

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023**

Bill Number	<u>SB5/aSHPAC</u>	Sponsor	<u>Stefanics/Thomson</u>
Tracking Number	<u>.223454.1</u>	Committee Referrals	<u>SHPAC/SFC</u>
Short Title	<u>Public Health and Climate Resiliency</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>1/20/23</u>
		Last Updated	<u>1/25/23</u>

BILL SUMMARY

Synopsis of SHPAC Amendment

The Senate Health and Public Affairs Committee amendment to Senate Bill 5 (SB5/aSHPAC) authorizes the Department of Health (DOH) to promulgate rules to implement the Statewide Public Health and Climate Program and extends the duration of the department's \$1.1 million appropriation through FY28.

Synopsis of Original Bill

Senate Bill 5 (SB5) requires the epidemiology division of DOH to create the "Statewide Public Health and Climate Program." The program must be designed to accomplish the following goals

- Provide direct grants to political subdivisions of the state to assist local communities in preparing and responding to public health emergencies related to climate change and extreme weather;
- Improve interagency collaboration focused on health equity, especially as it relates to climate impacts;
- Assist in the formulation of local action plans building health resiliency against future climate impacts;
- Provide climate and public health expertise to assist local communities in making health-informed decisions, integrating climate and public health science into emergency response plans, and accessing federal and other funds for climate adaptation; and
- Facilitate meaningful community engagement within communities most harmed or most likely to be harmed by extreme weather events.

SB5 creates the public health and climate resiliency fund and provides criteria for grants of up to \$250 thousand to political subdivisions of the state. The bill appropriates \$1.1 million to DOH to create and support the Statewide Public Health and Climate Program and appropriates \$5 million in seed funding to the public health and climate resiliency fund for grants in FY24 through FY28.

This analysis focuses on the bill's impact to New Mexico public school districts, which are considered political subdivisions of the state.

FISCAL IMPACT

SB5 creates the public health and climate resiliency fund as a reverting fund in the state treasury. The fund will consist of appropriations, gifts, grants, donations, investment income, and any other money distributed or otherwise allocated to the fund. The fund will be administered by DOH and will be used to carry out the Statewide Public Health and Climate Program.

SB5 appropriates \$1.1 million from the general fund to DOH for expenditure in FY24 through FY28. Any unexpended or unencumbered balance remaining at the end of FY28 shall revert to the general fund.

SB5 also appropriates \$5 million from the general fund to DOH for expenditure in FY24 through FY28. The funds are intended to be transferred to the the public health and climate resiliency fund to support grants to political subdivisions of the state. Any unexpended or unencumbered balance remaining at the end of FY28 shall revert to the general fund.

Political subdivisions of the state, including school districts, are eligible for grants up to \$250 thousand to prepare for and respond to public health emergencies related to extreme weather and other climate impacts. DOH shall prioritize grant applications which meet the following criteria:

- Benefit low-income and disadvantaged communities;
- Integrate public health concerns and recommendations with existing local emergency and climate adaptation plans;
- Emphasize planning that is also eligible for federal funds; and
- Involve local health councils as direct participants in the planning process.

At least 50 percent of the funding awarded must be awarded to political subdivisions with a total population less than 100 thousand, a criteria that all school districts meet.

SUBSTANTIVE ISSUES

School districts are often cornerstones of local communities' emergency response plans. Schools offer large, spacious buildings that can be used to shelter displaced residents during fires, floods, or other natural disasters. SB5 creates a competitive grant program that would allow school districts to apply for funding to support the creation of emergency response plans directly related to climate change and extreme weather events.

While the specific rules of the program remain unclear, it is likely school districts that plan to provide shelter to displaced residents during a climate-related emergency would be eligible for a grant of up to \$250 thousand to support the plan. Emergencies related to climate change may include wildfires caused by drought, flooding caused by severe rainstorms, power outages during extreme cold or snowstorms, or any number of other events at the discretion of DOH.

SB5 could also support the work of school-based health centers in addressing public health concerns that are proximally related to climate change. The [World Health Organization \(WHO\)](#) notes climate change could have a substantial effect on the social and environmental determinants of health. Smoke from wildfires could increase the prevalence of asthma and reduce the supply of safe drinking water, and individuals who lose their homes are also likely to experience adverse health events.

Not all school districts will be eligible for funding, and those that receive funding will likely receive less than the maximum grant of \$250 thousand. If each of New Mexico's school districts receives an award, the award would total \$56 thousand. School districts are also competing for funding against New Mexico's counties, cities, towns, villages, and other political subdivisions of the state, as well as the state's Native American tribes, nations, and pueblos.

ADMINISTRATIVE IMPLICATIONS

DOH would be required to promulgate rules and implement the Statewide Public Health and Climate Program. The term “public health emergencies related to climate change” is ambiguous; SB5 requires DOH to rely on climate science to determine whether emergencies may be proximally caused by climate change. Rules the department promulgates will need to clarify any uncertainty about ambiguous terms and enumerate the criteria that will be used to evaluate grants.

RELATED BILLS

Before it was amended, SB5 was a duplicate of HB42, Public Health and Climate Resiliency.

SOURCES OF INFORMATION

- LESC Files
- Energy, Minerals, and Natural Resources Department (ENMRD)
- Indian Affairs Division (IAD)

TB/cf/mb