

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/26/09

SPONSOR Irwin LAST UPDATED _____ HB 817

SHORT TITLE Establish New Mexico Rangers SB _____

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

General Services Department (GSD)

Department of Public Safety (DPS)

Department of Homeland Security and Emergency Management (DHSEM)

SUMMARY

Synopsis of Bill

House Bill 817 creates the New Mexico Rangers.

Section 1. A new section creates The New Mexico rangers consisting of units in regions throughout the state and organized, officered and staffed and under the direction of the governor."

Section 2.

A. The governing body of the New Mexico rangers is a board of directors. The board consists of not at least one of the rangers from each designated area within the state, one member appointed by the secretary of public safety and two members at large from throughout the state. Each board member shall serve for two years and may be re-elected. The board of directors shall appoint a chief of the New Mexico rangers.

B. The secretary of public safety executes a proper pocket commission as a voluntary agent of the department to a member of the New Mexico rangers when requested by the ranger chief. Each commission expires upon each change of the secretary of public safety."

House Bill 817 – Page 2

Section 3. The board of directors will establish bylaws for the rangers and designate commanders.

Section 4. The rangers assist in the enforcement of the law by cooperating with all law enforcement agencies and regulatory bodies of the state when requested.

Section 5.

A. Rangers shall have worked as a law enforcement officer for any municipality, county or state or for a federal law enforcement agency and live within the state. The board of directors is responsible to verify and evaluate the suitability of the background of each applicant.

B. The ranger chief must conduct a criminal history background check on each applicant and maintain appropriate records regarding criminal history of the officers.

C. The rangers must qualify to carry firearms in accordance with the New Mexico law enforcement academy standards.

Section 6.

A. The board of directors will award a commission or honorary commission to the individual rangers.

B. The ranger chief or the secretary of the department of public safety may deny a commission. The denial may be appealed to the board.

Section 7.

A. A law enforcement agency can request assistance of the rangers. The ranger offering assistance as requested has the same powers as the requesting authority and covered by the Workers' Compensation Act, if the employer's insurance policy is endorsed to show that its coverage extends to the claimant.

B. For the purposes of calculating the amount of disability or death benefits pursuant to the Workers' Compensation Act of a member of the New Mexico rangers, the member's average weekly wages shall be deemed to be the average weekly wages the member was receiving from every employer, regardless of whether the member's employment with the employer was covered by the Workers' Compensation Act.

C. If a member of the New Mexico rangers is covered by workers' compensation coverage pursuant to Subsection A of this section, the Workers' Compensation Act shall be the member's exclusive remedy against the New Mexico rangers and the supervising law enforcement agency for any injury or death proximately caused by the accident arising out of and in the course of the member's duties.

D. A member of the New Mexico rangers shall be allowed to purchase from any state agency any surplus property for an amount equal to the lowest bid at the most recent auction."

Section 8.

The governor or the secretary of public safety may, in case of insurrection, invasion, riot, breach of peace, terrorist act or threat of such act, in compliance with the Homeland Security and Emergency Management Department Act, call into service the New Mexico rangers. Service under that call shall be under the direction and control of the governor or the secretary of public safety. A member of the New Mexico rangers is entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance upon a call to serve."

FISCAL IMPLICATIONS

There would not seem to be any fiscal impact on the general fund except to compensate for the time of the DPS Secretary who works as an exempt employee. Costs related to any applicable per diem or mileage charges would be the responsibility of the requesting law enforcement agency.

SIGNIFICANT ISSUES

GSD offers the following information.

Transportation Services Division/Surplus Property Bureau

- Section D states: A member of the New Mexico rangers shall be allowed to purchase from any state agency any surplus property for an amount equal to the lowest bid at the most recent auction.
- At present, an individual is not allowed to purchase state owned property except through competitive sealed bid, public auction or negotiated sale (per §13-6-2 NMSA 1978).
- §13-6-2 NMSA 1978 also states that a State Agency shall give the Surplus Property Bureau of the Transportation Services Division of the General Services Department the right of first refusal to dispose of tangible personal property of the State Agency.
- GSD would not take issue with HB 817 as long as it does not try to circumvent current statutory requirements. It should be noted that in the event the New Mexico Rangers become a Governmental Agency they would have direct access to state surplus property through the Surplus Property Bureau.

OTHER SUBSTANTIVE ISSUES

29-6-1 thru 29-6-6 creates the New Mexico Mounted Patrol. House Bill 817 while not identical is analogous to the existing statute. One difference, however, is that the Rangers must have worked previously as a law enforcement officer where Mounted Patrol members who began active service after 1983 can attend a basic law enforcement training program offered at the New Mexico Law Enforcement Academy.

MW/mc