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FISCAL IMPACT REPORT

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|--------------|---|-------------|----------|----------|----------|
| SPONSOR: | Stockard | DATE TYPED: | 02/10/00 | HB | |
| SHORT TITLE: | State Police Personal Services & Travel | | | SB | 440 |
| | | | | ANALYST: | Trujillo |

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------------|-----------------------------|------|-------------------------|------------------|
| FY00 | FY01 | FY00 | FY01 | | |
| | \$ 2,900.0 | | | Recurring | GF |

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB2

SOURCES OF INFORMATION

LFC Files

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

SB440 appropriates \$2.9 million to the New Mexico State Police for shortfalls in House Bill 2.

The appropriations include:

- \$1.7 million for State Police overtime.
- \$700k for State Police salaries, restoring the DPS request in personal services.
- \$500k for State Police vehicle operations.

Significant Issues

The Department of Public Safety reports without this appropriation, New Mexico State Police operations will be affected severely.

FISCAL IMPLICATIONS

DPS reports the overtime appropriation is necessary for normal operations of the State Police. Overtime is accrued for extensions of shift or call-out emergencies. An extension of shift is usually an emergency such as an accident or criminal case. Officers and agents can not leave the scene at the end of a shift and have another employee handle. This would jeopardize investigations.

Emergencies occur that require a police response. Prison escapes, riots, homicides, and natural disasters all can happen each year in New Mexico. The response has to be immediate, and large enough to successfully accomplish the job at hand.

DPS reports regardless of how many officers the State Police gains from the legislature, there will be overtime. Without this appropriation, the State Police will have to cut services. Holiday pay will have to be eliminated, putting fewer officers on the road during holidays when dangerous driving is most prevalent. Officers will have to receive compensatory time off in lieu of payment for overtime. This will put fewer officers on the road and possibly cause litigation for violation of the Fair Labor Standards Act.

\$700k for salaries restores the DPS request in personal services, which includes a 3% vacancy factor on commissioned officers.

\$500k for vehicle operations is necessary to maintain the departments fleet of vehicles. It is recommended that emergency response vehicles be removed from the road at 80,000 miles. Currently, vehicles are being turned in at 130,000 miles +. Beyond 80,000 miles vehicle maintenance goes up dramatically. This is costly in maintenance and dangerous to the officers and motoring public.

The State Police Fleet Operations now has to maintain the fleet for the Motor Transportation Division of DPS. The MTD fleet is in worse shape than the State Police fleet is, with more than 80% of the fleet above 100,000 miles. Without this appropriation, vehicles will have to be parked and mileage restrictions imposed on running cars for both the State Police and MTD. This will result in fewer officers and inspectors on the road.

LFC staff reports during the 1997 interim, there was significant discussion by the legislature of the increased need for 24-hour patrol and the inadequacy of the then 435 officer force. Laws 1998, Chapter 4 appropriated \$8.6 million from the general fund to the DPS for the purpose of recruiting, employing, training and equipping additional state police officers. Of the \$8.6 million, \$2.8 million was for recruiting, employing, training and equipping 50 additional state police officers in FY99, and \$5.8 million was for equipping 40 additional state police officers during fiscal years 2000 through 2002. The General Appropriation Act of 1999 appropriated \$2.2 million for an additional 40 state police officers in FY00. This appropriation was to increase the force from 485 to 525 commissioned officers by June 30, 2000, and to 605 officers by June 30, 2002. As of September 30, 1999, DPS's actual police force totaled 465.

The current state police recruit school, which had an initial enrollment of 33 recruits, graduated 20 cadets in October 1999. The agency is planning a second recruit school in the spring. With attrition and retirement, the LFC estimates the force size on June 30, 2000 will be approximately 490, a force complement well below the 525 commissioned officers for which the legislature appropriated sufficient funding.

The department contends the projected funding provided by the legislation addresses many needs within the state police. DPS requested an additional \$4.0 million to fund the projected salaries and recurring costs for 40 additional state police officers in FY01.

Recruitment. DPS must carefully evaluate the effectiveness of existing recruitment procedures and requirements. Current practices are not adequate to provide the necessary pool of qualified candidates to fill vacant positions in a reasonable and responsible manner.

Only about 55 percent of the recruits who attend the State Police Law Enforcement Academy graduate. Because the current recruitment requirements and practices do not produce an adequate pool of candidates, and graduation rates are low given current practices, vacant positions will not be filled in a timely basis unless significant changes are made in current management operations.

The LFC recommends DPS examine alternatives to enhance its recruitment practices. Such alternatives should consider allowing local law enforcement officers that have graduated from a law enforcement academy, and have practical field experience, to be hired without requiring an additional 16 weeks of training which is a prerequisite for new state police officers. Other reciprocity arrangements should also be evaluated with the goal of creating a qualified pool of candidates to fill authorized positions.

HB2 includes the agency request for 72 new vehicles in addition to vehicles provided in Laws 1998. Currently, HB2 contains \$2.5 million in general fund operating reserve made to fund up 40 additional state police officers contingent on certification that DPS has employed at least 525 commissioned full time state police officers by June 30, 2000 and to address agency concerns related to overtime, vehicle maintenance and new vehicles.

DPS requested a 68 percent base increase in overtime pay at a cost of \$3,198.0 million, even though the department FTE complement for commissioned state police officers has increased by 21 percent. The intent of the additional appropriation was to increase the workforce providing services to the public, not to increase the workload of the existing state police force. The recommendation reflects a 21 percent reduction from the FY98 actual in overtime in the state police division.

ADMINISTRATIVE IMPLICATIONS

DPS reports without this appropriation the following may occur:

- Fewer officers and Inspectors on the road can increase crime and traffic fatalities.
- Public perception of the department will be diminished causing people to have less faith in State Government.
- The department will not be able to meet the Performance Based Budget measures.
- This will mean less money appropriated next year starting a continued downward spiral until the department can not operate.
- Administratively, the department will have to find ways to complete the mission of the department without the resources to accomplish it.
- The department will be less efficient.
- Employee morale will continue to deteriorate and become less effective.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

Relates to HB2.

LAT/gm