

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 1/22/2007

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE Limited Liability in Emergency Situations SB 16

ANALYST Schuss

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 227 (Homeland Security and Emergency Management Act)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Attorney General (AG)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 16 amends section 12-10-8 to add a subsection that provides immunity to persons who provide, voluntarily and without compensation, goods and services in response to an emergency or disaster, as declared by the governor. Such persons are not liable for injury or death, except for willful misconduct, gross negligence or bad faith, arising out of the provision of services or goods as provided in this subsection. It also repeals sections 12-10-10.1 through 12-10-13 (providing for emergency credentialing of otherwise qualified individuals to render aid in cases of emergencies).

FISCAL IMPLICATIONS

The Administrative Office of the Courts (AOC) states that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to a potential additional level of proof re-

quired under the Act. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

PERFORMANCE IMPLICATIONS

The AOC states that the courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type
- Clearance Rate

CONFLICT

Conflicts with HB 227 (Homeland Security and Emergency Management Act)

TECHNICAL ISSUES

The Attorney General's Office raises the following technical issue: The repealed provisions providing for temporary credentialing during emergencies were originally enacted in 2002 by chapter 83. The "short title" for those sections was enacted in 2005. The 2002 law, chapter 83, section 1, added a concomitant definition of "emergency," and it appears at section 61-1-2 (F). SB 16 does not repeal that definition, although it repeals the other sections, namely sections 2 through 4 of chapter 83.

BS/mt