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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/08

SPONSOR HAFC LAST UPDATED \_\_\_\_\_ HB 640/HAFC

SHORT TITLE Public Peace, Health, Safety and Welfare SB \_\_\_\_\_

ANALYST Hanika-Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
\$300.0		Non-recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 640 appropriates \$300 thousand from the General Fund to the Department of Finance and Administration in FY08 and FY09 for emergency disaster relief for Rio Arriba County and the village of Chama and its surrounding communities; and, the bill declares an emergency.

### FISCAL IMPLICATIONS

The appropriation of \$300 thousand contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the General Fund.

DFA will be administrator of the funds and will need to develop criteria as to how funds will be distributed.

### SIGNIFICANT ISSUES

Section 1 provides for the following:

Paragraph A provides that because of the recent heavy snows and winds in Rio Arriba county and the village of Chama and its surrounding communities:

- there are many elderly, sick and disabled persons in several remote rural areas who are stranded and cannot get out of their homes;

- there are many homes in rural areas running out of propane because trucks cannot reach their homes on the snow-packed roads;
- there are thousands of cattle stranded and facing starvation;
- the situation is of such magnitude that it is beyond the control of local governments; and
- state expenditures are necessary to provide those resources and services necessary to avoid or minimize economic or physical harm until the situation becomes stabilized and again under local self-support and control.

Paragraph B provides for an appropriation of \$300 thousand to take any action necessary to alleviate the emergency situation in Rio Arriba county and the village of Chama and its surrounding communities, including expenditures on a temporary, emergency basis for lodging, sheltering, health care, food, snow removal and any transportation or shipping necessary to protect lives or public property or for any other action necessary to protect the public health, safety and welfare as follows:

- (1) \$100 thousand for the village of Chama and its surrounding communities; and
- (2) \$200 thousand for Rio Arriba county.

Paragraph C provides that any unexpended or unencumbered balance of the appropriation remaining at the end of FY09 shall revert to the general fund.

Section 2 provides that this act take effect immediately.

## **PERFORMANCE IMPLICATIONS**

### **New Mexico Statutes**

New Mexico Constitution, Article V., Section 5 and Section 7.

All Hazard Emergency Management Act, [12-10-1 through 12-10-13 NMSA 1978]

Riot Control Act, [12-10-16 NMSA 1978]

Public Health Emergency Response Act, [12-10A-1 through 12-10A-19 NMSA 1978]

Disaster Succession Act, [12-11-1 through 12-11-10 NMSA 1978]

Disaster Relief Act, [12-11-23 through 12-11-25 NMSA 1978]

Energy Emergency Powers Act, [12-12-1 through 12-12-9 NMSA 1978]

Hazardous Materials Emergency Response Act, [12-12-17 through 12-12-30 NMSA 1978]

Martial Law, [20-2-1 through 20-2-4 NMSA 1978]

Homeland Security and Emergency Management Act [Laws 2007, Chapter 291]

### **Federal Law**

The Homeland Security Act of 2002, PL 107-296, 6 U.S.C. 101

The Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. 5121-5206

Homeland Security Presidential Directive – 5: Management of Domestic Incidents, February 28, 2003.

## **ADMINISTRATIVE IMPLICATIONS**

The “All Hazard Emergency Management Act”, [12-10-1 et. seq. NMSA 1978] establishes the state’s emergency management program, authorizes creation of local emergency management programs, confers powers upon the Governor and governing bodies, and provides for the

Emergency Operations Plan (EOP) and coordination between the state and other governments and sectors.

The New Mexico Department of Homeland Security and Emergency Management has the overall responsibility for maintaining the EOP.

### **TECHNICAL ISSUES**

It is unclear as to what boundaries exist within the statement “...its surrounding communities” when describing the village of Chama in the bill.

### **OTHER SUBSTANTIVE ISSUES**

The purpose of New Mexico’s All-Hazard EOP is to establish the New Mexico Emergency Operations System which organizes the state’s response to emergencies and disasters while providing for the safety and welfare of its citizens. It sets forth lines of authority, responsibilities and organizational relationships, and shows how all actions will be coordinated among New Mexico and federal and local governments.

The EOP addresses emergencies and disasters caused by natural or manmade events, acts of terrorism, or any other circumstance as determined by the Governor. It applies when it is necessary for the state to assist local jurisdictions whose capabilities are overwhelmed; when the state has to respond first; or, when the state needs to prepare for, react to, or assist in incidents of national significance. The EOP covers the full range of complex and changing requirements prior to, during, and following an emergency or disaster.

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

The State may still be required to provide for certain disasters, either natural or man-made, through New Mexico’s EOP.

**AHO/sec**