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HOUSE BILL 28

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO LAW ENFORCEMENT; AUTHORIZING A DISTRIBUTION OF MONEY FROM THE LAW ENFORCEMENT PROTECTION FUND TO JUNIOR COLLEGE POLICE DEPARTMENTS; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 29-13-2 NMSA 1978 (being Laws 1983, Chapter 289, Section 2, as amended) is amended to read:

"29-13-2. PURPOSE OF ACT. --The purpose of the Law Enforcement Protection Fund Act is to provide for the equitable distribution of money to municipal police, university police, junior college police, tribal police and county sheriff's departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services."

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1           Section 2. Section 29-13-2.1 NMSA 1978 (being Laws 1993,  
2 Chapter 179, Section 4, as amended) is amended to read:

3           "29-13-2.1. DEFINITIONS. --As used in the Law Enforcement  
4 Protection Fund Act:

5           A. "division" means the local government division  
6 of the department of finance and administration;

7           B. "fund" means the law enforcement protection  
8 fund;

9           C. "governmental entity" means a municipality,  
10 university, junior college, tribe or pueblo or a county;

11           D. "tribal police department" means any tribal or  
12 pueblo police department that has entered into an agreement  
13 with the department of public safety pursuant to Section  
14 29-1-11 NMSA 1978; and

15           E. "university" means a four-year post-secondary  
16 institution listed in Article 12, Section 11 of the  
17 constitution of New Mexico."

18           Section 3. Section 29-13-4 NMSA 1978 (being Laws 1993,  
19 Chapter 179, Section 6) is amended to read:

20           "29-13-4. DETERMINATION OF NEEDS AND RATE OF  
21 DISTRIBUTION. --

22           A. Annually on or before April 15, the division  
23 shall:

24                   (1) consider and determine the relative needs  
25 as requested by municipal [~~and~~] police, university police,

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1 junior college police and county sheriff's departments for  
2 money in the fund pursuant to the provisions of Subsection B  
3 of this section; and

4 (2) calculate the amount of consideration due a  
5 tribal police department pursuant to the provisions of  
6 Paragraph (10) of Subsection C of Section 29-1-11 NMSA 1978.

7 B. The division shall determine the rate of  
8 distribution of money in the fund to each municipal [~~and~~]  
9 police, university police, junior college police and county  
10 sheriff's department as follows:

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

<u>CLASS</u>	<u>POPULATION</u>	<u>AMOUNT</u>
20 1	0 to 20,000	\$17,000
21 2	20,001 to 160,000	30,000
22 3	160,001 to 1,280,000	40,000;

23  
24 (2) university police and junior college police  
25 departments shall be entitled to a rate of distribution of

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1       seventeen thousand dollars (\$17,000); and

2                       (3) municipal [~~and~~] police, university police,  
3 junior college police and county sheriff's departments shall  
4 be entitled, unless allocations are adjusted pursuant to the  
5 provisions of Subsection C of this section, to [~~three hundred~~  
6 ~~dollars (\$300)~~] five hundred dollars (\$500) for each police  
7 officer or sheriff's deputy employed full time by his  
8 department who has been certified by the New Mexico law  
9 enforcement academy as a police officer or has been authorized  
10 to act as a New Mexico peace officer pursuant to the  
11 provisions of Section 29-1-11 NMSA 1978.

12                       C. After distributions are determined in accordance  
13 with Paragraph (2) of Subsection A and Paragraphs (1) and (2)  
14 of Subsection B of this section, if the balance in the fund is  
15 insufficient to permit the total allocations provided by  
16 Paragraph (3) of Subsection B of this section, the division  
17 shall reduce that allocation to the maximum amount permitted  
18 by available money. "

19                       Section 4.       Section 29-13-5 NMSA 1978 (being Laws 1983,  
20 Chapter 289, Section 5, as amended) is amended to read:

21                       "29-13-5.   DETERMINATION OF NEEDS--REVIEW.--No later than  
22 May 1 of each year, the division shall notify in writing each  
23 affected municipal police, university police, junior college  
24 police, tribal police and county sheriff's department of its  
25 determination of money to be distributed pursuant to the

