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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR Arnold-Jones LAST UPDATED 3/8/07 HB 1216/aHHGAC

SHORT TITLE Interoperability Emergency Response Act SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NA	\$.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Military Affairs (DMA)
 Department of Health (DOH)
 General Services Department (GSD)
 Indian Affairs Department
 Energy, Minerals and Natural Resources Department (EMNRD)
 Department of Environment

No Responses Received From

Department of Finance Administration (DFA)
 Department of Public Safety (DPS)
 Department of Transportation (DOT)
 New Mexico Municipal League
 New Mexico Association of Counties

SUMMARY

Synopsis of HHGAC Amendment

The House Health and Government Affairs Committee Amendment to House Bill 1216 adds the Secretary of the General Services Department, the Secretary of the Department of Transportation and the Chief Information Officer or their designees to the Interoperability Planning Commission. The amendment adds representatives from tribal law enforcement as a member who would be appointed to the Interoperability Planning Commission by the governor. Also, tribal governments are added to Section 4 and 5 in regards to planning, training and

infrastructure purchase plans and budgets.

Synopsis of Original Bill

House Bill 1216 creates the Interoperability Emergency Response Act that creates the Interoperability Planning Commission and administratively attaches the commission to the emergency planning and coordination bureau of the Department of Public Safety. The commission is to advise and support the Department of Public Safety on emergency response and homeland security activities relating to first responders, interoperable radio communications, integration of statewide exercises for hazards, obtaining of funding and use of available funding. The commission is to consist of a least 16 members from various state agencies. The governor is to appoint the chair and vice-chair among the members of the commission. Members of the Interoperability Planning Commission are to be reimbursed for per diem and mileage pursuant to the Per Diem and Mileage Act and will not receive any other compensation, perquisite or allowance.

The Interoperability Planning Commission is to advise the Department of Public Safety on the following: the development and coordination of a statewide interoperable emergency communications response plan in compliance with national incident command system guidelines, to include an integrated public safety radio communications system and other coordinated critical information systems, to achieve interoperability within and between local, state, tribal and federal agencies and first responders; implementation of the interoperability emergency response plan by state and local agencies and provide specific suggestions for methods by which agencies implement those strategies; priorities relating to the interoperability emergency response plan; determining critical infrastructure in the state; and other matters relating to planning, development, coordination, promotion and implementation of the interoperability emergency response plan.

The Department of Public Safety is required to implement and administer a statewide interoperability emergency response plan; develop a budget and a plan to purchase infrastructure equipment for state agencies, local agencies and first responders; provide a single point of entry to disseminate information, applications, processes and communications; train representatives of entities in the state that are involved in emergency response and homeland security activities in regards to interoperability; require that all communications at emergency incidents adhere to the national incident command system guidelines established by the federal Department of Homeland Security; and use appropriated money for the purpose of designing, implementing and maintaining a statewide integrated public safety radio communications system.

FISCAL IMPLICATIONS

The proposed legislation does have a fiscal implication in that it requires the Interoperability Planning Commission members to be reimbursed for per diem and mileage.

SIGNIFICANT ISSUES

Agencies responding to a crisis or disaster can not always communicate quickly and efficiently with one another because many law enforcement, fire and emergency medical agencies operating in New Mexico purchase communication equipment independently of one another that is often incompatible.

Indian Affairs Department states many of the 22 New Mexico tribal governments and communities exist near major transportation corridors along interstate 40, interstate 25, Burlington Northern rail routes and Santa Fe rail routes which radioactive waste, toxic chemicals and other dangerous materials are shipped through daily. Also, sensitive infrastructure for oil, gas, natural gas, water and electricity are located on tribal lands. Indian Affairs Department reports emergency communications technology and response plans are nonexistent in many rural tribal communities.

EMNRD states the Forestry Division's radio communication capabilities are very limited. Situations have occurred in which radio communication between the Forestry Division and other agencies have been limited or nonexistent during critical wildfire incidents. EMNRD reports this has occasionally resulted in a safety issue for firefighters. Numerous tactical problems have also developed that could have been mitigated with better radio communication.

The Interoperability Planning Commission created by the proposed legislation may supersede the Department of Public Safety's Interoperable Communications Working Group. DOH reports the current statewide Interoperability Communications Working Group has identified each county's needs, gaps and hardware. The Interoperable Communications Working Group has developed a five tiered system that includes the following: (1) normal landline and fax communication; (2) cell, satellite and email via Blackberry; (3) two-way communication on the UHF system; (4) two-way radio communication on the VHF system; and (5) amateur radio operators with mobile stations that have a complete and robust statewide system.

GSD states missing from membership on the Interoperability Planning Commission is the General Services Department, Office of the Chief Information Officer (OCIO) and the Department of Transportation (DOT). GSD's Communications Division has supervisory authority for the state's radio communications system and infrastructure, including a multi-year, multi-million dollar initiative to build the state's digital microwave backbone and communications infrastructure. OCIO is responsible for oversight and planning of all information technology related projects and initiatives in New Mexico.

PERFORMANCE IMPLICATIONS

DOH states the proposed legislation is in-line with the New Mexico 2006 Comprehensive Strategic Health Plan regarding health emergency management goals to increase and fortify human and material resources to respond to health emergencies, and to prepare New Mexico communities to respond to a public health emergency.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has a relationship with House Bill 959 and Senate Bill 979, which proposes to create the Department of Information Technology.

TECHNICAL ISSUES

Indian Affairs Department notes the proposed legislation acknowledges tribal governments for communications, communications infrastructure and for a representative to serve on the Interoperability Planning Commission. However, tribal governments are not included in Section 4 and 5 of the proposed legislation. Indian Affairs Department states the duties of the

Interoperability Planning Commission as outlined in the proposed legislation does not include implementation of the interoperability emergency response plan within New Mexico tribal lands as drafted. Indian Affairs Department notes the proposed legislation does not indicate whether an inventory or determination of critical infrastructure would include tribal government and tribal lands, and the proposed legislation does not include tribal governments in the “purchase of equipment for state agencies and first responders.” Also, Indian Affairs Department notes tribal governments are not included in the training of “representatives of entities in the state that are involved in emergency response and homeland security activities with respect to interoperability.”

OTHER SUBSTANTIVE ISSUES

EMNRD reports there is a bill in Congress for implementing the 9/11 Commission Recommendations Act. The bill, if enacted, would establish a new stand-alone grant program titled “Improve Communications for Emergency Response Grant Program” to address interoperability issues. This would provide grants to states and regions for communication planning, acquisition of communication equipment, system development, simulations, technical assistance and training.

GSD’s Property Control Division is responsible for many state buildings, including the buildings that house the state’s mainframe and the telecommunications centers that serve state agencies.

AMENDMENTS

Indian Affairs Department suggests the following amendments to the proposed legislation:

- Section 3(C)(8), add “tribal law enforcement.” This amendment would provide tribal public safety expertise to the Interoperability Planning Commission.
- Section 4(B), add “tribal governments.” This amendment will include tribal governments in the implementation of the “interoperability emergency response plan.”
- Section 4(D), add “tribal governments.” This amendment will allow tribal infrastructure to be determined for purposes of the proposed legislation.
- Section 5(B), add “tribal governments.” This amendment will allow tribal agencies and first responders to receive “infrastructure equipment” to address the intent of the proposed legislation.
- Section 5(D), add “tribal governments.” This amendment will allow tribal representatives involved in emergency response and homeland security to receive interoperability training.

GSD suggests adding members to the Interoperability Planning Commission from the Office of the Chief Information Officer, General Services Department and Department of Transportation in the proposed legislation.

RPG/mt