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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/07/12

SPONSOR Lovejoy LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Pueblo & Apache Emergency Response Operations SB 279

ANALYST Daly

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
\$430.0	\$0.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Response Received From

Homeland Security and Emergency Management Department (HSEMD)

#### No Response

Indian Affairs Department (IAD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 279 appropriates \$430,000 from the General Fund to IAD to fund tribal emergency response operations during emergency situations in these amounts:

- 1) \$150,000 for the ten southern Indian pueblos;
- 2) \$130,000 for the eight northern Indian pueblos;
- 3) \$75,000 for the Jicarilla Apache Nation; and
- 4) \$75,000 for the Mescalero Apache Tribe.

### FISCAL IMPLICATIONS

The appropriation of \$430,000 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY 2013 shall revert to the General Fund.

**SIGNIFICANT ISSUES**

The HSEMD reports that it currently assists pueblos and tribes impacted by emergencies and disasters with emergency operations support and funding using the State’s Emergency Operations’ System and Executive Orders through the Appropriation Contingency Fund, and that presently there are no unfunded requests to the HSEMD from the Pueblos, Nations, or Tribes.

The HSEMD points out that there is no definition of what constitutes an emergency situation in SB 279 to govern the expenditure of these funds. The HSEMD suggests the use of funds should be managed similarly to the NM Disaster Assistance Program, which is overseen by HSEMD. That agency also notes there are no programmatic or financial rules for how to spend the funds. Additionally, the HSEMD already provides financial assistance to the tribes and pueblos during emergencies and disasters when they are financially overwhelmed.

**PERFORMANCE IMPLICATIONS**

The HSEMD observes that the IAD may not have the technical expertise to provide the emergency operational support required of this bill.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

According to the HSEMD, tribal entities in New Mexico would remain eligible to seek assistance under the State Disaster Assistance Program funded by Executive Orders. The tribes and pueblos would also continue to be eligible for federal disaster assistance under the Stafford Act. Presently, there are no unfunded requests to HSEMD from the nation, tribe and pueblos that would receive funding under this bill.

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