

HOUSE BILL 154

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO PUBLIC FINANCE; DISCONTINUING THE ANNUAL TRANSFER OF MONEY FROM THE LAW ENFORCEMENT PROTECTION FUND TO THE GENERAL FUND; CHANGING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND.

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

SECTION 1. Section 29-13-3 NMSA 1978 (being Laws 1983, Chapter 289, Section 3, as amended) is amended to read:

"29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS--
LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in

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the state treasury the "law enforcement protection fund". Ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty and title insurance business pursuant to the New Mexico Insurance Code, except for money received from the health insurance premium surtax imposed by Subsection C of Section 59A-6-2 NMSA 1978, shall be paid monthly to the state treasurer and credited to the fund. [~~On or before June 30 of each year, the state treasurer shall transfer to the general fund any balance in the law enforcement protection fund in excess of one hundred thousand dollars (\$100,000) that is not obligated for expenses in that current fiscal year.~~] Money in the fund shall not be transferred to the general fund at the end of a fiscal year."

SECTION 2. That version of Section 29-13-3 NMSA 1978 (being Laws 1983, Chapter 289, Section 3, as amended) that is to become effective January 1, 2020 is amended to read:

"29-13-3. DISTRIBUTION OF CERTAIN INSURANCE COLLECTIONS--
LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in the state treasury the "law enforcement protection fund". Ten percent of all money received for fees, licenses and penalties from life, general casualty and title insurance business pursuant to the New Mexico Insurance Code shall be paid monthly to the state treasurer and credited to the fund. [~~On or before June 30 of each year, the state treasurer shall transfer to the general fund any balance in the law enforcement protection fund~~

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~~in excess of one hundred thousand dollars (\$100,000) that is not obligated for expenses in that current fiscal year.] Money in the fund shall not be transferred to the general fund at the end of a fiscal year."~~

SECTION 3. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended by Laws 2017, Chapter 1, Section 2 and by Laws 2017, Chapter 35, 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 shall consider and determine the relative needs as ~~[requested]~~ stated by tribal, municipal and university police departments, county sheriff's ~~[departments]~~ offices and the academy for money in the fund in the succeeding fiscal year ~~[pursuant to the provisions of Subsection C of this section].~~

B. As necessary during the year, the division shall transfer ~~[an amount]~~ money from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund so that ~~[enables]~~ the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund ~~[to be maintained at a minimum balance of]~~ remains at least three hundred fifty thousand dollars (\$350,000).

C. The division shall determine the annual rate of .211047.3

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distribution of money in the fund as follows:

(1) all municipal police departments 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:~~

CLASS	POPULATION	AMOUNT
1	0 to 20,000	\$20,000
2	20,001 to 160,000	30,000
3	160,001 to 1,280,000	40,000]

offices are entitled to a distribution of fifty thousand dollars (\$50,000) each;

(2) university police departments [~~shall be~~] are entitled to a [~~rate of~~] distribution of [~~seventeen thousand dollars (\$17,000)] HJC→twenty-five thousand dollars (\$25,000)←HJC HJC→fifty thousand dollars (\$50,000)←HJC each;~~

(3) the academy [~~shall be~~] is entitled to a [~~rate of~~] distribution of [~~twenty-four thousand five hundred dollars (\$24,500)] fifty thousand dollars (\$50,000) to carry out the purposes of Section [~~1 of this 2017 act~~] 29-7-7.7 NMSA 1978;~~

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(4) except as otherwise provided in this paragraph and in Subsection D of this section, tribal police departments [~~shall be~~] are entitled [~~unless allocations are adjusted pursuant to the provisions of Subsection D of this section~~] to [~~six hundred dollars (\$600)~~] one thousand dollars (\$1,000) for each commissioned peace officer in the tribe. [~~To be counted as a commissioned peace officer~~] For the purposes of this paragraph, a commissioned peace officer [~~shall have~~] is one who has been assigned to duty and [~~have~~] worked in New Mexico for [~~no fewer than~~] at least two hundred days in the calendar year immediately [~~prior to~~] preceding the date of payment. Payments shall be made [~~for only those divisions of the~~] to tribal police departments only for the divisions that perform services in New Mexico. A tribal police department [~~shall not be eligible~~] is ineligible for [~~any~~] a disbursement [~~under~~] from the fund if its commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations; and

(5) except as otherwise provided in Subsection D of this section, municipal and university police departments and county sheriff's [~~departments shall be~~] offices are entitled [~~unless allocations are adjusted [pursuant to the provisions of Subsection D of this section]~~] to [~~six hundred dollars (\$600)~~] one thousand dollars (\$1,000) for each police officer or sheriff's deputy who is employed full time by [~~that~~]

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the department or office and who has been certified by the academy, or by a regional law enforcement training facility in the state certified by the director of the academy, as a police officer or has been authorized to act as a New Mexico peace officer [~~pursuant to the provisions of~~] under Section 29-1-11 NMSA 1978.

D. After the amounts of distributions are determined in accordance with [~~Subsection~~] Subsections A [~~Subsection~~] and B and Paragraphs (1), (2) and (3) of Subsection C of this section, if the fund's remaining balance [~~in the fund~~] is insufficient to permit the total allocations provided by Paragraphs (4) and (5) of Subsection C of this section, the division shall proportionately reduce [~~that allocation to the maximum amount permitted by available money~~] those allocations, but only insofar as is necessary to avoid a negative fund balance."