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SENATE BILL 533

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

H. Diane Snyder

AN ACT

RELATING TO PUBLIC SAFETY; ENACTING THE PUBLIC SAFETY FINANCE ACT; CREATING THE PUBLIC SAFETY PERMANENT FUND AND THE PUBLIC SAFETY ASSISTANCE FUND; PROVIDING PUBLIC SAFETY ASSISTANCE TO GOVERNMENTAL ENTITIES; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Public Safety Finance Act".

Section 2. DEFINITIONS.--As used in the Public Safety Finance Act:

A. "authority" means the New Mexico finance authority; and

B. "qualifying entity" means a state agency, county, municipality or a recognized Indian nation, tribe or pueblo, the boundaries of which are located wholly or partially

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1 in New Mexico.

2 Section 3. PUBLIC SAFETY PERMANENT FUND.--

3 A. The "public safety permanent fund" is created in
4 the state treasury. The fund shall consist of money
5 appropriated, donated or otherwise accrued to the fund. Money
6 in the fund shall be invested by the state investment officer
7 as land grant permanent funds are invested pursuant to Chapter
8 6, Article 8 NMSA 1978. Earnings from investment of the fund
9 shall be credited to the fund. Balances in the fund at the end
10 of a fiscal year shall not revert to the general fund.

11 B. On July 1 of fiscal year 2009 and on July 1 of
12 each fiscal year thereafter, an annual distribution shall be
13 made from the public safety permanent fund to the public safety
14 assistance fund in the amount of eighty-five percent of the
15 earnings accrued on the permanent fund in the previous fiscal
16 year. The legislature may increase the annual distribution
17 pursuant to this subsection only by a vote of three-fourths of
18 the members elected to each house.

19 Section 4. PUBLIC SAFETY ASSISTANCE FUND.--

20 A. The "public safety assistance fund" is created
21 in the authority and shall consist of distributions made to the
22 fund from the public safety permanent fund and other money
23 appropriated, distributed or otherwise allocated to the fund.
24 The fund shall be administered by the authority. The authority
25 shall invest the fund in accordance with its investment rules

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1 and policies. Income from investment of the public safety
2 assistance fund shall be credited to the fund. Balances in the
3 fund at the end of a fiscal year shall not revert to the
4 general fund.

5 B. Money in the public safety assistance fund shall
6 be appropriated by the legislature to qualifying entities for
7 public safety assistance. Appropriations from the fund shall
8 be made only for technology, vehicles and equipment to law
9 enforcement, fire departments and other first responders of
10 qualifying entities and shall not include operational expenses
11 or buildings.

12 Section 5. AUTHORITY--DUTIES--REPORT TO LEGISLATURE.--The
13 authority shall, in accordance with the New Mexico Finance
14 Authority Act, adopt rules necessary to administer the public
15 safety assistance fund and shall:

16 A. adopt rules governing the terms and conditions
17 for application to the public safety assistance fund;

18 B. develop application procedures and forms for
19 qualifying entities to apply for public safety assistance;

20 C. develop criteria for evaluating applications,
21 giving priority to those applications that demonstrate an
22 urgent need; and

23 D. report to the New Mexico finance authority
24 oversight committee no later than October 1 of each calendar
25 year on:

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1 (1) the status of the public safety assistance
2 fund;

3 (2) the applications made by qualifying
4 entities for public safety assistance; and

5 (3) recommendations for appropriations from
6 the public safety assistance fund.

7 Section 6. APPROPRIATION.--One hundred million dollars
8 (\$100,000,000) is appropriated from the general fund to the
9 public safety permanent fund in fiscal year 2007 for investment
10 and distribution as provided in the Public Safety Finance Act.
11 Any unexpended or unencumbered balance remaining at the end of
12 a fiscal year shall not revert to the general fund.