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HOUSE BILL 315

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Thomas A. Garcia

AN ACT

RELATING TO TRANSPORTATION; PROVIDING FOR A REGIONAL TRANSIT DISTRICT AND THE MOTOR TRANSPORTATION DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A JOINT POWERS AGREEMENT FOR THE PROVISION OF POLICE SERVICES TO THE DISTRICT.

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

Section 1. Section 65-1-40 NMSA 1978 (being Laws 2007, Chapter 54, Section 3) is amended to read:

"65-1-40. DIVISION--ORGANIZATION--REGIONAL TRANSIT DISTRICT POLICE.--

A. The division shall consist of a director, deputy director, majors, captains, lieutenants, sergeants, patrol officers and noncommissioned personnel according to the Personnel Act within the limits of the funds appropriated for the division.

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1 B. The division may enter into an agreement,
2 pursuant to the Joint Powers Agreements Act, with a regional
3 transit district created by the Regional Transit District Act
4 to provide security, safety and police services on or in
5 rolling stock, property, rights of way, easements and
6 facilities owned, leased, licensed or operated by the district.
7 Upon entering an agreement, the division may:

8 (1) organize a unit within the division to be
9 referred to as regional transit district police;

10 (2) contingent on the cost being defrayed
11 pursuant to the terms and conditions of an agreement, hire no
12 more than thirteen full-time-equivalent employees to meet the
13 purposes of this subsection and the agreement; and

14 (3) train officers, at division expense, as
15 motive power and equipment inspectors in order to conduct
16 investigations of collisions, derailments and other accidents
17 involving the regional transit district."

18 Section 2. Section 73-25-6 NMSA 1978 (being Laws 2003,
19 Chapter 65, Section 6) is amended to read:

20 "73-25-6. POWERS OF THE DISTRICT.--

21 A. A district is a body politic and corporate. In
22 addition to other powers granted to the district pursuant to
23 the Regional Transit District Act, the district may:

24 (1) have perpetual existence, except as
25 otherwise provided in the contract;

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1 (2) sue and be sued;

2 (3) enter into contracts and agreements
3 affecting the affairs of the district;

4 (4) establish, collect and increase or
5 decrease fees, tolls, rates or charges for the use of property
6 of a regional transit system financed, constructed, operated or
7 maintained by the district; except that fees, tolls, rates or
8 charges imposed for the use of a regional transit system shall
9 be fixed and adjusted to pay for bonds issued by the district;

10 (5) pledge all or a portion of the revenues to
11 the payment of bonds of the district;

12 (6) finance, construct, operate or maintain
13 regional transit systems within the boundaries of the district;

14 (7) purchase, trade, exchange, acquire, buy,
15 sell, lease, lease with an option to purchase, dispose of and
16 encumber real or personal property and interest therein,
17 including easements and rights of way;

18 (8) accept real or personal property for the
19 use of the district and accept gifts and conveyances upon the
20 terms and conditions as the board may approve;

21 (9) use the streets, highways and other public
22 ways and, with permission of the owner, [~~to~~] relocate or alter
23 the construction of streets, highways, other public ways,
24 electric and telephone lines and properties, pipelines,
25 conduits and other properties, whether publicly or privately

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1 owned, if deemed necessary by the district in the construction,
2 reconstruction, repair, maintenance and operation of the
3 system. Any damage that may occur to the property shall be
4 borne by the district; ~~and~~

5 (10) provide transportation services outside
6 the boundaries of the district; and

7 (11) enter into an agreement, pursuant to the
8 Joint Powers Agreements Act, with the motor transportation
9 division of the department of public safety for the provision
10 of security, safety and police services on or in rolling stock,
11 property, rights of way, easements and facilities owned,
12 leased, licensed or operated by the district.

13 B. After the creation of a district, the board may
14 include property within or exclude property from the boundaries
15 of the district in the manner provided in this section.

16 Property shall not be included within the boundaries of the
17 district unless it is within the boundaries of the members of
18 the combination at the time of the inclusion. Property located
19 within the boundaries of a governmental unit that is not a
20 member of the combination as the boundaries of the governmental
21 unit exist on the date the property is included shall not be
22 included without the consent of the governing body of the
23 governmental unit. Prior to inclusion of property in or
24 exclusion of property from the boundaries of the district, the
25 board shall cause notice of the proposed inclusion or exclusion

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1 to be published in a newspaper of general circulation within
2 the boundaries of the district and cause the notice to be
3 mailed to the commission. The notice shall:

4 (1) describe the property to be included in or
5 excluded from the boundaries of the district;

6 (2) specify the date, time and place at which
7 the board shall hold a public hearing on the proposed inclusion
8 or exclusion; provided that the date of the public hearing
9 contained in the notice shall be not less than twenty days
10 after publication of the notice; and

11 (3) state that persons having objections to
12 the inclusion or exclusion may appear at the public hearing to
13 object to the proposed inclusion or exclusion.

14 C. The board shall hear all objections to the
15 proposed inclusion or exclusion at the time and place
16 designated in the notice. The board, upon the affirmative vote
17 of two-thirds of the directors, may adopt a resolution
18 including or excluding all or a portion of the property
19 described in the notice. Upon the adoption of the resolution,
20 the property shall be included within or excluded from the
21 boundaries of the district as set forth in the resolution. The
22 board may adopt the resolution without amending the district's
23 enabling contract. The board shall file the resolution with
24 the commission, ~~who~~ which shall cause the resolution to be
25 recorded in the real estate records of each county having

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1 territory included in the boundaries of the district."

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