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HOUSE BILL 304

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Anna Crook

AN ACT

RELATING TO DETENTION FACILITIES; PROVIDING FUNDING FOR
EMERGENCY NEEDS; CREATING A FUND; PROVIDING FOR
DISTRIBUTIONS; PROVIDING POWERS AND DUTIES; MAKING
APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] RURAL DETENTION FACILITIES
EMERGENCY FUND--CREATED--ALLOCATIONS--CRITERIA.--

A. The "rural detention facilities emergency fund"
is created in the state treasury. The fund shall include
transfers from the small counties assistance fund and the law
enforcement protection fund as provided by law. Earnings
from investment of the fund shall be credited to the fund.
Money in the fund shall not revert to the general fund at the
end of any fiscal year. The fund shall be administered by
the state board of finance, and money in the fund is

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1 appropriated to the board to provide funding for emergencies
2 at local government detention facilities.

3 B. A local government may apply to the state board
4 of finance for funding from the fund for emergency capital
5 improvements or operational shortfalls. The board shall by
6 rule provide for the criteria used to evaluate applications
7 for funding from the rural detention facilities emergency
8 fund. The criteria shall include:

- 9 (1) the application addresses an emergency;
- 10 (2) the project for which funding is sought
11 addresses a health, safety or public welfare threat;
- 12 (3) conditions at the detention facility
13 warrant an urgent response;
- 14 (4) the project for which funding is sought
15 is designed to comply with fire code, the federal Americans
16 with Disabilities Act of 1990 requirements and American
17 correctional association minimal standards; and
- 18 (5) the local government does not have the
19 capacity to raise the revenue needed for the emergency
20 capital improvement or operational shortfall.

21 C. As used in this section, "local government"
22 means a municipality under fifty thousand in population or a
23 county other than a class A county.

24 Section 2. Section 4-61-3 NMSA 1978 (being Laws 1982,
25 Chapter 44, Section 3, as amended) is amended to read:

"4-61-3. SMALL COUNTIES ASSISTANCE FUND--
DISTRIBUTION.--

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1 A. The "small counties assistance fund" is created
2 within the state treasury.

3 B. On ~~[July 1, 1982 and on]~~ July 1 of each year
4 ~~[thereafter]~~, the local government division of the department
5 of finance and administration shall certify to the state
6 treasurer the population of the state and the population of
7 each county in the state.

8 C. On ~~[September 1, 1982 and on]~~ September 1 of
9 each year ~~[thereafter]~~, the local government division of the
10 department of finance and administration shall certify to the
11 state treasurer the revenue amounts received by each
12 qualifying county in the fiscal year ended on the preceding
13 June 30 from property taxes for general county purposes
14 imposed ~~[under]~~ pursuant to the Property Tax Code and taxes
15 imposed ~~[under]~~ pursuant to the Oil and Gas Ad Valorem
16 Production Tax Act, the Oil and Gas Production Equipment Ad
17 Valorem Tax Act and the Copper Production Ad Valorem Tax Act
18 for general county purposes.

19 D. On or before ~~[September 15, 1982 and on or~~
20 ~~before]~~ September 15 of each year ~~[thereafter]~~, the state
21 treasurer shall distribute to each qualifying county from the
22 small counties assistance fund an amount certified to him by
23 the director of the local government division of the
24 department of finance and administration. The distribution
25 to a qualifying county shall be an amount equal to the amount
by which the product of multiplying a county's population by
twenty-five dollars (\$25.00) exceeds thirty percent of the

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1 total of the revenue amounts certified for that county
2 ~~[under]~~ pursuant to Subsection C of this section, subject to
3 the following:

4 (1) if the calculated distribution for a
5 class C or first class county exceeds two hundred thousand
6 dollars (\$200,000), it shall be reduced to two hundred
7 thousand dollars (\$200,000);

8 (2) if the calculated distribution for a
9 class B county exceeds one hundred fifty thousand dollars
10 (\$150,000), it shall be reduced to one hundred fifty thousand
11 dollars (\$150,000);

12 (3) if the calculated distribution for a
13 first class county is:

14 (a) zero or less than zero or that
15 county has a population of not more than twelve thousand five
16 hundred, it shall be two hundred thousand dollars (\$200,000);
17 or

18 (b) greater than zero but less than two
19 hundred thousand dollars (\$200,000), it shall be increased to
20 two hundred thousand dollars (\$200,000);

21 (4) if the calculated distribution for a
22 class C county is greater than zero but less than two hundred
23 thousand dollars (\$200,000) or that county has a population
24 of not more than twelve thousand five hundred, it shall be
25 increased to two hundred thousand dollars (\$200,000); and

(5) if the calculated distribution for a
class B county is greater than zero but less than one hundred

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1 thousand dollars (\$100,000) or that county has a population
2 of not more than twelve thousand five hundred, it shall be
3 increased to one hundred thousand dollars (\$100,000).

4 E. If the balance in the small counties assistance
5 fund as of the preceding August 31 is less than the sum of
6 the distributions to be made to qualifying counties, the
7 director of the local government division of the department
8 of finance and administration shall reduce each qualifying
9 county's calculated distribution by a percentage computed by
10 dividing the amount by which the fund is insufficient by the
11 sum of all the calculated distributions and [he] shall
12 certify the reduced amounts as the qualifying counties'
13 distributions.

14 F. Any interest accruing from the temporary
15 investment of the small counties assistance fund prior to
16 September 15 shall be credited to the general fund.

17 G. Immediately after distribution to qualifying
18 counties from the small counties assistance fund, but no
19 later than September 20 of each year, the unexpended or
20 unencumbered balance in the fund shall revert to the
21 [general] rural detention facilities emergency fund."

22 Section 3. Section 29-13-3 NMSA 1978 (being Laws 1983,
23 Chapter 289, Section 3, as amended) is amended to read:

24 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE
25 [DEPARTMENT] COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND
CREATED.--There is created in the state treasury the "law
enforcement protection fund". Ten percent of all money

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1 received for fees, licenses, penalties and taxes from life,
2 general casualty and title insurance business pursuant to the
3 New Mexico Insurance Code shall be paid daily to the state
4 treasurer and by him credited to the fund. On or before June
5 30 of each year, the state treasurer shall transfer to the
6 ~~[general]~~ rural detention facilities emergency fund any
7 balance in the law enforcement protection fund in excess of
8 one hundred thousand dollars (\$100,000) that is not obligated
9 and that is in excess of the amount certified by the division
10 to be distributed from that fund."

11 Section 4. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2000.