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1 provisions of Section 29-13-4 NMSA 1978. Any affected  
2 department may appeal that determination by filing a notice of  
3 appeal with the secretary of finance and administration no  
4 later than May 15. If an appeal is filed, the secretary of  
5 finance and administration shall review the determination of  
6 the division in an informal and summary proceeding and shall  
7 certify the result of the appeal to the division no later than  
8 June 30, and the division shall adjust its determination  
9 accordingly. If no appeal is filed, the original  
10 determination of the division shall be final and binding and  
11 not subject to further review. "

12 Section 5. Section 29-13-6 NMSA 1978 (being Laws 1983,  
13 Chapter 289, Section 6, as amended) is amended to read:

14 "29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION  
15 FUND. --

16 A. Annually on or before July 31, the state  
17 treasurer shall distribute from the fund the amounts certified  
18 by the division to be distributed to municipalities,  
19 universities, junior colleges and counties. Payments shall be  
20 made to the treasurer of the appropriate governmental entity.

21 B. The state treasurer is authorized to redirect a  
22 distribution to the New Mexico finance authority in an amount  
23 certified by the division, pursuant to an ordinance or a  
24 resolution passed by the municipality or county and a written  
25 agreement of the municipality or county and the New Mexico

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1 finance authority.

2 C. Annually on or before July 31, the state  
3 treasurer shall distribute from the excess money remaining in  
4 the fund after distributions pursuant to Subsection A of this  
5 section are made, money certified by the division to be  
6 distributed to tribes and pueblos. Payment shall be made to  
7 the chief financial officer of the tribe or pueblo. If  
8 necessary, the fund may be decreased below the level of one  
9 hundred thousand dollars (\$100,000) to enable payment to the  
10 tribes and pueblos. If insufficient money remains in the fund  
11 to fully compensate the tribes and pueblos, a report shall be  
12 made to the New Mexico office of Indian affairs and to an  
13 appropriate interim committee of the legislature that reviews  
14 issues having impact on tribes and pueblos in New Mexico by  
15 September 1 of the year of the shortfall."

16 Section 6. EFFECTIVE DATE. --The effective date of the  
17 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 1, 1999

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

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12 HOUSE BILL 28

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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, amended as follows:

16  
17 1. On page 1, lines 12 and 13, strike "JUNIOR COLLEGE  
18 POLICE DEPARTMENTS" and insert in lieu thereof "POST-  
19 SECONDARY EDUCATIONAL INSTITUTION POLICE DEPARTMENTS".

20  
21 2. On page 1, line 22, strike "junior college police"  
22 and insert in lieu thereof "post-secondary educational  
23 institution police".

24  
25 3. On page 2, line 10, strike "junior college" and  
insert in lieu thereof "post-secondary educational  
institution".

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FIRST SESSION, 1999

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4. On page 2, between lines 10 and 11, insert the following new subsection:

"D. "post-secondary educational institution" means a community college operating pursuant to Chapter 21, Article 13 NMSA 1978, a technical and vocational institute operating pursuant to Chapter 21, Article 16 NMSA 1978 and an area vocational school operating pursuant to Chapter 21, Article 17 NMSA 1978;".

5. Reletter the succeeding subsections accordingly.

6. On page 3, line 1, strike "junior college police" and insert in lieu thereof "post-secondary educational institution police".

7. On page 3, line 9, strike "junior college police" and insert in lieu thereof "post-secondary educational institution police".

8. On page 3, line 24, strike "junior college police" and insert in lieu thereof "post-secondary educational institution police".



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9. On page 4, line 3, strike "junior college police" and insert in lieu thereof "post-secondary educational institution police".

10. On page 4, lines 23 and 24, strike "junior college police" and insert in lieu thereof "post-secondary educational institution police".

11. On page 5, line 19, strike "junior colleges" and insert in lieu thereof "post-secondary educational institutions",

and thence referred to the APPROPRIATIONS & FINANCE COMMITTEE.

Respectfully submitted,

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R. David Pederson, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Luna

Absent: None

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J: \99BillSWP\H0028

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FIRST SESSION, 1999

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March 5, 1999

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Mr. President:

10

Your FINANCE COMMITTEE, to whom has been referred

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12

HOUSE BILL 28, as amended

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14

has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Ben D. Altamirano, Chairman

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FORTY-FOURTH LEGISLATURE  
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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Campos, Ingle, Lyons, McKibben, Tsosie, Fidel

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Absent: None

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