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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC FINANCE; DISCONTINUING THE ANNUAL TRANSFER OF MONEY FROM THE LAW ENFORCEMENT PROTECTION FUND TO THE GENERAL FUND; CHANGING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND.

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

SECTION 1. Section 29-13-3 NMSA 1978 (being Laws 1983, Chapter 289, Section 3, as amended) is amended to read:

"29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS-- LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in the state treasury the "law enforcement protection fund". Ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty and title insurance business pursuant to the New Mexico Insurance Code, except for money received from the health insurance premium surtax imposed by

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1 Subsection C of Section 59A-6-2 NMSA 1978, shall be paid
2 monthly to the state treasurer and credited to the fund. [~~On~~
3 ~~or before June 30 of each year, the state treasurer shall~~
4 ~~transfer to the general fund any balance in the law enforcement~~
5 ~~protection fund in excess of one hundred thousand dollars~~
6 ~~(\$100,000) that is not obligated for expenses in that current~~
7 ~~fiscal year.] Money in the fund shall not be transferred to the
8 general fund at the end of a fiscal year."~~

9 SECTION 2. That version of Section 29-13-3 NMSA 1978
10 (being Laws 1983, Chapter 289, Section 3, as amended) that is
11 to become effective January 1, 2020 is amended to read:

12 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS--
13 LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in
14 the state treasury the "law enforcement protection fund". Ten
15 percent of all money received for fees, licenses and penalties
16 from life, general casualty and title insurance business
17 pursuant to the New Mexico Insurance Code shall be paid monthly
18 to the state treasurer and credited to the fund. [~~On or before~~
19 ~~June 30 of each year, the state treasurer shall transfer to the~~
20 ~~general fund any balance in the law enforcement protection fund~~
21 ~~in excess of one hundred thousand dollars (\$100,000) that is~~
22 ~~not obligated for expenses in that current fiscal year.] Money
23 in the fund shall not be transferred to the general fund at the
24 end of a fiscal year."~~

25 SECTION 3. Section 29-13-4 NMSA 1978 (being Laws 1993,

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1 Chapter 179, Section 6, as amended by Laws 2017, Chapter 1,
2 Section 2 and by Laws 2017, Chapter 35, Section 3) is amended
3 to read:

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

6 A. Annually on or before April 15, the division
7 shall consider and determine the relative needs as [~~requested~~]
8 stated by tribal, municipal and university police departments,
9 county sheriff's [~~departments~~] offices and the academy for
10 money in the fund in the succeeding fiscal year [~~pursuant to~~
11 ~~the provisions of Subsection C of this section~~].

12 B. As necessary during the year, the division shall
13 transfer [~~an amount~~] money from the fund to the peace
14 officers', New Mexico mounted patrol members' and reserve
15 police officers' survivors fund so that [~~enables~~] the balance
16 of the peace officers', New Mexico mounted patrol members' and
17 reserve police officers' survivors fund [~~to be maintained at a~~
18 ~~minimum balance of~~] remains at least three hundred fifty
19 thousand dollars (\$350,000).

20 C. The division shall determine the annual rate of
21 distribution of money in the fund as follows:

22 (1) all municipal police departments and
23 county sheriff's [~~departments shall be rated by class pursuant~~
24 ~~to this paragraph in accordance with populations established by~~
25 ~~the most recently completed decennial census; provided that the~~

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1 population of any county shall not include the population of
2 any municipality within that county that has a municipal police
3 department. The rate of distribution to which a municipal
4 police or county sheriff's department is entitled is the
5 following:

6	CLASS	POPULATION	AMOUNT
7	1	0 to 20,000	\$20,000
8	2	20,001 to 160,000	30,000
9	3	160,001 to 1,280,000	40,000]

10 offices are entitled to a distribution of fifty thousand
11 dollars (\$50,000) each;

12 (2) university police departments [~~shall be~~]
13 are entitled to a [~~rate of~~] distribution of [~~seventeen thousand~~
14 ~~dollars (\$17,000)~~] twenty-five thousand dollars (\$25,000) each;

15 (3) the academy [~~shall be~~] is entitled to a
16 [~~rate of~~] distribution of [~~twenty-four thousand five hundred~~
17 ~~dollars (\$24,500)~~] fifty thousand dollars (\$50,000) to carry
18 out the purposes of Section [~~1 of this 2017 act~~] 29-7-7.7 NMSA
19 1978;

20 (4) except as otherwise provided in this
21 paragraph and in Subsection D of this section, tribal police
22 departments [~~shall be~~] are entitled [~~unless allocations are~~
23 ~~adjusted pursuant to the provisions of Subsection D of this~~
24 ~~section~~] to [~~six hundred dollars (\$600)~~] one thousand dollars
25 (\$1,000) for each commissioned peace officer in the tribe. [~~To~~

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1 ~~be counted as a commissioned peace officer~~ For the purposes of
2 this paragraph, a commissioned peace officer ~~[shall have]~~ is
3 one who has been assigned to duty and ~~[have]~~ worked in New
4 Mexico for ~~[no fewer than]~~ at least two hundred days in the
5 calendar year immediately ~~[prior to]~~ preceding the date of
6 payment. Payments shall be made ~~[for only those divisions of~~
7 ~~the]~~ to tribal police departments only for the divisions that
8 perform services in New Mexico. A tribal police department
9 ~~[shall not be eligible]~~ is ineligible for ~~[any]~~ a disbursement
10 ~~[under]~~ from the fund if its commissioned peace officers cite
11 non-Indians into the tribal court for civil or criminal
12 citations; and

13 (5) except as otherwise provided in Subsection
14 D of this section, municipal and university police departments
15 and county sheriff's ~~[departments shall be]~~ offices are
16 entitled ~~[unless allocations are adjusted [pursuant to the~~
17 ~~provisions of Subsection D of this section]~~ to ~~[six hundred~~
18 ~~dollars (\$600)]~~ one thousand dollars (\$1,000) for each police
19 officer or sheriff's deputy who is employed full time by ~~[that]~~
20 the department or office and who has been certified by the
21 academy, or by a regional law enforcement training facility in
22 the state certified by the director of the academy, as a police
23 officer or has been authorized to act as a New Mexico peace
24 officer ~~[pursuant to the provisions of]~~ under Section 29-1-11
25 NMSA 1978.

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1 D. After the amounts of distributions are
2 determined in accordance with [~~Subsection~~] Subsections A
3 [~~Subsection~~] and B and Paragraphs (1), (2) and (3) of
4 Subsection C of this section, if the fund's remaining balance
5 [~~in the fund~~] is insufficient to permit the total allocations
6 provided by Paragraphs (4) and (5) of Subsection C of this
7 section, the division shall proportionately reduce [~~that~~
8 ~~allocation to the maximum amount permitted by available money~~]
9 those allocations, but only insofar as is necessary to avoid a
10 negative fund balance."