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FISCAL IMPACT REPORT

ORIGINAL DATE 02/18/09
 LAST UPDATED 02/20/09 HB 608/aHHGAC

SPONSOR Begaye

SHORT TITLE Indian Nation Emergency Medical Services SB _____

ANALYST Burns

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Indeterminate	Indeterminate		Recurring	EMS Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Section 24-10A-2 NMSA 1978

HB 53 Tribe and Pueblo Emergency Management Services

HB 609 Tribal Fire Protection Fund Eligibility Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

Department of Finance and Administration (DFA)

Department of Health (DOH)

SUMMARY

Synopsis of HHGAC Amendment

The House Health and Government Affairs Committee amendment removes the brackets and line through “incorporated” on page 8, line 8 and removes the brackets and line through “incorporated” on page 10, line 4.

The amendment helps to clear concerns made by DOH that unincorporated would not have the financial controls in place to be accountable for funding.

Synopsis of Original Bill

House Bill 608 amends Section 24-10A-2 NMSA 1978 providing emergency medical services fund eligibility for Indian nations, tribes and pueblos.

FISCAL IMPLICATIONS

There is no appropriation contained in this bill, but there is a fiscal impact to the emergency medical services fund. The Fund totals approximately \$3.5 million annually and is funded by appropriations from the General Fund and awards range from a maximum of \$20,000 to a minimum of \$1,200.¹ HB 608 would add entities to the list of those whom can apply for funding from the fund. With a greater number of entities applying for funds the amount distributed to the current list of eligible applicants would be reduced. Without an increase in the DOH budget to increase the amount of the fund there could be a strain placed on the communities currently receiving the funding due to a decrease in funds available.

SIGNIFICANT ISSUES

House Bill 608 proposes to amend the current language of the Emergency Medical Services Fund Act to make money available to Indian nations, tribes and pueblos (in addition to municipalities and counties) for use in the establishment and enhancement of local emergency medical services and trauma services in order to reduce injury and loss of life. Although Native American EMS agencies currently participate in EMS Fund Act distributions, they must utilize the municipality or county as their fiscal agent. HB608 would allow the tribal government to act as their own fiscal agent.

ADMINISTRATIVE

The Department of Health/Emergency Management Bureau will have to amend the Emergency Medical Services Fund application and distribution procedures to allow for the provisions of HB608. This will require an amendment of Rule 7.27.4 NMAC.

RELATIONSHIP

HB 608 relates to HB 53 Tribe and Pueblo Emergency Management Services. HB 53 would appropriate \$5 million to the New Mexico Indian Affairs Department to make funding available for emergency management services for the 22 tribes in New Mexico and two Indian school properties located in whole or in part within New Mexico.

HB 608 relates to HB 609 Tribal Fire Protection Fund Eligibility Act. HB 609 would make Indian tribes, nations and pueblos eligible for funding under the State Fire Protection Fund. This would include funding for operation, maintenance and betterment of local fire departments to reduce the hazard of fire loss, reducing fire insurance rates, and promoting public safety within incorporated cities, towns, villages and Indian tribes, nations and pueblos.

TECHNICAL ISSUES

According to DOH the technical issues are as follows:

- Page 8, Line 8 and page 10, line 4 removes the term "incorporated." It is advised that "incorporated" municipalities remain in the Bill, as unincorporated governments may not have the financial controls in place to be accountable for funds disbursed.

¹ Ibid.

- Page 3, Line 9 states the definition of Tribe. This definition could be troublesome due to the language of “wholly or partly in New Mexico.” Native American services from out-of-state may be empowered to request Fund Act monies that are designed to supplement New Mexico services.
- On page 2, lines 8 to 10 delete the definition of “bureau” and replace with “bureau” means the emergency medical services bureau of the epidemiology and response division of the department.”

OTHER SUBSTANTIVE ISSUES

There are twenty-two Native American Tribes, Pueblos, and Nations within New Mexico. Several of these have experienced significant development of their tribal and proximate non-tribal areas, resulting in an increased demand for emergency medical services. Many are in isolated areas, with the closest hospital facilities dozens of miles from communities. Emergency medical services have historically been underfunded in regards to training and operational costs.

ALTERNATIVES

Tribal entities could continue to utilize counties or municipalities as the fiscal agent to receive funds.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB608 is not enacted, Indian nations, tribes and pueblos will not be eligible to apply for state funds under the Emergency Medical Services Fund Act.

KJB/mt:mc:svb