

AN ACT

RELATING TO LAW ENFORCEMENT; AUTHORIZING A DISTRIBUTION OF MONEY FROM THE LAW ENFORCEMENT PROTECTION FUND TO UNIVERSITY POLICE DEPARTMENTS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 29-13-2 NMSA 1978 (being Laws 1983, Chapter 289, Section 2, as amended) is amended to read:

"29-13-2. PURPOSE OF ACT.--The purpose of the Law Enforcement Protection Fund Act is to provide for the equitable distribution of money to municipal police, university police, tribal police and county sheriff's departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services."

Section 2. Section 29-13-2.1 NMSA 1978 (being Laws 1993, Chapter 179, Section 4) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement Protection Fund Act:

A. "division" means the local government division of the department of finance and administration;

B. "fund" means the law enforcement protection fund;

C. "governmental entity" means a municipality,

university, tribe or pueblo or a county;

D. "tribal police department" means any tribal or pueblo police department that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978; and

E. "university" means a four-year post-secondary institution listed in Article 12, Section 11 of the constitution of New Mexico."

Section 3. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6) is amended to read:

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

A. Annually on or before April 15, the division shall:

(1) consider and determine the relative needs as requested by municipal and university police and county sheriff's departments for money in the fund pursuant to the provisions of Subsection B of this section; and

(2) calculate the amount of consideration due a tribal police department pursuant to the provisions of Paragraph (10) of Subsection C of Section 29-1-11 NMSA 1978.

B. The division shall determine the rate of distribution of money in the fund to each municipal and university police and county sheriff's department as follows:

(1) all municipal police and county

sheriff's departments shall be rated by class pursuant to this paragraph in accordance with populations established by the most recently completed decennial census; provided that the population of any county shall not include the population of any municipality within that county that has a municipal police department. The rate of distribution to which a municipal police or county sheriff's department is entitled is the following:

<u>CLASS</u>	<u>POPULATION</u>	<u>AMOUNT</u>
1	0 to 20,000	\$17,000
2	20,001 to 160,000	30,000
3	160,001 to 1,280,000	40,000;

(2) university police departments shall be entitled to a rate of distribution of seventeen thousand dollars (\$17,000); and

(3) municipal and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection C of this section, to three hundred dollars (\$300) for each police officer or sheriff's deputy employed full time by his department who has been certified by the New Mexico law enforcement academy as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978.

C. After distributions are determined in

accordance with Paragraph (2) of Subsection A and Paragraphs (1) and (2) of Subsection B of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraph (3) of Subsection B of this section, the division shall reduce that allocation to the maximum amount permitted by available money. "

Section 4. Section 29-13-5 NMSA 1978 (being Laws 1983, Chapter 289, Section 5, as amended) is amended to read:

"29-13-5. DETERMINATION OF NEEDS--REVIEW. --No later than May 1 of each year, the division shall notify in writing each affected municipal police, university police, tribal police and county sheriff's department of its determination of money to be distributed pursuant to the provisions of Section 29-13-4 NMSA 1978. Any affected department may appeal that determination by filing a notice of appeal with the secretary of finance and administration no later than May 15. If an appeal is filed, the secretary of finance and administration shall review the determination of the division in an informal and summary proceeding and shall certify the result of the appeal to the division no later than June 30, and the division shall adjust its determination accordingly. If no appeal is filed, the original determination of the division shall be final and binding and not subject to further review. "

Section 5. Section 29-13-6 NMSA 1978 (being Laws 1983,

Chapter 289, Section 6, as amended) is amended to read:

"29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION FUND. --

A. Annually on or before July 31, the state treasurer shall distribute from the fund the amounts certified by the division to be distributed to municipalities, universities and counties. Payments shall be made to the treasurer of the appropriate governmental entity.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in an amount certified by the division, pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county and the New Mexico finance authority.

C. Annually on or before July 31, the state treasurer shall distribute from the excess money remaining in the fund after distributions pursuant to Subsection A of this section are made, money certified by the division to be distributed to tribes and pueblos. Payment shall be made to the chief financial officer of the tribe or pueblo. If necessary, the fund may be decreased below the level of one hundred thousand dollars (\$100,000) to enable payment to the tribes and pueblos. If insufficient money remains in the fund to fully compensate the tribes and pueblos, a report shall be made to the New Mexico office of Indian affairs and

to an appropriate interim committee of the legislature that reviews issues having impact on tribes and pueblos in New Mexico by September 1 of the year of the shortfall. "

Section 6. EMERGENCY. --It is necessary for the public peace, health and safety that this act take effect immediately. \_\_\_\_\_