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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/2006

SPONSOR Heaton LAST UPDATED 2/6/2006 HB 219/aHJC

SHORT TITLE Interstate Mutual Aid Act SB _____

ANALYST McOlash

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY06	FY07	FY08	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.2	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Environment Department (NMED)

Department of Military Affairs (DMA)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee (HJC) amendment to HB 251 removes the provision for governmental immunity from liability by striking Section 10, B.

Synopsis of Original Bill

House Bill 219 creates the Intrastate Mutual Aid Act (IMAA) with an Intrastate Mutual Aid Committee (IMAC). The Intrastate Mutual Aid System is designed as an in-state mechanism to facilitate aid and provide assistance to “member jurisdictions” in New Mexico. The IMAC will adapt guidelines or procedures for evaluation, standardization, maintenance of records, and responses to in-state emergencies or disasters.

The bill has an emergency clause.

SIGNIFICANT ISSUES

House Bill 219 provides a number of definitions including:

1. Disaster means the occurrence or imminent threat of widespread or severe Damage, injury or loss of life or property resulting from natural or

Artificial causes, including:

- | | |
|----------------------|--|
| a. tornados | m. air or water contamination |
| b. windstorms | n. blight |
| c. snowstorms | o. droughts |
| d. wind-driven water | p. infestations |
| e. high water | q. riots |
| f. floods | r. sabotage |
| g. earthquakes | s. hostile military or paramilitary action |
| h. landslides | t. disruption of state services |
| i. mudslides | u. hazard materials accidents |
| j. volcanic action | v. bioterrorism |
| k. fires | w. incidents involving weapons of mass |
| l. explosions | destruction |

2. An emergency means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize.
3. Member jurisdiction means the State through the Office of the Governor, a political subdivision or an Indian nation, tribe or pueblo that participate in the system

The DMA recommends that Intrastate mutual should be within the proper province and jurisdiction of the Office of Homeland Security, not a stand-alone committee.

PERFORMANCE IMPLICATIONS

DMA - could well be duplicative of the Bureau of Emergency Planning and Coordination of the Department of Public Safety.

ADMINISTRATIVE IMPLICATIONS

DMA - inherent administrative implications overall with existing levels of state and local government, thereby potentially increasing the cost of record keeping.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

DMA – an Intrastate Mutual Aid system should involve the Department of Homeland Security the Department of Public Safety that already addresses these issues, along with of the State Civil Emergency Preparedness Act and the Office of the Governor.

TECHNICAL ISSUES:

DMA - could impact on the prerogatives of the Governor to direct, organize and respond to emergency or disaster operations, that otherwise already exists as per Section 12-10-4 NMSA 1978. Much of what is contemplated by the Intrastate Mutual Aid Act already statutorily exists in the State Civil Emergency Preparedness Act, Section 12-10-1, et seq., NMSA 1978, and therefore there is a legitimate question of what the Act would do that is not already being done by the State Civil Emergency Preparedness Act.