

HB593 amends Section 9-19-4 NMSA 1978 to change the Special Investigations Division to the Special Investigations section. The twenty-nine commissioned personnel of the Special Investigations Division will become commissioned agents upon successful completion of appropriate course of study. These agents will then be added to the authorized strength of State Police Division. Amends Section 60-3A-3 NMSA 1978 to reflect change from Department of Special Investigations to a section of the New Mexico State Police Division. Transfers all personnel, appropriations, money, records, real & personal property, contracts and obligations of the Special Investigations Division to the Special Investigations section and makes an appropriation to pay expenses necessary to effect transfer.

Significant Issues

This bill incorporates the Special Investigations Division of DPS into the New Mexico State Police (NMSP).

PERFORMANCE IMPLICATIONS

DPS reports this legislation would help to solidify and centralize enforcement actions on a statewide basis. It would also help to give parity to commissioned officers within DPS, and to eliminate some of the problems with multiple personnel systems in DPS.

Special Investigations will continue to enforce liquor and gaming laws of the state. This bill would clean up and put into statutory language enforcement operations under the NMSP and standardize some personnel issues that have hindered past operations in DPS.

FISCAL IMPLICATIONS

The appropriation of \$194.5 contained in this bill is a recurring expense to the general fund to bring the salaries to the State Police pay plan, benefits and other expenses necessary to effectuate the transfer of the Special Investigations Division to the Special Investigations section of the NMSP. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

It is unknown whether passage of the proposed legislation will have any effect on any federal, state or local matching funds or appropriations.

ADMINISTRATIVE IMPLICATIONS

According to DPS, the proposed legislation incorporates Special Investigations Division agents as agents in the Special Investigations section of the NMSP division. This incorporation would allow the department to have one personnel system for law enforcement employees within the NMSP division.

Currently, Special Investigations Division agents are law enforcement officers under the state personnel classified system. This change, and the attendant funding, would allow the agency to incorporate these individuals into the NMSP Division, and into the State Police personnel system. 38 FTE are affected by the proposed legislation. Twenty-nine of those FTE are currently employed as agents in the Special Investigations Division acting in a law enforcement capacity. Nine of those FTE are civilian personnel providing support to the commissioned FTE. This legislation would incorporate all FTE within the New Mexico State Police Division, 29 commissioned officers as agents in the State Police Division, and the nine civilians would remain civilians, under the state personnel

system, within the State Police Division. These 29 commissioned personnel would expand the authorized strength of the NMSP. The authorized strength of the NMSP is currently 550 by the end of FY01, and this would increase that by 29, for a total of 579 commissioned officers. In Laws of 1998, the New Mexico Legislature proposed a four-year growth cycle for the NMSP, with a 605 officer authorized strength by the end of FY02. This authorized strength would now increase to 634 officers.

TECHNICAL ISSUES

Staff suggests consideration of incorporating all 104 commissioned officers along with 100 FTE in MTD into the NMSP division. If this were to occur, this legislation would help to solidify and centralize enforcement actions on a statewide basis. It would also help to give parity to commissioned officers within DPS, and to eliminate some of the problems with multiple personnel systems in DPS as was reported by the department under performance measures.

It is unclear whether the SID officers would fall under the state police retirement plan (also, whether MTD officers would fall under the same plan).

OTHER SUBSTANTIVE ISSUES

This bill may create morale issues within the department because there are approximately 204 FTE in the Motor Transportation Department (MTD), including 104 commissioned officers, who will be treated differently than the Special Investigations Division.

DPS reports the most substantive issue presented is the addition of language which clarifies sections of the NMSA such that all references in the law to the Special Investigations Division of the Department of Public Safety will now be deemed references to the Special Investigations section of the New Mexico State Police Division of Public Safety, and all references in the law to the Director of the Special Investigations Division will now be deemed to be references to the Commander of the Special Investigations Section of the State Police Division.

POSSIBLE QUESTIONS

1. What is the position of the New Mexico State Police Officer's Association on this transfer?
2. Why isn't MTD included in this transfer?

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