

LFC Requester:

Gaussoin

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 Jan 19, 2024

Bill No: SB111

Sponsor: Correa Hemphill

Agency Name
and Code

Number: NMED-667

Short Title: Protect State Waters

Person Writing

Phone: Email

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0.0	840.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
	50.0	100.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Potential revenue generated by increased enforcement resulting in fines and penalties collected that are remitted back to state general fund.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		513.	513.	1539.	Recurring	GF

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None identified
 Duplicates/Relates to Appropriation in the General Appropriation Act: No

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill (SB) 111 provides a one-time appropriation of \$840,000 to the Environment Department for water quality monitoring, enforcement, and mapping efforts to better understand how recent changes to the federal Clean Water Act impacted New Mexico’s surface waters.

FISCAL IMPLICATIONS

SB 111 provides a one-time appropriation of \$840,000 to be used in fiscal year 2025. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 would revert back to the general fund. SB 111 allows the Department to expand enforcement under existing regulations and to develop mapping to evaluate the impact of recent changes to the Clean Water Act. The appropriation would be roughly split between enforcement and monitoring (at 80%) and mapping (at 20%). NMED will need additional recurring funding to maintain any expanded enforcement and monitoring efforts. SB 111 is only for one year.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

NMED can expand enforcement efforts across existing programs with dedicated enforcement resources. The increased enforcement efforts will result in revenue being generated for the general fund. NMED performance would be impacted if existing staff are used to perform the expanded enforcement, monitoring, and mapping proposed by SB111.

ADMINISTRATIVE IMPLICATIONS

To fulfill the goals of SB 111, NMED would hire three to four (3-4) FTEs to implement the expanded enforcement program to protect water quality through various NMED programs. While existing staff could focus on this work it would place current work on hold until new positions are created, filled, and trained; an estimated period of at least six months. Required FTEs will include one (1) Water Resource Manager 2, and three (3) Water Resource Professional 3 at a minimum cost of \$600,167 annually. The work contemplated under SB111 is significantly important but recurring funding is necessary to support it in the long-term.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

SB 111 is a nonrecurring appropriation. NMED requests that the appropriation be recurring over three (3) years to provide implementation of an expanded enforcement program.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NMED will continue to do enforcement using existing available resources.

AMENDMENTS

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall not revert to the general fund and shall be available for expenditure in subsequent fiscal years.