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## FISCAL IMPACT REPORT

SPONSOR: Duran DATE TYPED: 2/10/03 HB \_\_\_\_\_

SHORT TITLE: Amend Soil & Water Conservation Districts SB 412

ANALYST: L. Baca

### APPROPRIATION

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Identical to HB 153  
Similar to HB 153aa

### SOURCES OF INFORMATION

#### Responses Received From

New Mexico Department of Agriculture (NMDA)  
Office of the State Engineer (OSE)  
New Mexico Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

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

#### 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 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, SB 412 enhances SWC administration by correcting conflicting statements in the current statute and will make administration of districts more straightforward.

## **CONFLICT, DUPLICATION, RELATIONSHIP**

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

SB 412 Duplicates HB 153, Amend Soil and Water Conservation Districts, and

Relates to HB 153aa, which clarifies language pertaining to the role of SWC in elections for supervisors and to determine district geographic boundaries.

## **TECHNICAL ISSUES**

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.”

LRB/njw