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**FISCAL IMPACT REPORT**

SPONSOR: House Judiciary Committee      DATE TYPED: 03/04/01      HB 42&149/HJCS  
 SHORT TITLE: Increasing the Consideration Paid to Tribes for Enforcement of State Law      SB \_\_\_\_\_  
 ANALYST: Trujillo

**REVENUE**

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	\$ (174.0)	\$ (174.0)	Recurring	GF

(Parenthesis ( ) Indicate Revenue Decreases)

Duplicates/Conflicts with/Companion to/Relates to \_\_\_\_\_

**SOURCES OF INFORMATION**

- LFC Files
- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AG)
- Children Youth and Families Department (CYFD)
- Department of Finance and Administration (DFA)
- Department of Public Safety (DPS)

**SUMMARY**

Synopsis of Bill

HB42 and 149/HJCS amends NMSA 1978, Section 29-1-11, regarding the commissioning of tribal and pueblo law enforcement officers by the Chief of the New Mexico State Police. The bill also amends the law enforcement protection fund (LEPF) act involving distributions made to tribal and pueblo law enforcement officers.

Significant Issues

The most significant issue presented by passage of the proposed legislation is the increase in distributions from the law enforcement protection fund.

Currently there are seven (7) tribes eligible to receive \$300 per certified officer from the fund. This bill increases the distribution to \$600 per certified officer. The bill also cleans-up language that defines "tribe". Also, the bill provides a rate of distribution up to \$20,000 to tribal police depart-

ments.

This bill declares an emergency.

DFA reports currently ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty and title insurance businesses is credited to the LEPF. Municipal and university police departments and county sheriffs' departments and some tribal police departments receive LEPF grants to provide funds for use in maintaining and improving their departments.

Funds may be expended only for the repair and purchase of law enforcement apparatus and equipment; advanced law enforcement planning and training; complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs; and for class one entities, no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel participating in basic law enforcement training.

On or before June 30 of each year, the State Treasurer reverts to the state general fund the unobligated amount in excess of \$100.0 of the amount certified by the Local Government Division.

### **FISCAL IMPLICATIONS**

DPS reports there is no discernable fiscal impact on the agency from passage of the proposed legislation. There will be fiscal impact on the law enforcement protection fund. It is unknown whether passage of the proposed legislation will have any effect on any local, state or federal matching fund or appropriation.

DFA reports passage of HB42&149/HJCS will decrease the reversion of the unobligated amount in excess of \$100.0 from the Law Enforcement Protection Fund (LEPF) to the state general fund by an estimated \$174.0. In FY 2000 \$367,668 reverted to the general fund after the annual distribution and retaining \$100.0. With the proposed increase in the distribution, the revenue will likely decrease.

### **TECHNICAL ISSUES**

According to DPS, the most substantive issue presented is the change to NMSA 1978, Section 29-13-4 (3) & (4). Because of the addition of the language in (3), the last clause of (4) is rendered meaningless. There are several ways to fix this. First, the language could be re-written to mirror House Bill 42. Second, the language in (3) & (4) could be combined, or third, the language from (4) could be added to (3) as follows:

Remove the semicolon from the end of (3), and add "and has been authorized to act as a New Mexico Peace Officer pursuant to the provisions of Section 29-1-11 NMSA 1978". Delete this same language from (4)

The AG reports the following technical issues:

1. The HJCS version defines "tribal police department" as the department for the tribe. See § 29-13-2.1 (D). It then defines tribe as including "tribe" and "pueblo". See § 29-13-2.1 (E). It permits "tribal police departments" to receive the \$20,000 rate of distribution. See § 29-13-4 (B)(2). However, it permits "tribal and pueblo" police departments to receive the \$600 per officer distribution. See § 29-13-4 (B)(3).

2. "Tribal and pueblo" is listed in § 29-13-4 (B)(3) at line 8 and 17.

LAT/sb