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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/08

SPONSOR Crook LAST UPDATED \_\_\_\_\_ HB 140

SHORT TITLE Soil & Water Supervisor Assessment Extension SB \_\_\_\_\_

ANALYST Cox/Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

HB 140 duplicates SB 512

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Agriculture (NMDA)

### SUMMARY

#### Synopsis of Bill

House Bill 140 amends the Soil and Water Conservation District Act to allow soil and water conservation districts (SWCD) to extend mill levy assessments by resolution of the board of supervisors, subject to approval of the soil and water conservation commission.

This Bill relates to Soil and Water Conservation Districts and their ability to make a continuing monetary assessment, in times of needs.

This House Bill requests the removal of certain language. The requested removal relates to the requirement of calling another 'District Election' when Districts are unable to meet expenses. The new language requests striking the old 'election' provisions mentioned above. This Bill would then add an 'extension of time to the period authorized' as determined by the District's supervisors.

### FISCAL IMPLICATIONS

Valuable time and money might be saved in these Soil and Water Conservation Districts by eliminating 'election provisions'. These would relate to costs and timing of elections.

**SIGNIFICANT ISSUES**

This Bill strikes the need for elections when Soil and/or Water Conservation Districts cannot meet expenses, relating to previous Assessments.

The striking of these election provisions begins on Page 2, line 16 after the words “new resolution, and continues to Page 3, line 4, including the words “renewal is necessary”.

On Page 3, line 4, the phrase “extending the period of time originally authorized.” has been added.

This Bill strengthens the powers of the supervisors in each Soil and/or Water conservation Districts. At the same time, this Bill also diminishes the powers of each District’s voters.

NMDA notes:

A majority of the supervisors on any SWCD board are elected by voters in the district. District funds, regardless of origin, are spent according to a budget approved by the Local Government Division of the Department of Finance and Administration.

**TECHNICAL ISSUES**

The exact language of this Bill contemplated deletions and insertions are as follows:

On Page 2, line 11 below:

After the initial authorization is approved by referendum, the supervisors shall adopt a resolution in each following year authorizing the levy. To extend an assessment beyond the period of time originally authorized and approved by referendum, the supervisors shall adopt a new resolution ~~[and the district voters shall approve it in a referendum. The extension shall be for the same period of time as originally approved, but the rate of the tax may be different as long as it does not exceed one dollar (\$1.00) on each one thousand dollars (\$1,000) of net taxable value of real property within the district, except that real property within incorporated municipalities in the district may be excluded. If the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary]~~ extending the period of time originally authorized.

**DUPLICATE RELATIONSHIP**

House Bill 140 is a duplicate to Senate Bill 512

PRC/mt