

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 02/12/09

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE Emergency Communication Interoperability Act SB 173

ANALYST Weber

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

New Mexico Environment Department

New Mexico Corrections Department (NMCD)

Department of Public Safety (DPS)

Department of Homeland Security and Emergency Management (DHSEM)

Department of Transportation (DOT)

SUMMARY

Synopsis of Bill

Senate Bill 173 creates the Emergency Communications Interoperability Act".

Section 2 provides the following definitions:

- A. "department" means the homeland security and emergency management department;
- B. "first responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency, including but not limited to:
 - (1) a law enforcement officer;
 - (2) a firefighter or certified volunteer firefighter; and
 - (3) an emergency medical services provider;
- C. "infrastructure equipment" means the underlying fixed equipment required to establish interoperable communications between radio systems used by local, state, tribal and federal agencies and first responders; and
- D. "Interoperability" means coordination of critical information communication systems or networks, including radio and emergency coordination information equipment that

are consistently operable with all relevant local, state, tribal and federal agencies and first responders."

Section 3 creates the commission which is administratively attached to the HSEMD and is to advise and support on activities relating to interoperability, the obtaining of funding and the use of available funding.

The commission will consist of twelve members, including:

1. the lieutenant governor;
2. the homeland security advisor;
3. the secretary of information technology or the secretary's designee;
4. the adjutant general or a representative from the department of military affairs;
5. the secretary of energy, minerals and natural resources or the secretary's designee;
6. the state fire marshal or the fire marshal's designee;
7. the secretary of Indian affairs or the secretary's designee;
8. the secretary of transportation or the secretary's designee;
9. the secretary of health or the secretary's designee;
10. the secretary of public safety or the secretary's designee;
11. the executive director of the New Mexico municipal league or the executive director's designee; and
12. the executive director of the New Mexico association of counties or the executive director's designee.

The commission shall appoint a chair and vice-chair from among its members and shall meet at the call of the chair but no less than two times each year. Members not supported by public money may be reimbursed for per pursuant to the Per Diem and Mileage Act but shall not receive any other compensation, perquisite or allowance.

Section 4 outlines the commission duties that include:

- (1) the development and coordination of a statewide interoperable emergency communications plan in compliance with national incident management system guidelines, including 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;
- (2) implementation of the interoperable emergency communications plan by state and local agencies and shall provide specific directions for methods by which agencies shall implement those strategies;
- (3) priorities relating to the interoperable emergency communications plan; and
- (4) other matters relating to planning, development, coordination, promotion and implementation of the interoperable emergency communications plan."

Section 5 outlines responsibilities of HSEMD:

- (1) establish, implement and administer a statewide interoperable emergency communications plan and standards for a statewide integrated public safety radio communications system;
- (2) train representatives of entities in the state that are involved in emergency response and homeland security activities with respect to interoperability;

- (3) require that all radio communications at emergency incidents adhere to the national incident management system guidelines established by the federal department of homeland security and statewide integrated public safety radio communications standards;
- (4) use appropriated money, including money from relevant federal homeland security grants, for the purposes of designing and promulgating systems compliant with the standards established under Subsection A of this section and to enable the implementation and maintenance of a statewide interoperable public safety radio communications system; and
- (5) report annually to the appropriate interim legislative committee."

Section 6 requires all state and local agency budgets and plans to purchase infrastructure equipment shall conform to the interoperability standards developed by the department."

FISCAL IMPLICATIONS

DHSEM has received \$8.2 million federal funds for this purpose. The agency reports having spent approximately \$2 million to date. DHSEM estimates these funds will be adequate to complete Phase 1 which will allow emergency communications to be heard by all responders through what is described as a "gateway" system. As systems communications systems are replaced throughout the state it is anticipated all will be standardized allowing more for more sophisticated "emergency interoperability". It is uncertain if federal funds will be available for these later phases but normal replacement will allow for complete standardization of the systems over time. Any additional costs to the state over current anticipated replacement costs will be dependent on the final technical specifications of the new systems.

SIGNIFICANT ISSUES

DHSEM is currently implementing a federally sponsored and funded initiative to deploy an interoperable emergency communication system for New Mexico. The federal guidelines set technical standards as well as policies and procedures that the receiving states must abide by. Currently there is no statewide authority requiring adherence to these federal guidelines. Statutory authority is needed to ensure that all emergency responders, be they state, county, municipal or tribal, use the same communication systems to ensure coordinated response to emergency situations.

DOH adds.

SB173 was introduced on behalf of the Information Technology and Telecommunications Oversight Committee. The lack of interoperable communications has been cited frequently as one of the major problems in response to local, regional, and national emergencies and disasters, including the inability of the New York fire and police departments to communicate in the World Trade Center during the terrorist attack of 2001. In New Mexico, much work has been accomplished to achieve interoperable communications among emergency responders. However, gaps in communications standards and procedures remain relating to the capability of state entities to communicate vertically with their own personnel, and horizontally with other state agencies involved in response activities. A statewide plan that clearly articulates adherence to the National Incident Management System, mandated by federal Department of Homeland Security, will ensure that all responders are familiar with a standard terminology of incident

response and management, use various types of equipment that are interoperable, and respond according to a single set of operating guidelines. The creation of the Commission will ensure that state and local response entities participate in planning and are informed of developments on an ongoing basis.

Interoperable communications is a required emergency response capability of the Centers for Disease Control (CDC) Public Health Emergency Preparedness Cooperative Agreement and the federal Assistant Secretary for Preparedness and Response (ASPR) Hospital Preparedness Program that the Department of Health coordinates. It is also a required capability of the federal Health and Human Services mandate to ensure communication capability during each phase of a pandemic. Successful performance of this capability has to be demonstrated through ongoing drills and exercises to ensure annual receipt of federal funding from the CDC. SB173 will enable the state to be in compliance with these federal mandates and provide improved response to all New Mexicans.

OTHER SUBSTANTIVE ISSUES

The federal Department of Homeland Security published in January 2007 the *Tactical Interoperable Communications Scorecard Summary Report and Findings* that offers the following introductory information:

Communication interoperability among agencies and jurisdictions is a long-standing problem in the public safety community. Since DHS was established in 2002, it has been working expeditiously to improve interoperable communications. From FY 2003 through FY 2006, more than \$2.9 billion in grant assistance has been provided to state and local agencies for equipment and other projects to improve communications interoperability. In addition, programs such as the Interoperable Communications Technical Assistance Program (ICTAP) and SAFECOM have developed tools and expedited technology standards development, testing, and evaluation to assist public safety agencies in the planning and implementation of communications systems. However, as stated by DHS Secretary Michael Chertoff in his May 8, 2006, speech to the Tactical Interoperable Communications Planning Conference, public safety still has immediate communications interoperability requirements that need to be identified and rapidly met. DHS understands that barriers to interoperable communications are both technical and operational. Each agency typically has its own unique legacy technologies, requirements, operating environments, laws, and processes. Therefore, achieving interoperability requires that, in addition to addressing technology and disparate communications systems, agencies examine governance, procedures, training, exercises, and usage. Beginning with the FY 2005 grant cycle, G&T began providing urban/metropolitan areas with operational planning and exercise support to address these needs within the framework of multijurisdictional, multidiscipline incident response. The scorecard is an important milestone in this ongoing process because it marks the culmination of 2 years of planning and exercising tactical interoperable communications capabilities.

The entire report is available at: <http://www.dhs.gov/xlibrary/assets/grants-scorecard-report-010207.pdf>

MW/mc