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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/12

SPONSOR Lovejoy LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Navajo Nation Emergency Response Operations SB 280

ANALYST Daly

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
\$600.0	\$0.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 292

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Homeland Security & Emergency Management Department (HSEMD)  
Indian Affairs Department (IAD) (on the duplicate SB 292)

### SUMMARY

#### Synopsis of Bill

Senate Bill 280 appropriates \$600,000 from the General Fund to IAD to fund tribal emergency response operations during emergency situations in the Navajo Nation.

### FISCAL IMPLICATIONS

The appropriation of \$600,000 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY 2013 shall revert to the General Fund. The IAD comments that this appropriation could increase or replace any funding IAD receives in its budget for emergency response operations.

### SIGNIFICANT ISSUES

The IAD provides this background:

The Navajo Nation is one of the largest tribes in the US with approximately 287,000 members. Its reservation lands encompass nearly 16 million acres or about 27,000 square miles.

The State has provided funding to the Navajo Nation Department of Emergency Management (“NNDEM”) since 1996, through IAD’s Joint Powers Agreements with the Navajo Nation. The NNDEM provides emergency assistance to the elderly, high risk individuals, indigent families living in remote areas without transportation, and low/no income individuals. These services include the provision of necessities like fuel, firewood, coal, home weatherization, hay and grain. Individuals who have lost their homes to fire receive assistance in the form of food, clothing, shelter, utility and comfort kits consisting of blankets/sheets, towels, hygiene products and kitchen utensils.

The NNDEM also provides public education to eliminate the risks associated with potential hazards to the Navajo Nation. The NNDEM developed an Emergency Management Plan in 2004 to address the duties, responsibilities, tasks, and relationships between the Navajo Nation and federal, state, counties, and local chapter governments in order to respond to emergencies and disasters. As that plan notes, due to its location, geological features and critical facilities, the Navajo Nation is vulnerable to the damaging effects of natural, technological, and national security hazards (Navajo Nation Dept. of Emergency Management, “Navajo Nation Emergency Basic Plan: Draft” 2004). The NNDEM also established a localized emergency management system called the Authorized Local Emergency management Repose Team (“ALERT”) to respond to local emergencies quickly and effectively.

On the other hand, the HSEMD advises that it currently assists the Navajo Nation when it is impacted by emergencies and disasters with emergency operations support and funding using the state’s emergency operations system and executive orders through the appropriation contingency fund. It reports that presently, there are no unfunded requests to the HSEMD from the Navajo Nation.

Additionally, the HSEMD calls attention to the lack of language limiting the expenditure of these funds for use only on that part of the Navajo Nation lying within New Mexico. It also points out the lack of a definition of what constitutes an emergency situation that would govern the expenditure of these funds, and notes there are no programmatic or financial rules for how to spend the funds. The HSEMD suggests that any funds for emergency response should be managed similarly to NM Disaster Assistance Program, which is overseen by HSEMD.

## **PERFORMANCE IMPLICATIONS**

The HSEMD observes that IAD may not have the technical expertise to provide the emergency operational support required in implementing this appropriation.

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

The HSEMD states that the Navajo Nation would remain eligible to seek assistance from the state through the state’s disaster assistance program funded by executive orders and for federal disaster assistance under the Stafford Act.