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HOUSE BILL 211

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO PUBLIC SAFETY; CREATING A JOINT INTERIM LEGISLATIVE DEPARTMENT OF PUBLIC SAFETY OVERSIGHT COMMITTEE; DECLARING AN EMERGENCY.

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

Section 1. DEPARTMENT OF PUBLIC SAFETY OVERSIGHT COMMITTEE CREATED--TERMINATION.--The "department of public safety oversight committee" is created as a joint interim legislative committee. The committee shall function from the date of its appointment until the first of December prior to the first session of the forty-ninth legislature.

Section 2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

A. The department of public safety oversight committee shall be composed of eight members. Four members of the house of representatives shall be appointed by the speaker

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1 of the house of representatives. Four members of the senate
2 shall be appointed by the senate committees' committee or, if
3 the senate appointments are made in the interim, by the
4 president pro tempore of the senate after consultation with and
5 agreement of a majority of the members of the senate
6 committees' committee.

7 B. Members shall be appointed from each house so as
8 to give the two major political parties in each house
9 proportionate representation on the committee as prevails in
10 each house; provided, however, that in no event shall either
11 party have less than one member from each house on the
12 committee. The speaker of the house of representatives and the
13 president pro tempore of the senate shall each appoint a co-
14 chair of the committee.

15 C. A vacancy on the committee shall be filled by
16 appointment in the same manner as the original appointment.

17 D. No action shall be taken by the committee if a
18 majority of the total membership from either house on the
19 committee rejects the action.

20 E. Members of the committee shall be reimbursed for
21 per diem and mileage as provided in the Per Diem and Mileage
22 Act and shall receive no other compensation, perquisite or
23 allowance.

24 Section 3. DUTIES--COOPERATION.--

25 A. After its appointment, the department of public

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1 safety oversight committee shall hold one organizational
2 meeting to develop a work plan and budget for the ensuing
3 interim. The work plan and budget shall be submitted to the
4 New Mexico legislative council for approval.

5 B. Upon approval of its work plan and budget, the
6 committee shall:

7 (1) monitor and oversee the operation and
8 administration of the programs, duties, services, personnel
9 policies and law enforcement and investigative functions of the
10 department of public safety;

11 (2) review issues related to the management,
12 coordination and use of state resources and manpower in
13 responding to New Mexico's public safety needs and problems;
14 and

15 (3) examine the statutes, constitutional
16 provisions, rules and court decisions governing the department
17 of public safety.

18 C. The committee shall have the power to conduct
19 hearings and administer oaths. The committee shall have the
20 power to subpoena, which may be enforced through any district
21 court of the state. The subpoena power shall be used only upon
22 approval by a majority of committee members and shall be
23 related to the committee's powers and duties specified in this
24 section. Service of committee process shall be made by any
25 sheriff or any member of the New Mexico state police and shall

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1 be served without cost to the committee.

2 D. The department of public safety and every other
3 state agency and political subdivision of the state shall, upon
4 request, furnish and make available to the committee documents,
5 material or information requested by the members of the
6 committee or its staff. Documents, the use of which is
7 restricted by or pursuant to law or for reasons of security or
8 the public interest, may be inspected or surveyed by the
9 members of the committee, subject to the same restrictions
10 imposed upon employees of the agency holding the documents.

11 Section 4. SUBCOMMITTEES. --

12 A. Subcommittees may be created only by majority
13 vote of all members appointed to the department of public
14 safety oversight committee and with the prior approval of the
15 New Mexico legislative council. A subcommittee shall be
16 composed of at least one member from the house of
17 representatives and one member from the senate, and at least
18 one member of the minority party shall be a member of the
19 subcommittee.

20 B. All meetings of a subcommittee shall be approved
21 by the full committee in advance of the meetings, and the
22 approval shall be shown in the minutes of the committee.

23 Section 5. REPORT. -- The department of public safety
24 oversight committee shall make a report of its findings and
25 recommendations for the consideration of the second session of

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1 the forty-seventh legislature; the first session of the forty-
2 eighth legislature; the second session of the forty-eighth
3 legislature; and the first session of the forty-ninth
4 legislature. The reports and proposed legislation shall be
5 made available to the New Mexico legislative council on or
6 before December 15 preceding the legislative session.

7 Section 6. STAFF.--The staff for the department of public
8 safety oversight committee shall be provided by the legislative
9 council service.

10 Section 7. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect immediately.

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