

LFC Requester: \_\_\_\_\_

AGENCY BILL ANALYSIS  
2017 REGULAR SESSION

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:

Original  Amendment \_\_\_\_\_  
Correction \_\_\_\_\_ Substitute \_\_\_\_\_

Date Feb. 19, 2017

Bill No: SB 489

Sponsor: William F. Burt  
Short Merge Public Safety and  
Title: Emergency Dep'ts.

Agency Code: 264  
Person Writing Gary Cade  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: SB 489 would, “establish a single unified department to consolidate state law enforcement, safety and homeland security and emergency management functions.” The homeland security and emergency management department would be eliminated and its core functions consolidated into the department of public safety (“DPS”). After the merger DPS would be comprised of six core agencies: New Mexico state police division; New Mexico law enforcement academy; technical support division; administrative support division; administrative services division; information technology division; and homeland security and emergency management division. If the merger is approved, the cabinet secretary of the department would serve as the coordinating officer for all departments or agencies and their employees required to provide services after an emergency has been declared by the governor in addition to their other duties relating to public safety, and DPS would be the primary state agency dealing with the federal government on homeland security and emergency management programs.

#### **FISCAL IMPLICATIONS**

Unknown.

#### **SIGNIFICANT ISSUES**

In 2011 the Government Restructuring Task Force proposed transferring the Homeland Security and Emergency Management department to the Department of Public Safety (“DPS”) and HB 54 was introduced by Rep. Varela to do that. It proposed putting all the divisions listed above, except for the law enforcement academy, into DPS, along with the special investigations division, training and support division, motor transportation division, fire marshal division and enhanced 911 division. It passed the House but the Senate took no action and it died when the session ended. A modified version of the bill that notably did not include the fire marshal or enhanced 911 divisions was introduced as HB 30 in the 2011 special session by Rep. Kintigh but never even got a hearing and died.

SB 489 would repeal the Homeland Security and Emergency Management Act. See, Sects. 9-28-1 to 9-28-7, NMSA 1978. The core duties of the Act would be moved into DPS. See, Sect. 9-28-5, NMSA 1978. The bill would enact a new section designating DPS as the primary state agency to “cooperate...(and) enter into agreements with agencies of the federal government to implement homeland security and emergency management programs” and administer those programs for New Mexico state government.

To accomplish the merger the bill would amend sections of the following categories of statutes, mainly to indicate homeland security and emergency management functions merger into DPS: Additional County and Municipalities Powers; Department of Public Safety Act; Homeland Security and Emergency Management Department Act; All Hazard Emergency Management Act; Public Health Emergency Response Act; Emergency Communications Interoperability Act; Energy Emergency Powers Act; Uniform Emergency Volunteer Health Practitioners' Act; Emergency Gas Pilot Relighting Act; Transportation Services Act; and, Hazardous Chemicals Information Act.

Homeland security and emergency management programs were first formally recognized by the state in 1959 when the emergency management office was created as the Civil Emergency Preparedness Division of the Office of Military Affairs. It was reorganized in 1979 and in 1987 was moved to DPS, and in 1990 was re-named Office of Emergency Management ("OEM"). In 2003 Governor Richardson created the Governor's Office of Homeland Security and it worked with OEM. In 2007 the Homeland Security and Emergency Management Department was created with the passage of HB 227. That bill moved the Office of Homeland Security from the Governor's office and the Emergency Management and Homeland Security Support Program from DPS to create the new department.

When consolidation of the Homeland Security and Emergency Management department back into DPS was considered in 2011, legislative analysts reported then that financial savings from the proposed merger were speculative but might save several hundred thousand dollars. The executive departments reported that just as important as the cost savings would be greater efficiencies and effectiveness of operations. They noted that DPS staff working with the federal grants managed by the department (e.g., Bryne, JAG, HIDTA, etc.) could not assist in any homeland security grants. Consolidating the departments and designating DPS as the single state agency working on homeland security and emergency management programs could allow grant managers to work across what otherwise might be rigid grant management guidelines. Since New Mexico district attorneys have some interaction with grants from the United States Department of Justice if federal grant applications and awards are enhanced the merger could benefit state prosecutors.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

Status quo.

## **AMENDMENTS**

