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| LFC Requester: | |
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/12/2025 *Check all that apply:*
Bill Number: HB 362 Original Correction
 Amendment Substitute

Sponsor: Rep. Jack Chatfield **Agency Name and Code Number:** Office of the State Engineer 550
Person Writing Analysis: Frank Scott
Short Title: Rainfall Enhancement Pilot Project **Phone:** 505-396-1997 **Email:** Frank.scott@ose.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|-------------|---------------------------|---------------|
| FY25 | FY26 | | |
| N/A | \$3,600,000 | Nonrecurring | General |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| NFI | NFI | NFI | N/A | N/A |
| | | | | |

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|---------------|
| Total | N/A | N/A | N/A | N/A | N/A | N/A |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 362 would create a 3-year rainfall enhancement pilot project to be conducted by the Roosevelt Soil and Conservation District.

Section 1: This Section would require the Roosevelt Soil and Conservation District to create, develop, and administer a three-year "rainfall enhancement pilot project." This section would also require the Roosevelt Soil and Water Conservation District and the Board of Regents of New Mexico State University (NMSU) to enter a joint powers agreement for the state climatologist and university extension services to review, analyze, and validate data from the rainfall enhancement pilot project to create evidence-based weather modification demonstration projects using current and evolving scientific methods of rainfall enhancement and to test benefits of those methods and study potential environmental risks. All water derived from this pilot project would be considered part of the natural water supply and any water derived from this project would not be subject to new appropriations but would be administered and distributed to users in accordance with existing water rights.

Section 2: This Section would require the establishment of forms and criteria for reporting data and record keeping and cause a permanent record to be kept of all pertinent data related to the rainfall enhancement pilot project or research related to other factors that may be affected by rainfall enhancement activities. This section would also require annual reports and a final report to the Governor and Legislature. The final report would make recommendations for improvements to the project and the necessity of its continuation.

Section 3: This section would appropriate \$3,600,000 from the general fund to the board of regents of NMSU for expenditures in FY 2026 through 2028 for the Roosevelt Soil and Water Conservation District to administer this project. Any unexpended or unencumbered balance remaining at the end of fiscal year 2028 would revert to the general fund.

FISCAL IMPLICATIONS

Under the Weather Control and Precipitation Enhancement rule (NMAC §19.17.2) pursuant to the New Mexico Weather Control Act (NMSA §75-3-1 through 72-3-15), the New Mexico Interstate Stream Commission (NMISC) is responsible for the administration of applications for weather modification programs in the State of New Mexico. The project as described in HB 362 would require application to the NMISC for a Weather Control and Precipitation Enhancement License. There will be an increased fiscal impact to the NMISC if this program results in an increase in applications submitted to the NMISC for Weather Control and Precipitation Enhancement Licenses. The application process requires significant staff time and could be expected to impact the NMISC with an increase of an estimated half of an FTE

(estimated at \$50,000 per FY).

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The pilot program would be required to complete an application for a license with the Interstate Stream Commission's weather modification license program.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.