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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/15/2015

SPONSOR Rue LAST UPDATED 3/12/2015 HB \_\_\_\_\_

SHORT TITLE Reorganize Department of Public Safety SB 95/SFIS

ANALYST Chenier

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		
	(\$28.0)	(\$28.0)	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of SFI Substitute

Senate Floor substitute for Senate Bill 95 would:

- Specify the five divisions of DPS including the New Mexico State Police Division, the New Mexico Law Enforcement Academy Division, the Technical Support Division, the Administrative Services Division, and the Information Technology Division; and
  - Consolidate the former Motor Transportation Division, Special Investigations Division, and the Training and Recruiting Bureau into one division under the New Mexico State Police Division;
  - Change the definition of “member of the New Mexico State Police” to include officers of the former Motor Transportation Police, certified as of June 30, 2015;
  - In several sections, change the qualification requirements of New Mexico State Police officers to include officers already certified under the former Motor Transportation

- Division or the Special Investigations Division; and
- Changes references made to the “Motor Transportation Division” to “State Police Division”
- Changes all reference made to the “New Mexico State Police Board” to “secretary”.
- Makes numerous technical corrections throughout.
- Makes it so that money in the law enforcement training and recruiting fund is non-reverting.
- Strikes the schedule of penalties for vehicle weight violations in Section 66-7-411 NMSA 1978, and specifies instead that violators shall be fined in accordance with Section 66-8-116.1 NMSA 1978.
- Specifies that a police officer who believes that the weight of a vehicle and load is unlawful shall not require a driver to weigh the vehicle on a private scale.
- Changes the composition of the New Mexico Law Enforcement Academy Board.
- Section 42 would amend the definition of “state police member” under the Public Employees Retirement Act to exclude an officer of the New Mexico State Police Division “who was certified and commissioned as of June 30, 2015” in either (1) the former Motor Transportation Division, or, (2) the former Special Investigations Division. An officer previously certified under either referenced division will continue to contribute to PERA as “general” members.

## **FISCAL IMPLICATIONS**

DPS stated that “the passage of this legislation will not impose any increased budgetary need. The Department is utilizing existing uniforms, vehicles, etc. to maintain the visibility of each area’s mission focus and is not requesting any budgetary increases related to the passage of the bill.”

The bill would make the law enforcement training and recruiting fund non-reverting. The department stated that they currently revert about \$28 thousand from this fund to the general fund annually.

## **SIGNIFICANT ISSUES**

AGO provided the following:

The relationship between the Law Enforcement Training Academy and the Law Enforcement Division is not well explained in the language of the currently proposed Bill. As currently proposed, the Secretary would have broad discretion to determine the Division’s functions. For example, would the Division Director have authority to review Board decisions issued under Section 29-7-13 of the Law Enforcement Academy Act? In order to alleviate any ambiguity as to what the relationship between the Academy and the Division would be, it would be best to outline those in the proposed Bill.

DPS provided the following analysis:

DPS currently has four law enforcement divisions:

1. New Mexico State Police (Law Enforcement Program)
2. Motor Transportation Police (Motor Transportation Program)
3. Special Investigations (Law Enforcement Program)

4. Training and Recruiting/NMLEA (Statewide Law Enforcement Support Program)

The current structure does not support the efficient and most effective use of the limited law enforcement resources. The segregation of functions and budget has resulted in:

- Fragmented operations;
- Silos in mission focus and officer skills;
- Difficulties in communications and information sharing;
- Redundancy of functions;
- Limited career opportunities for officers who are not cross-trained to move from one functional area to another; and
- Lack of equity in commissioned officer specialty team and other incentive pay.

This proposed new structure would be reflective of that of other Departments of Public Safety in other states, increasing efficiency and streamlining law enforcement in the Department of Public Safety.

Currently the New Mexico State Police, who are exempt from the SPO classified system, fall within their own personnel system. Employees in the Special Investigations Division and the Motor Transportation Division currently fall within the SPO classified system. This creates a lack of parity in specialty and incentive pay and benefits between classified officers and State Police officers. In addition, hiring and promotion of officers is faster and more efficient in the State Police personnel system.

In September of 2013, the LFC presented A Review of the New Mexico's Motor Transportation Police Mission and Organization. This thorough review made a number of recommendations, including the following:

- All commissioned officers (be) exempt and not classified under the SPO system;
- Equal pay for comparable positions according to a common pay gradient;
- One single academy to train all new DPS officers;
- A common advertising and recruitment campaign.

The bill would achieve three of these four recommendations and, based upon funding, provide the single pay structure required to provide equal pay for comparable positions. The only division to remain in the classified service will be the New Mexico Law Enforcement Academy, in recognition of its statutory obligation to provide basic and advanced training to officers and telecommunications throughout the State.

It is important to recognize that the functions currently provided by those individuals in the Special Investigations Division and the Motor Transportation Division will still be accomplished. These functions will continue to be accomplished by those same employees, with their original mission focus clearly maintained, as members of the New Mexico State Police.

## **PERFORMANCE IMPLICATIONS**

DPS stated that “it is anticipated that lines of communication, rank structure and investigatory function will be improved by adoption of the proposed legislation. This will result in enhanced performance of the law enforcement function of the Department of Public Safety. It is believed that adoption of the proposed legislation will result in better, more cohesive law enforcement

services being provided to the citizens of the State of New Mexico.”

**ADMINISTRATIVE IMPLICATIONS**

Excluding officers of the New Mexico State Police Division “who were certified and commissioned as of June 30, 2015” in either the former Motor Transportation Division or the former Special Investigations Division may have an actuarial impact on the PERA fund. Officers previously certified under either referenced division will continue to contribute to PERA as “general” members.

EC/bb