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HOUSE BILL 437

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

MIMI STEWART

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 ~~[and]~~ 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."

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

3 "29-13-2.1. DEFINITIONS. --As used in the Law Enforcement
4 Protection Fund Act:

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

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

9 C. "governmental entity" means a municipality,
10 university, tribe or pueblo or a county; [~~and~~]

11 D. "tribal police department" means any tribal or
12 pueblo police department that has entered into an agreement
13 with the department of public safety pursuant to Section
14 29-1-11 NMSA 1978; and

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

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

20 "29-13-4. DETERMINATION OF NEEDS AND RATE OF
21 DISTRIBUTION. --

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

24 (1) consider and determine the relative needs
25 as requested by municipal and university police and county

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1 sheriff's departments for money in the fund pursuant to the
2 provisions of Subsection B of this section; and

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

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

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

18	<u>CLASS</u>	<u>POPULATION</u>	<u>AMOUNT</u>
19	1	0 to 20,000	\$17,000
20	2	20,001 to 160,000	30,000
21	3	160,001 to 1,280,000	40,000;

22 [~~and~~]

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

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1 [~~(2)~~] (3) municipal and university police and
2 county sheriff's departments shall be entitled, unless
3 allocations are adjusted pursuant to the provisions of
4 Subsection C of this section, to three hundred dollars (\$300)
5 for each police officer or sheriff's deputy employed full time
6 by his department who has been certified by the New Mexico law
7 enforcement academy [~~pursuant to the provisions of Section~~
8 ~~29-7-8 NMSA 1978~~] as a police officer or has been authorized
9 to act as a New Mexico peace officer pursuant to the
10 provisions of Section 29-1-11 NMSA 1978.

11 C. After distributions are determined in
12 accordance with Paragraph (2) of Subsection A and [~~Paragraph~~
13 ~~(1)~~] Paragraphs (1) and (2) of Subsection B of this section,
14 if the balance in the fund is insufficient to permit the total
15 allocations provided by Paragraph [~~(2)~~] (3) of Subsection B of
16 this section, the division shall reduce that allocation to the
17 maximum amount permitted by available money. "

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

20 "29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than
21 May 1 of each year, the division shall notify in writing each
22 affected municipal [~~and~~] police, university police, tribal
23 police and county sheriff's department of its determination of
24 money to be distributed pursuant to the provisions of Section
25 29-13-4 NMSA 1978. Any affected department may appeal that

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1 determination by filing a notice of appeal with the secretary
2 of finance and administration no later than May 15. If an
3 appeal is filed, the secretary of finance and administration
4 shall review the determination of the division in an informal
5 and summary proceeding and shall certify the result of the
6 appeal to the division no later than June 30, and the division
7 shall adjust its determination accordingly. If no appeal is
8 filed, the original determination of the division shall be
9 final and binding and not subject to further review."

10 Section 5. Section 29-13-6 NMSA 1978 (being Laws 1983,
11 Chapter 289, Section 6, as amended) is amended to read:

12 "29-13-6. DISTRIBUTION OF LAW ENFORCEMENT PROTECTION
13 FUND. --

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

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

25 C. Annually on or before July 31, the state

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1 treasurer shall distribute from the excess money remaining in
2 the fund after distributions pursuant to Subsection A of this
3 section are made, money certified by the division to be
4 distributed to tribes and pueblos. Payment shall be made to
5 the chief financial officer of the tribe or pueblo. If
6 necessary, the fund may be decreased below the level of one
7 hundred thousand dollars (\$100,000) to enable payment to the
8 tribes and pueblos. If insufficient money remains in the fund
9 to fully compensate the tribes and pueblos, a report shall be
10 made to the New Mexico office of Indian affairs and to an
11 appropriate interim committee of the legislature that reviews
12 issues having impact on tribes and pueblos in New Mexico by
13 September 1 of the year of the shortfall."

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

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 9, 1998
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 437
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,
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21 _____
22 Thomas P. Foy, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HJC/HAF/HB 437

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4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 9 For 0 Against

11 Yes: 9

12 Excused: Garcia, King, Larranaga, Sanchez

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 12, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 437

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 10

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 16 For 0 Against

11 Yes: 16

12 Excused: Vigil, Watchman

13 Absent: None

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