

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 03/16/09

SPONSOR Jeff LAST UPDATED 3/20/09 HM 109/aHHGAC

SHORT TITLE Emergency Services to Tribal Governments SB \_\_\_\_\_

ANALYST Burns

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 53 Tribe and Pueblo Emergency Services  
 HB 608 Indian Nation Emergency Medical Services  
 HB 609 Tribal Fire Protection Fund Eligibility  
 HM 108 Indian Country Fire Protection Needs

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Indian Affairs Department (IAD)

Homeland Security and Emergency Management Department (HSEMD)

#### No Response Received

Department of Public Safety

### SUMMARY

#### Synopsis of HHGAC Amendment

The House Health and Government Affairs Committee amendment to House Memorial 109 amends the bill as follows:

1. On page 2, between lines 9 and 10, insert the following: "WHEREAS, tribal governments have been granted the status of states regarding the Clean Water Act, the Safe Drinking Water Act and the Clean Air Act for the purposes of administering environmental programs for the protection and overall public safety of people and resources in Indian country; and WHEREAS, treatment as states serves to recognize and to include tribal governments as participants in regional environmental concerns, planning and hazard mitigation; and".

2. On page 2, between lines 13 and 14, insert the following: "WHEREAS, the inclusion of tribal governments in planning, consultation, coordination and federal grant eligibility will serve to enhance the national, state and local preparedness plans, hazard mitigation and emergency management services; and".
3. On page 2, between lines 23 and 24, insert the following: "WHEREAS, the homeland security and emergency management department will continue to work with tribal governments to develop memoranda of understanding, which agreements will delineate shared responsibilities, identify federal aid for tribes and assist tribal governments in meeting the compliance objectives of the national incident management system; and".

### Synopsis of Original Bill

House Memorial 109 requests the United States Congress and Executive Branch to treat tribal governments as states for the purposes of appropriations and assistance related to emergency management services.

### **FISCAL IMPLICATIONS**

NFI

### **SIGNIFICANT ISSUES**

The memorial states “congress has acted to make billions in homeland security funding available to states and local governments without any mandates for the inclusion of Indian tribal governments in these new programs”. However HSEMD claims that there are several existing Department of Homeland Security (DHS) grants are available exclusively for tribal emergency management needs and can be applied for directly including the Tribal Homeland Security Grant and the Tribal Disaster Grant.

A 2003 Homeland Security Hazard Assessment identified several significant hazards which could threaten local and regional tribal communities; these hazards include

- Natural hazards like wildfires, drought, floods and flash floods, and severe winter storms;
- Technological or human-caused hazards like material accidents, power failures, transport incidents by air or rail; and
- National security hazards like civil disorder, international and domestic terrorism, and chemical/biological hazards

### **RELATIONSHIP**

HM 109 relates to HB 53 Tribe and Pueblo Emergency Services. HB 53 would appropriate \$5 million from the general fund to the Indian affairs department for the purpose of providing funding for emergency management services on the Indian nations, tribes and pueblos.

**House Memorial 109/aHHGAC – Page 3**

HM 109 relates to HB 608 Indian Nation Emergency Medical Services. HB 608 would amend Section 24-10A-2 NMSA 1978 by providing emergency medical services fund eligibility for Indian nations, tribes and pueblos.

HM 109 relates to HB 609 Tribal Fire Protection Fund Eligibility. HB 609 would amend the Fire Protection Fund Law to include tribal fire stations as eligible beneficiaries.

HM 109 relates to HM 108 Requesting Fire Marshal to Establish Task Force. HM 108 requests the State Fire Marshal to establish a Task Force to collaborate with the Indian Nations, Tribes and Pueblos of New Mexico to address the need for fire protection in Indian Country.

**POSSIBLE QUESTIONS**

Are there further issues, including sovereignty, which need to be considered when requesting a Tribal entity to be treated like a state?

KJB/svb:mt