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FISCAL IMPACT REPORT

ORIGINAL DATE 3/10/2009

SPONSOR HJC LAST UPDATED _____ HB 315/HJCS

SHORT TITLE Regional Transit District Police Services SB _____

ANALYST Moser

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to: SB 245 and HB 425

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Transportation (NMDOT)

Department of Public Safety (DPS)

SUMMARY

Synopsis of HJCS Bill

House Judiciary Committee Substitute for House Bill 315 amends Section 73-25-1 to allow a Regional Transit District (RTD) district may employ law enforcement officers for its commuter rail services or may contract with other law enforcement agencies. The officers shall enforce all applicable laws and regulations. Officers can make valid arrests only if they are in uniform and identified by their district badges. All officers must be certified by New Mexico's Law Enforcement Academy Board within 12 months of their first employment.

House Judiciary Committee Substitute for House Bill 315 also provides that commuter rail service law enforcement officers shall have the powers of peace officers on all property, tracks, rights of way, easements, vehicles, buses, vans, railcars, locomotives and facilities owned, leased, licensed, maintained or operated by the district.

FISCAL IMPLICATIONS

There is no appropriation provided within this bill. Any costs associated with the provision of services will be borne by the RTD and not by the state. The RTDs receive revenue from track

usage fees; a voter approved gross receipts tax, and fare box revenues that will be used for these expenditures.

SIGNIFICANT ISSUES

House Judiciary Committee Substitute for House Bill 315 allows:

- the Division to enter into an agreement with a Regional Transit District to provide security, safety and police services on or in rolling stock, property, rights of way, easements and facilities owned, leased, licensed or operated by the Regional Transit District;
- the Division to organize a unit within the Motor Transportation Division to be referred to as Regional Transit District Police;
- the Division to hire no more than thirteen full-time-equivalent employees to meet the purposes of the agreement, contingent on the cost being defrayed pursuant to the terms and conditions of an agreement with a Regional Transit District;
- the division to train officers, at Division expense, as motive power and equipment inspectors in order to conduct investigations of collisions, derailments and other accidents involving the Regional Transit District; and,
- a Regional Transit District to enter into an agreement with the Motor Transportation Division of the Department of Public Safety for the provision for security, safety and police services on or in rolling stock, property, rights of way, easements and facilities owned, leased, licensed or operated by the Regional Transit District.

ADMINISTRATIVE IMPLICATIONS, and RELATIONSHIP

House Judiciary Committee Substitute for House Bill 315 duplicates House Judiciary Committee Substitute for House Bill 359 and Senate Bill 245 “Regional Transit District Law Enforcement”.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted Regional Transit Districts that operate commuter rail service may not be permitted to employ or contract with other law enforcement agencies for commuter rail service law enforcement.

GM/mc