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FISCAL IMPACT REPORT

SPONSOR:	Wallace	DATE TYPED:	02/10/00	HB	45/aHGUAC
SHORT TITLE:	Law Enforcement Training & Recruiting Fund			SB	
				ANALYST:	Trujillo

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
See Narrative	\$ 294.3			Recurring	LETRF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY00	FY01			
\$ (257.5)	\$ (294.3)		Recurring	GF*
\$ 257.5	\$ 294.3		Recurring	LETRF

(Parenthesis () Indicate Revenue Decreases)

*Table is scored on current law which indicates all revenues received shall be deposited into the general fund unless specified by statute. Current practice does not deposit this revenue into the general fund.

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

LFC files

Department of Public Safety

Office of Indian Affairs

Agencies not responding include:

Criminal Juvenile Justice coordinating Council

Department of Finance and Administration

Municipal League

Association of Counties

SUMMARY

Synopsis of HB45/AHGUAC

- On page 2, line 5, strikes "secretary of public safety" and inserts in lieu thereof "New Mexico law enforcement academy".
- On page 2, line 12, strikes "law enforcement".
- On page 2, line 12, after "programs" strikes the remainder of the line and strike line 13 up to the comma.
- On page 2, lines 14 and 15, strikes "secretary of public safety" and inserts in lieu thereof "New Mexico law enforcement academy board".
- On page 2, lines 20 and 21, strikes " secretary of public safety and inserts in lieu thereof "New Mexico law enforcement academy board".

Synopsis of Original Bill

HB45 allows the DPS Training & Recruiting Division to gain revenue by charging fees for training, facilities and services and establishes an account for the revenue.

Significant Issues

According to DPS, the New Mexico Law Enforcement Academy currently charges fees for tuition and room and board for advance training and special session classes offered at the academy. The academy also collects classroom rental charges from agencies who use the training facilities. Fees have been established by the New Mexico Law Enforcement Academy Board pursuant to Section 29-7-4 NMSA 1978. Section 29-7-12 NMSA 1978 prohibits the academy from charging "local public bodies or New Mexico Indian tribes or pueblos for any expenses associated with providing basic law enforcement training programs...". Section 29-7-6.1 NMSA 1978 provides that "A county sheriff's per diem, mileage and tuition expenses attributed to attendance at the administrative law enforcement training shall be paid for by the governing body of the county served by that sheriff."

Between 1988 and 1991, there was a law enforcement training fund for the deposit of certain commercial vehicle motor carrier fees, and this has often been confused with the above fees. After the repeal of the law enforcement training fund in 1991, training fees were erroneously deposited into this fund without creating a new fund for training fees only. The error was corrected in the summer of 1999. However, LFC and DFA analysts have challenged the "revolving status" of the fund containing the training fees and suggested these revenues should revert to the general fund. Furthermore, it is the

position of the LFC that Section 29-7-4 does not sufficiently authorize the charging of fees by the Academy.

FISCAL IMPLICATIONS

The FY00 DPS operating budget includes an additional \$257.5 and requested the use of \$294.3 in FY01. DPS contends that for many years the legislature has, through the General Appropriation Act, appropriated these fees as other state funds for the purpose of operating the academy.

According to DPS, HB45 rectifies problems identified by the LFC and DFA as to statutory authority to charge fees, and allows the continuation of past legislative and executive practice requiring a certain part of DPS Training's operations budget to come from revenue.

A portion of DPS Training's operating budget will come from the required generation of fees. Currently, the LFC recommendation in HB2 does not include this revenue. Until legislation is enacted the agency will operate at a significantly lower operating level than previous years.

Table is scored on current law which indicates all revenues received shall be deposited into the general fund unless specified by statute. Current practice does not deposit this revenue into the general fund.

ADMINISTRATIVE IMPLICATIONS

DPS reports no change from past and current practice.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

DPS reports there is a supplemental appropriation request for training programs, equipment and

personnel that approximate the funds that were reverted to the GF (see Substantive Issues, paragraph 2) from the previous revenue account.

LFC has not seen documentation that indicates the agency reverted these funds to the general fund.

TECHNICAL ISSUES

DPS reports this resolves a technical issue that was discovered by the LFC and DFA staff in the summer of 1999.

LAT/njw:gm:sb