

LFC Requester:

Connor Jorgenson

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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** 2/12/25 *Check all that apply:*  
**Prepared:** \_\_\_\_\_  
**Bill** HB 362 Original  Correct  
**Number:** \_\_\_\_\_ ion \_\_\_\_\_  
 Amend \_\_\_\_\_ Substit  
 ment \_\_\_\_\_ ute \_\_\_\_\_

**Spons** \_\_\_\_\_  
**or:** Jack Chatfield  
**Agency** \_\_\_\_\_  
**Name and** \_\_\_\_\_  
**Code** \_\_\_\_\_  
**Number:** NMDA - 199  
**Person Writing** \_\_\_\_\_  
**Analysis:** Jeff Witte  
**Short** Rainfall  
**Title:** Enhancement  
 Pilot Project  
**Pho** \_\_\_\_\_  
**ne:** 575-294-3817  
**ema** Jheitz@nmda.nm  
**il:** su.edu

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$3,600.0	Nonrecurring	General Fund

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

House Bill 362 (HB 362) would fund Roosevelt Soil and Water Conservation District (Roosevelt SWCD) to create, develop and administer a three-year rainfall enhancement pilot project. HB 362 directs Roosevelt SWCD to enter into a joint powers agreement with New Mexico State University Cooperative Extension Service and New Mexico State Climatologist (collectively: NMSU) to develop, analyze, and assess the efficacy of rainfall enhancement demonstration projects. Any water derived from the project shall be considered natural water for the purposes of the water rights administration and neither the state of New Mexico nor NMSU shall hold liability for any resulting rainfall. NMSU shall maintain a permanent record of project data, report annually to interim committees and make a final recommendation report to the Governor and Legislature.

HB 362 includes an appropriation of \$3.6 million (\$3,600.0) to NMSU for Roosevelt SWCD to implement the project in fiscal years (FY) 2026 through 2028.

**FISCAL IMPLICATIONS**

There would be no fiscal implications to the New Mexico Department of Agriculture (NMDA).

**SIGNIFICANT ISSUES**

In the 2024 Regular Legislative Session, House Bill 2 appropriated \$1 million (1,000.00) 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.

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.”

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

There would be no administrative implications to NMDA.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If HB 362 is not enacted, the Roosevelt SWCD and NMSU will not be funded to develop a three-year rainfall enhancement pilot project.

**AMENDMENTS**

N/A