FISCAL IMPACT REPORT

SPONSOR Woods **LAST UPDATED** **ORIGINAL DATE** 2/21/2025

SHORT TITLE Rainfall Enhancement Pilot Project **BILL NUMBER** Senate Bill 471

ANALYST Jorgensen

APPROPRIATION*
(dollars in thousands)

FY25	FY26	Recurring or Nonrecurring	Fund Affected
	$1,200.0	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Duplicates House Bill 362

Sources of Information

LFC Files

Agency Analysis Received From
New Mexico State University (NMSU)
Office of the State Engineer (OSE)

SUMMARY

Synopsis of Senate Bill 471

Senate Bill 471 (SB471) establishes a rainfall enhancement pilot program between the Roosevelt Soil and Water Conservation District (SWCD) and New Mexico State University (NMSU) to study the efficacy of rainfall enhancement programs in the state. The results of the pilot project would be reported annually by the state climatologist housed at NMSU.

SB471 appropriates $1.2 million from the general fund to NMSU to develop and administer the pilot program in FY26. Any unencumbered balance remaining at the end of FY26 will revert to the general fund.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The appropriation of $1.2 million contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund.

SIGNIFICANT ISSUES

NMSU reports:

> In the 2024 regular legislative session, House Bill 2 appropriated $1 million to NMSU, "for cloud seeding programs." NMSU and Roosevelt SWCD have coordinated the funding and implementation of the program in FY25. From reports shared with NMDA, work conducted from July-September 2024 saw the completion of 62 flights across 44 days of cloud seeding operations. Prior to the initiation of the FY25 cloud seeding pilot program, Roosevelt SWCD estimated that previous cloud seeding initiatives had achieved region-wide 5-15% increases in measurable rainfall over the growing season, at an estimated cost of less than $10 per acre-foot of water. Data and analysis from the FY25 pilot program, and HB 362's proposed rainfall enhancement pilot project, intend to test and verify such claims.
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> Per the Weather Control Act (75-3-1 to 75-3-15 NMSA 1978), the state of New Mexico "claims the right to all moisture in the atmosphere which would fall so as to become a part of the natural streams or percolated water of New Mexico, for use in accordance with its laws." Section 1 D. of HB 362 establishes that the cloud seed pilot program would not impact normal water rights administration: "all water derived as a result of rainfall enhancement shall be considered a part of the natural water supply in the same sense as if no rainfall enhancement project had been conducted, and any water so derived shall not be subject to new appropriations but shall be administered and distributed to users in accordance with existing water rights."

ADMINISTRATIVE IMPLICATIONS

The Office of the State Engineer notes that current statute and rule would require rainfall enhancement projects to file an application with the Interstate Stream Commission. The increase in applications will require additional staff time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB471 largely duplicates House Bill 362 but SB471 contains $1.2 million for a 1-year pilot where HB362 contains $3.6 million for a 3-year pilot.

CJ/rl