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FISCAL IMPACT REPORT

ORIGINAL DATE 2/11/2016
SPONSOR Ruiloba **LAST UPDATED** _____ **HB** 202

SHORT TITLE Police Officer Registry for Special Events **SB** _____

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$432.8	\$0.0	\$432.8	Nonrecurring	General Fund
Total	\$0.0	\$114.0	\$114.0	\$228.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 202 requires the secretary of DPS, the director of the Law Enforcement Academy (LEA) and the LEA Board to develop and maintain a registry of all retired certified law enforcement officers who have maintained their certification after retirement.

HB 202 also requires the secretary of DPS to make the registry of retired certified law enforcement officers available to local law enforcement agencies.

In addition, HB 202 re-establishes how a retired police officer may return to work under section 10-11-8 NMSA 1978 by striking existing language and adding new material that allows for certified officers to return to work without penalty to any existing pension being received.

According the DPS, a certified law enforcement officer who has retired under any municipal police coverage plan or state police member and adult correctional officer member coverage plan 1 and who is listed in the registry of retired certified law enforcement officers maintained by the secretary of DPS may be subsequently temporarily employed by an affiliated public employer for a period of not more than thirty (30) days for special events that require supplemental officers provided that;

- the retired member has retired not more than three years prior to the date of commencement of the subsequent employment; and,
- the retired member has maintained New Mexico law enforcement officer certification during retirement; and,
- the retired member's pension, including any cost-of-living adjustment, shall continue to be paid upon commencement of the subsequent employment; and,
- the retired member shall not become a member during the period of subsequent employment; and,
- the retired member shall not accrue service credit for any portion of the period of subsequent employment; and,
- the retired member and the subsequent affiliated public employer shall not make the member and employer contributions that would otherwise be applicable to the position during the term of subsequent employment.

FISCAL IMPLICATIONS

DPS states that to establish a registry as described in HB 202, DPS would need an additional appropriation to their general fund budget of approximately \$432.8 thousand for FY17 and an additional \$114 thousand annually for licensing and maintenance fees.

The newly acquired registry would allow for the LEA to track all employment actions of certified law enforcement officers for every agency in the state to include biannual and advanced training certifications, instructor development, and instructor certifications.

The registry would also be utilized for DFA calculations for those agencies eligible for the law enforcement survivor fund distributions. This registry will be an online application through the DPS website that every law enforcement agency would be able to log into to submit their New Mexico Administrative Code (NMAC) required data to the LEA.

DPS states that if it receives the appropriation to establish the requested registry, it would take a minimum of nine months to put the product into service to include the scanning and downloading of every existing certified officers working files to include retired officers from around the state.

SIGNIFICANT ISSUES

DPS states that HB 202 requires the maintenance of a registry of retired officers which will require the LEA to monitor the NMAC guidelines on retired officers in an effort to certify they have maintained their biannual training requirements and make that information available to all LEA agencies via direct access.

Retired officers' training activities are not currently tracked. Today's practice requires an agency or individual to submit paperwork and a staff member to research the request and provide an answer within 60 days of request.

TECHNICAL ISSUES

DPS points out that on page 15, lines 2 through 5, it is stated that officers “may be subsequently temporarily employed by an affiliated public employer for a period of not more than thirty days for special events that require supplemental officers.” It is unclear if the thirty days being described has a meaning of “annually” or “consecutive days.”

TMR/jo