership previously existed in another governmental unit;

(7) purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of and encumber real or personal property and interest therein, including easements and rights of way;

(8) accept real or personal property for the use of the district and accept gifts and conveyances upon the terms and conditions as the board may approve;

(9) use the streets, highways and other public ways and, with permission of the owner, [~~to~~] relocate or alter the construction of streets, highways, other public ways, electric and telephone lines and properties, pipelines, conduits and other properties, whether publicly or privately owned, if deemed necessary by the district in the construction, reconstruction, repair, maintenance and operation of the system. Any damage that may occur to the property shall be borne by the district; and

(10) provide transportation services outside the boundaries of the district.

B. After the creation of a district, the board may include

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property within or exclude property from the boundaries of the district in the manner provided in this section. Property shall not be included within the boundaries of the district unless it is within the boundaries of the members of the combination at the time of the inclusion. Property located within the boundaries of a governmental unit that is not a member of the combination as the boundaries of the governmental unit exist on the date the property is included shall not be included without the consent of the governing body of the governmental unit. Prior to inclusion of property in or exclusion of property from the boundaries of the district, the board shall cause notice of the proposed inclusion or exclusion to be published in a newspaper of general circulation within the boundaries of the district and cause the notice to be mailed to the commission. The notice shall:

(1) describe the property to be included in or excluded from the boundaries of the district;

(2) specify the date, time and place at which the board shall hold a public hearing on the proposed inclusion or exclusion; provided that the date of the public hearing contained in the notice shall be not less than twenty days after publication of the notice; and

(3) state that persons having objections to the inclusion or exclusion may appear at the public hearing to object to the proposed inclusion or exclusion.

C. The board shall hear all objections to the proposed inclusion or exclusion at the time and place designated in the notice. The board, upon the affirmative vote of two-thirds of the directors, may adopt a resolution including or excluding all or a portion of the property described in the notice. Upon the adoption of the resolution, the property shall be included within or excluded from the boundaries of the district as set forth in the resolution. The board may adopt the resolution without amending the district's enabling contract. The board shall file the resolution with the

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commission, who shall cause the resolution to be recorded in the real estate records of each county having territory included in the boundaries of the district."".

3. Renumber the succeeding section accordingly.,

and thence referred to the **CORPORATIONS AND TRANSPORTATION COMMITTEE.**

Respectfully submitted,

Dede Feldman, Chairman

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

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Boitano, Nava

Absent: None

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