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FISCAL IMPACT REPORT

ORIGINAL DATE 2-19-07

SPONSOR Martinez, R. LAST UPDATED _____ HB _____

SHORT TITLE Rio Arriba Youth Environmental Conservation SB 1020

ANALYST Aubel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$150.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 294 and HB 419
 Relates to Appropriation in the General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total				See narrative	Recurring	GF

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 1020

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the State Engineer (OSE)
 New Mexico Environment Department (NMED)
 Youth Conservation Corps (YCC)
 Department of Cultural Affairs (DCA)

SUMMARY

Synopsis of Bill

Senate Bill 1020 appropriates \$150.0 thousand from the general fund to the New Mexico Environment Department for the purpose of supporting a youth environmental conservation program in Rio Arriba County, including acequia restoration, cultural preservation and conservation activities.

FISCAL IMPLICATIONS

The appropriation of \$150.0 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

SB 1020 does not direct whether the appropriation would only support the activities of the youth conservation program or whether the appropriation would cover any staffing costs. Assuming the \$150.0 thousand would only support the activities, NMED specifies additional funding would be required to support staff to oversee this program within the Environment Department under the Surface Water Bureau. Two additional Full Time Equivalents (FTEs) to oversee and direct the program would cost approximately \$100.0 thousand in additional administrative support. One FTE administrative position would approximate \$30.0 thousand.

SIGNIFICANT ISSUES

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has identified “alternative activities,” notably including summer and after-school employment opportunities for older youth, as a key strategy for preventing and dissociating gang involvement and for reducing youth-involved property crime.

Currently, NMED has no youth environmental conservation program and nothing in place to support such a program. The Environment Department’s Surface Water Bureau oversees acequias in New Mexico. Watershed restoration is part of that bureau.

The New Mexico Youth Conservation Corps Act (Section 9-5B-2 NMSA 1978) was established in 1992 to provide a process to employ youth in public projects that conserve New Mexico’s natural resources and provide community benefits of lasting value. The New Mexico Youth Conservation Corps was established under the New Mexico Energy, Minerals and Natural Resources Department.

According to the New Mexico Energy, Minerals and Natural Resources Department Youth Conservation Corps Annual Report for 2006, \$223,372 has been appropriated for projects in Rio Arriba County.

DCA notes that a variety of information on acequias and cultural properties is kept by the department’s Historic Preservation Division. Because preservation statutes might apply to projects designed for public or private land, the need to consult these files through the Historic Preservation Division should be incorporated into the proposed youth environmental conservation program. A related activity, partially funded through the Historic Preservation Division, was carried out by the Okay Owingah Housing Authority on Pueblo land in Rio Arriba County using state-of-the art Global Information System (GIS) technology. This experience could serve as a model for the project proposed in SB 1020.

PERFORMANCE IMPLICATIONS

Because NMED does not currently have a youth program, implementing this appropriation would require hiring additional staff to oversee the program and administrative support to assist in hiring and overseeing the youth.

ADMINISTRATIVE IMPLICATIONS

NMED expressed concerns that it could be perceived as discriminative by supporting only Rio Arriba County. Projects and funding for other counties and areas of the state would not be eligible for assistance through this appropriation. NMED also noted that the additional full time staff would require knowledge of Child Labor Laws under the State of New Mexico.

DCA maintains that project planners will need to consult with DCA's Historic Preservation Division to determine whether planned activities on state or private land must comply with existing statutes, including 18-6-1 through 17 NMSA 1978, 18-6A-1 through 6 NMSA 1978, and 18-8-1 through 8 NMSA 1978. Project planners would consult with the Historic Preservation Division for planned activities on federal land under 36 CFR 800.

All agencies point out that SB 1020 does not indicate how the program would be sustained or funded in the future.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to the \$2.5 million recommended in the Governor's Executive Budget Recommendation as part of the FY08 Office of Workforce Training and Development (OWTD) operating budget for a year-round youth employment program. The recommended appropriation is one of the Governor's initiatives for OWTD during FY08.

Relates to House Labor and Human Resources Committee substitute for House Bill 419, which appropriates \$5.0 million from the general fund to OWTD for FY07 and FY08 to fund a statewide summer youth employment pilot program.

Relates to SB 11117 and HB 111, which would appropriate funding in the same amount (\$150 thousand) for what appears to be management or administrative functions to establish water restoration strategies in the upper Chimayo watershed, a portion of Rio Arriba County.

TECHNICAL ISSUES

NMED points out that SB 1020 does not contain a history of restoration needs in Rio Arriba County, a description of what conservation activities are proposed, nor does the term "support" define administrative support or project support. Thus NMED concludes it is unclear how it would utilize the appropriation to comply with its intent.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

EMNRD suggests that watershed conditions and acequias may continue aging, with resulting deterioration and lost opportunities for water conservation. The opportunity for youth to participate in the respiration efforts and cultural heritage would be lost.

POSSIBLE QUESTIONS

1. Would another state agency, such as OWTD, be better suited to carry out this important program?

2. As an alternative, could the \$150.0 thousand appropriation be made to the YCC for a grant to carry out the programs' directives?

MA/mt