

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/07  
 LAST UPDATED 3/12/07      HB 939/aHJC/aSJC

SPONSOR Madalena

SHORT TITLE Eastern Sandoval County Flood Control Authority      SB \_\_\_\_\_

ANALYST Propst

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 Office of the State Engineer (OSE)

### SUMMARY

#### Synopsis of SJC Amendment

The amendment:

1. Clarifies that all actions and business of the board must be conducted pursuant to the Open Meetings Act.
2. That all actions and decision of the board are deemed final and conclusive unless “if supported by substantial evidence” unless the action or decision are arbitrary, capricious or fraudulent.
3. That all challenges to board action must be commenced within “sixty” days as opposed to twenty days contained in the original bill. Applies to first publication of resolutions, other proceedings or notice.

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment removes the requirement that electronic voting machines be used for any authority election.

Synopsis of Original Bill

House Bill 939 creates the Eastern Sandoval County Arroyo Flood Control Authority and defines the purposes, powers duties, privileges, immunities, rights, liability and disabilities of the authority.

**FISCAL IMPLICATIONS**

A voter approved property tax levy not to exceed \$2 per \$1000 of net taxable value for properties in the Authorities boundaries is authorized.

**SIGNIFICANT ISSUES**

The bill creates a new Flood Control Authority to address flood control within the Boundaries defined by the Act, which generally include the Town of Bernalillo and Placitas.

The Office of the State Engineer notes that HB 939 appears to be modeled upon and include all the sections included in the Southern Sandoval County Flood Control Act, except for the inclusion in this bill of Section 104, declaring an emergency, and providing that it is necessary for the public peace, health and safety that this Act take effect immediately. All lands held in trust or ownership by the federal government or an Indian Pueblo located within the boundaries of the Authority are excluded from the authority of the Authority.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Flood control issues will continue to be addressed by Sandoval County or the Town of Bernalillo.

WEP/nt