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FISCAL IMPACT REPORT



SPONSOR: Vaughn DATE TYPED: 02/04/02 HB HJM 38

SHORT TITLE: State Emergency Preparedness SB _____

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1 Indeterminate		Recurring	GF/OSF

SOURCES OF INFORMATION

Department of Health (DOH)
 Attorney General's Office (AG)
 Energy, Minerals and Natural Resources Department (EMNRD)
 Environment Department (ED)

SUMMARY

Synopsis of Bill

House Joint Memorial 38 directs the DOH, DPS and the AG to convene a work group to evaluate the State's existing statutory provisions and regulatory requirement for the handling of emergencies. HJM 38 directs the work group to study the Centers for Disease Control and Prevention's (CDC) "Model State Emergency Health Powers Act" as a guidance document and to seek and include input from all other state agencies to ensure a coordinated and comprehensive approach to the study. The work group will be required to submit its findings and recommendations to the New Mexico Legislative Council or an appropriate interim committee by June 30, 2002 to ensure adequate time for budget and policy consideration and necessary follow up.

Significant Issues

Emergency preparedness to ensure an effective and well-coordinated response to terrorist events and natural disasters is of extreme importance. The Federal Government and the Centers on Disease Control has provided states with the Model State Emergency Health Powers Act as guidance to review existing statutes and regulations related to emergency response. New Mexico has many such statutes and regulations in place; however, there may be gaps in necessary policy that need to be addressed by State government.

The DOH and the Department of Public Safety (DPS) and the AG have been meeting for the last several months about these issues. Several related bills have been drafted and are being considered by the legislature. HJM 38 would create a study group, convened by DOH, DPS and the AG's Office, to assess the State's existing statutory provisions and regulatory requirement for the handling of emergencies, make a report to the legislative council or interim committee by June 30, 2002. By enacting HJM 38, the work group would conduct a thorough and thoughtful assessment of current policy and present consensus recommendations to the legislature for consideration.

In addition to the specific areas cited in HJM 38, examination of the jurisdictional issues that affect emergency response would also be reviewed. Of particular importance, are matters relating to authority governing evacuation and issuance of orders for populations residing on tribal lands within the State. During the Cerro Grande Fire, there were reports of problems between local law enforcement agencies and tribal law enforcement personnel relating to actions taken during the emergency response.

Lessons learned from the Cerro Grande fire and other recent emergency and disaster situations included the need to examine existing statutes and regulations relating to response and management. Emergency planning has been an ongoing priority in New Mexico for quite some time, and is evidenced in the formation over two years ago of a Weapons of Mass Destruction working group that has brought together nearly every discipline and agency involved in emergency management in the State. Their review and subsequent recommendations are vital to the capacity of the State to effectively respond to future emergency situations.

This work group would benefit by including federal, state, tribal and local entities concerned with emergency preparedness, as well as other agencies that play a secondary role in emergency planning and response. HJM 38 encourages the work group to address necessary coordination among emergency management partners in order to ensure an effective and well-orchestrated emergency response.

The events of September 11, 2001 suggest that review of the existing statutes, regulations, and operational plans is necessary to ensure that the State's level of preparedness is adequate to meet the challenges presented by reoccurring natural disasters, as well as those presented by a variety of man-made situations, including acts of direct terrorism and use of biological and/or chemical weapons.

DOH states that the work group would benefit from including Local Emergency Planning Committees and tribal entities. The inclusion of local and tribal emergency planning personnel that deal with the day-to-day issues is important; therefore, the local/tribal perspective is key to a successful process.

FISCAL IMPLICATIONS

The proposed review and subsequent recommendations that will result from HJM 38 may have fiscal implications. Additional personnel may be needed to implement the recommendations of the work group.

ADMINISTRATIVE IMPLICATIONS

DOH staff time to participate in the HJM 38 work group will be provided with existing resources. The success of the proposed work group will require the ongoing involvement of the DOH, representatives from the DPS, DOH, and the AG. that the suggested

RELATIONSHIP

Duplicates HJM 34, State Emergency Preparedness

Relates to:

SB 162, San Juan Emergency Management Services

HB 212, Grant County Emergency Loan

SB 149, Small Counties Assistance Qualifications

HB 139, County Emergency Services Act

HJM 35, Coordinated Strategy for Terrorist Threats

OTHER SUBSTANTIVE ISSUES

EMRND has an interest in participating in any study to evaluate the state's response to emergencies. The Forestry Division has expertise in responding to emergencies created by wild land fires. EMNRD is also active with WIPP related and energy issues. Also, the Forestry Division has responsibility through the Forest Conservation Act for wild land fire suppression on 42.5 million acres of non-municipal, non-federal lands in New Mexico. Each year the Forestry Division takes action on more than 900 fires averaging 125,000 acres burned annually. The Division uses nationally recognized emergency response procedures and incident management systems to assure effectiveness and efficiency.

These fires often occur on multiple jurisdictions involving state and federal agencies, local governments, counties and municipalities. Following the disastrous 2000 fire season, the Division developed a strategy to protect New Mexico communities that are most vulnerable to catastrophic wild land fire. The effort, known as the "20 Communities Strategy," emphasizes partnerships to conduct assessment, protection and restoration projects to increase community protection. This work could lend support to the study.

DW/ar