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HOUSE BILL 252

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LAW ENFORCEMENT; INCREASING THE DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND; TRANSFERRING THE BALANCE OF THE FUND TO THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION FOR THE UNFUNDED LIABILITY OF THE MUNICIPAL POLICE PLAN; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2002; DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended by Laws 2002, Chapter 78, Section 5 and by Laws 2002, Chapter 92, Section 3) is amended to read:

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

A. Annually on or before April 15, the division

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1 shall consider and determine the relative needs as requested by  
2 tribal, municipal and university police and county sheriff's  
3 departments for money in the fund pursuant to the provisions of  
4 Subsection C of this section.

5 B. As necessary during the year, the division shall  
6 transfer an amount from the [~~law enforcement protection~~] fund  
7 to the peace officers' survivors fund that enables the balance  
8 of the peace officers' survivors fund to be maintained at a  
9 minimum balance of three hundred fifty thousand dollars  
10 (\$350,000).

11 C. The division shall determine the rate of  
12 distribution of money remaining in the fund to each tribal,  
13 municipal and university police and county sheriff's department  
14 as follows:

15 (1) all municipal police and county sheriff's  
16 departments shall be rated by class pursuant to this paragraph  
17 in accordance with populations established by the most recently  
18 completed decennial census; provided that the population of any  
19 county shall not include the population of any municipality  
20 within that county that has a municipal police department. The  
21 rate of distribution to which a municipal police or county  
22 sheriff's department is entitled is the following:

23	CLASS	POPULATION	AMOUNT
24	1	0 to 20,000	<del>[\$20,000]</del> <u>\$30,000</u>
25	2	20,001 to 160,000	<del>[30,000]</del> <u>45,000</u>

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1                   3                   160,001 to 1,280,000 [~~40,000~~] 60,000;

2                                   (2) university police departments shall be  
3 entitled to a rate of distribution of [~~seventeen thousand~~  
4 ~~dollars (\$17,000)~~] twenty-five thousand five hundred dollars  
5 (\$25,500);

6                                   (3) tribal police departments shall be  
7 entitled, unless allocations are adjusted pursuant to the  
8 provisions of Subsection [G] D of this section, to [~~six hundred~~  
9 ~~dollars (\$600)~~] nine hundred dollars (\$900) for each  
10 commissioned peace officer in the tribe. To be counted as a  
11 commissioned peace officer for the purposes of this paragraph,  
12 a commissioned peace officer shall have been assigned to duty  
13 and have worked in New Mexico for no fewer than two hundred  
14 days in the calendar year immediately prior to the date of  
15 payment. Payments shall be made for only those divisions of  
16 the tribal police departments that perform services in New  
17 Mexico. [~~No~~] A tribal police department shall not be eligible  
18 for any disbursement under the fund if commissioned peace  
19 officers cite non-Indians into the tribal court for civil or  
20 criminal citations; and

21                                   (4) municipal and university police and county  
22 sheriff's departments shall be entitled, unless allocations are  
23 adjusted pursuant to the provisions of Subsection D of this  
24 section, to [~~six hundred dollars (\$600)~~] nine hundred dollars  
25 (\$900) for each police officer or sheriff's deputy employed

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1 full time by his department who has been certified by the New  
2 Mexico law enforcement academy as a police officer or has been  
3 authorized to act as a New Mexico peace officer pursuant to the  
4 provisions of Section 29-1-11 NMSA 1978.

5 D. After distributions are determined in accordance  
6 with [~~Subsection A, and Paragraphs (1) and (2) of Subsection~~]  
7 Subsections B and C of this section, if the balance in the fund  
8 is insufficient to permit the total allocations provided by  
9 Paragraphs (3) and (4) of Subsection C of this section, the  
10 division shall reduce that allocation to the maximum amount  
11 permitted by available money."

12 SECTION 2. TEMPORARY PROVISION--TRANSFER OF LAW  
13 ENFORCEMENT PROTECTION FUND BALANCE TO THE EMPLOYER'S  
14 ACCUMULATION FUND OF THE PUBLIC EMPLOYEES RETIREMENT  
15 ASSOCIATION.--The provisions of Section 29-13-3 NMSA 1978  
16 notwithstanding, for fiscal year 2013, any balance of the law  
17 enforcement protection fund that the state treasurer determines  
18 may be reverted to the general fund shall instead be  
19 transferred to the employer's accumulation fund of the public  
20 employees retirement association to reduce the unfunded  
21 liability of the municipal police division within the  
22 association's total fund. No part of the transferred balance  
23 shall be used to offset either an employer's or an employee's  
24 contribution.

25 SECTION 3. EMERGENCY.--It is necessary for the public  
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1 peace, health and safety that this act take effect immediately.

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