

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.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}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date 1/23/2024

Bill No: HB 130

Sponsor: Jack Chatfield
Short Cloud Seeding Pilot Program
Title: _____

Agency Name
and Code NMDA - 199
Number: _____
Person Writing Jeff Witte
Phone: 575-646-5063 Email Hrickner@nmda.nmsu.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	\$1,980.00	Nonrecurring	General Fund
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	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 130 (HB 130) appropriates one million nine-hundred-eighty thousand dollars (\$1,980.00) to the New Mexico department of agriculture (NMDA), for expenditure in fiscal years 2025 through 2027, to develop and administer a cloud seeding weather modification pilot project by entering into a joint powers agreement with the Roosevelt soil and water conservation district (Roosevelt SWCD). HB 130 would require NMDA collect a permanent record of relevant data, make annual reports to the appropriate interim committee and submit a final report to the governor and legislature containing recommendations for improvements to the program and the necessity of continuing the project. Lastly, HB 130 removes liability for NMDA or the state of New Mexico for any claims related to cloud seeding activities conducted for the project and establishes that all water derived from cloud seeding be considered part of the natural water supply of the state, to be administered and distributed to users in accordance with existing water rights.

FISCAL IMPLICATIONS

NMDA expects to utilize 0.50 FTE of staff time from 1 position to fulfill the requirements of HB 130. NMDA anticipates covering this administrative cost with existing budget and staff.

SIGNIFICANT ISSUES

Roosevelt SWCD estimates that previous cloud seeding initiatives have 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.

Section 1 C. stipulates that the pilot project should “[use] current and evolving scientific methods of cloud seeding and test the relative benefits of those methods and the potential environmental risks.” NMDA does not possess the subject matter expertise necessary to make a scientific assessment of the relative benefits and environmental risks. NMDA would have to partner with relevant subject matter experts at New Mexico state university and the state climatologist to fulfill this requirement.

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 130 establishes that the cloud seed pilot program would not impact normal water rights administration: “all water derived as a result of cloud seeding shall be considered a part of the natural water supply in the same sense as if no cloud seeding 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

NMDA expects to utilize 0.50 FTE of staff time from 1 position to fulfill the requirements of HB 130. NMDA anticipates covering this administrative workload with existing budget and staff.

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 130 is not enacted, NMDA will not receive an appropriation or enter into a joint powers agreement with Roosevelt SWCD to develop and administer a cloud seeding weather modification pilot project.

AMENDMENTS

N/A