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FISCAL IMPACT REPORT

SPONSOR Griego ORIGINAL DATE 1-24-07 HB _____
 LAST UPDATED _____
 SHORT TITLE Create State Police Commission SB 274
 ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

State Personnel Office (SPO)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 274 seeks to create a state police commission, replacing the public safety advisory commission in order to provide for oversight of state police operations.

SIGNIFICANT ISSUES

DPS notes that this bill would have a significant impact on the operations of the New Mexico State Police. Currently, the cabinet secretary is appointed by the governor, and the department is already overseen by the executive branch of government. Currently the activities of the New Mexico State Police are driven by the chief of the New Mexico State Police with oversight by the Department of Public Safety cabinet secretary and Executive Branch. DPS indicates that the bill proposes several significant changes to the current statute which governs the New Mexico State Police and Department of Public Safety:

- The proposed bill replaces the advisory commission and creates the State Police Commission;
- It proposes the State Police Commission be given more authority than currently ex-

ists with Advisory Commission by stating “the commission shall oversee the operations of the state police division and advise or consent as provided in law;” and

- It removes some of the Cabinet Secretary’s current powers and places them with the State Police Commission or requires he seek advice from the same such as 28-14-3 (C), 29-2-3, 29-2-4, 29-2-4.1, 29-2-16 (A), 29-2-19 (A), 29-2-20, & 29-2-24.

DPS concludes that the creation of the State Police Commission “would place the State Police and the Cabinet Secretary in a difficult position,” in that the department would be required to take guidance from two parties as it relates to daily operations, which could result in unnecessary delays in decision making primarily created when there is conflicting direction or advice given by the Executive and State Police Commission.

DFA suggests that, in addition to replacing the Public Safety Advisory Commission with the State Police Commission, the bill also removes references to the masculine and replaces them with asexual references; transfers authority over various functions, including the ability to appoint the Chief of the New Mexico State Police to the Secretary, with the advice and consent of the Commission; disallows a relative of the Secretary, as well as members of the commission from being a State Police officer and provides technical adjustments to language in Chapters 9, 28 and 29, NMSA 1978.

DFA further notes that the bill “will improve administration within the Department of Public Safety by eliminating a layer of bureaucracy in a number of instances and by assigning authority over certain management decisions to the Department, rather than a Commission.” Further, that if the bill is not enacted, the State Police and DPS will continue to administer the agency and division under current authority, with the Commission responsible for various administrative decisions, a system that has lead to “numerous individuals being paid while on administrative leave.”

BFW/nt