

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 2/12/07
 LAST UPDATED 3/9/07 HB _____

SPONSOR Cravens

SHORT TITLE Eastern Sandoval County Flood Control Authority SB 942/aSJC

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 939

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the State Engineer (OSE)

SUMMARY

Synopsis of SJC Amendment

The amendment clarifies that:

- An action of the Board is considered conclusive if supported by “substantial evidence” and final unless the action and decision are “arbitrary, capricious or fraudulent.”
- Provides that all actions and business of the board, including the first board appointed by the governor will be conducted pursuant to the Open Meetings Act.
- Provides that any challenge in court questioning the creation of the authority, validity of securities provided for by the resolution, validity of covenants, agreements or contracts must be commenced within 60 days after the first publication of the resolution as opposed to “20 days” contained in the original bill.
- Provides that if no action is commenced within “60 days” after the first publication, residents, taxpayers and owners are forever barred from instituting any action in any court challenging the creation of the authority, validity of securities provided for by the resolution, validity of covenants, agreements or contracts. The original bill provided for a “20 day” window.

Synopsis of Original Bill

Senate Bill 942 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 SB 942 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.

DUPLICATES

HB 939

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