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HOUSE BILL 232

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; INCREASING THE DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND; TRANSFERRING THE BALANCE OF THE FUND TO THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION FOR THE UNFUNDED LIABILITY OF THE MUNICIPAL POLICE PLAN; DECLARING AN EMERGENCY.

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

SECTION 1. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended by Laws 2002, Chapter 78, Section 5 and by Laws 2002, Chapter 92, Section 3) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by

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1 tribal, municipal and university police and county sheriff's
2 departments for money in the fund pursuant to the provisions of
3 Subsection C of this section.

4 B. As necessary during the year, the division shall
5 transfer an amount from the [~~law enforcement protection~~] fund
6 to the peace officers' survivors fund that enables the balance
7 of the peace officers' survivors fund to be maintained at a
8 minimum balance of three hundred fifty thousand dollars
9 (\$350,000).

10 C. The division shall determine the rate of
11 distribution of money remaining in the fund to each tribal,
12 municipal and university police and county sheriff's department
13 as follows:

14 (1) all municipal police and county sheriff's
15 departments shall be rated by class pursuant to this paragraph
16 in accordance with populations established by the most recently
17 completed decennial census; provided that the population of any
18 county shall not include the population of any municipality
19 within that county that has a municipal police department. The
20 rate of distribution to which a municipal police or county
21 sheriff's department is entitled is the following:

22	CLASS	POPULATION	AMOUNT
23	1	0 to 20,000	[\$20,000] <u>\$30,000</u>
24	2	20,001 to 160,000	[30,000] <u>45,000</u>
25	3	160,001 to 1,280,000	[40,000]

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60,000;

(2) university police departments shall be entitled to a rate of distribution of [~~seventeen thousand dollars (\$17,000)~~] twenty-five thousand five hundred dollars (\$25,500);

(3) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection [G] D of this section, to [~~six hundred dollars (\$600)~~] nine hundred dollars (\$900) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. [~~No~~] A tribal police department shall not be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations; and

(4) municipal and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to [~~six hundred dollars (\$600)~~] nine hundred dollars (\$900) for each police officer or sheriff's deputy employed

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1 full time by [~~his~~] the deputy's department who has been
2 certified by the New Mexico law enforcement academy as a police
3 officer or has been authorized to act as a New Mexico peace
4 officer pursuant to the provisions of Section 29-1-11 NMSA
5 1978.

6 D. After distributions are determined in accordance
7 with [~~Subsection A, Subsection B and Paragraphs (1) and (2) of~~
8 ~~Subsection~~] Subsections B and C of this section, if the balance
9 in the fund is insufficient to permit the total allocations
10 provided by Paragraphs (3) and (4) of Subsection C of this
11 section, the division shall reduce that allocation to the
12 maximum amount permitted by available money."

13 SECTION 2. TEMPORARY PROVISION--TRANSFER OF LAW
14 ENFORCEMENT PROTECTION FUND BALANCE TO THE EMPLOYER'S
15 ACCUMULATION FUND OF THE PUBLIC EMPLOYEES RETIREMENT
16 ASSOCIATION.--The provisions of Section 29-13-3 NMSA 1978
17 notwithstanding, for fiscal year 2016, any balance of the law
18 enforcement protection fund on June 30, 2016, after
19 distributions and the required one-hundred-thousand-dollar
20 (\$100,000) set aside, shall be transferred by the state
21 treasurer to the employer's accumulation fund of the public
22 employees retirement association to reduce the unfunded
23 liability of the municipal police division within the
24 association's total fund. No part of the transferred balance
25 shall be used to offset either an employer's or an employee's

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1 contribution.

2 SECTION 3. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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