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FISCAL IMPACT REPORT

SPONSOR: Nunez DATE TYPED: 2/5/03 HB 153aHAGC/aHJC

SHORT TITLE: Amend Soil & Water Conservation Districts SB _____

ANALYST: L. Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

New Mexico Department of Agriculture (NMDA)
Office of the State Engineer (OSE)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee Amendments:

- Allow the Commission to promulgate rules, not regulations to carry out the provisions of the Soil and Water Conservation Act,
- Require the Commission to hold the election on geographical boundaries of a district to be held the first Tuesday in February, if practicable, instead of May;
- Requires that the successors to supervisors whose terms end in a calendar year shall be elected on the first Tuesday in May of that year.

Synopsis of HAGC Amendment

The House Agriculture and Water Resources Committee Amendment amends the bill to allow the Soil and Water Conservation Commission to appoint the canvassing boards for soil and water conservation districts.

Synopsis of Original Bill

House Bill 153 amends numerous sections of the Water and Soil Conservation District Act, (73-20-25 through 73-20-48, NMSA 1978).

The bill was introduced for the Revenue Stabilization and Tax Policy Committee.

Significant Issues

HB 153 “streamlines” the role and administration of the Soil and Water Commission (SWC). The bill expands eligibility to vote in a district election from landowners to registered voters, clarifies the powers and duties of the SWC, revises balloting procedures to allow the use of modern technology and voting methods, removes provisions for the dissolution of districts and standardizes the date for election of supervisors. The bill also provides that owners of non-agricultural lands will no longer be able to petition the district to be deleted from the district tax assessment rolls.

FISCAL IMPLICATIONS

HB 153 has no fiscal impact.

ADMINISTRATIVE IMPLICATIONS

According to the NMDA analysis, HB 153 enhances SWC administration by correcting conflicting statements in the current statute and will make administration of districts more straightforward.

TECHNICAL ISSUES

NMDA reports the bill contains two methods for filling a vacant unexpired term of an appointed supervisor in 73-20-37C (pg. 20) and 70-20-38D ((pg. 23).

NMDA reports that soil and water conservation districts do not follow county lines. Consequently the stipulation that county canvassing boards determine the results of a district election will require that the canvassing board be comprised from all the counties, which constitute the district. ((73-20-38, pg. 21, line 21). NMDA recommends the bill contain language, which allows the establishment of a canvassing board specifically for district elections, which will represent all constituent counties in a soil and water conservation district.

ALTERNATIVES

NMDA recommends rewording page 23, line 11, to read:

“A vacant unexpired term of the office of an elected supervisor shall be filled by appointment by the remaining supervisors of the district.”