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SENATE BILL 1183

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LEONARD TSOSIE

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT IN INDIAN COUNTRY; CREATING A FUND;  
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN  
APPROPRIATION.

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

Section 1. [NEW MATERIAL] INTERGOVERNMENTAL LAW  
ENFORCEMENT FUND--CREATED--ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury the  
"intergovernmental law enforcement fund" to be administered by  
the local government division of the department of finance and  
administration.

B. All balances in the fund are appropriated to the  
local government division for payment to tribal law enforcement  
departments whose enforcement jurisdiction is located in whole  
or in part within the state in exchange for enforcement of New

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1 Mexico law in Indian country on non-Indian misdemeanor  
2 offenders.

3 C. Beginning July 1, 1997, and for each quarter  
4 thereafter, tribal law enforcement departments that wish to  
5 receive disbursements from the fund shall maintain records  
6 documenting the following activities in each quarter:

7 (1) the officer-hours expended to enforce state  
8 law, including time spent in cooperation with state or local law  
9 enforcement agencies to provide court testimony or to  
10 investigate alleged misdemeanors perpetrated by non-Indians; and

11 (2) the costs of calibrating equipment used to  
12 determine the concentration of alcohol in blood or breath or of  
13 maintaining or acquiring any equipment or supplies required by  
14 the state to be used to enforce state law above and beyond the  
15 equipment or supplies already used to enforce tribal law.

16 D. Documentation maintained according to Subsection  
17 C of this section shall be submitted to the local government  
18 division within fifteen days following the last day of the  
19 quarter in which the activities occurred. The chief of the  
20 tribal law enforcement department compiling the documented data  
21 shall certify that the documented officer-hours and other  
22 charges are true and accurate. Disbursements shall be made by  
23 the division by the fifteenth day of the second month following  
24 the end of each quarter.

25 E. To determine the distribution to a tribal law

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1 enforcement department from the fund for any quarter, the local  
2 government division shall:

3 (1) determine for each tribal law enforcement  
4 department an individual total of costs expended by each tribal  
5 law enforcement department in calibrating equipment used to  
6 determine the concentration of alcohol in blood or breath or to  
7 maintain or acquire any equipment or supplies required by the  
8 state to be used to enforce state law, add the individual totals  
9 for all tribal law enforcement departments that submitted data  
10 to generate a composite total and deduct the composite total  
11 from the amount of money in the fund;

12 (2) calculate the individual tribal law  
13 enforcement department percentage of the total officer-hours  
14 submitted by dividing the officer-hours submitted by a tribal  
15 law enforcement department by the total number of officer-hours  
16 submitted by all tribes and agencies of the bureau of Indian  
17 affairs and then multiply each tribal law enforcement  
18 department's percentage by the balance remaining in the fund  
19 after the composite total is deducted according to the  
20 provisions of Paragraph (1) of this subsection; and

21 (3) add the amounts determined in Paragraphs  
22 (1) and (2) of this subsection for each tribal law enforcement  
23 department to determine the distribution to that tribe or agency  
24 for the quarter for which the data was submitted.

25 F. Payments shall be made on vouchers issued and

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1 signed by the secretary of finance and administration.

2 G. As used in this section:

3 (1) "bureau of Indian affairs" means the bureau  
4 of Indian affairs of the federal department of the interior;

5 (2) "fund" means the intergovernmental law  
6 enforcement fund;

7 (3) "officer-hours" means the number of hours  
8 worked by tribal or bureau of Indian affairs agency law  
9 enforcement officers who are certified pursuant to the  
10 provisions of Section 29-1-11 NMSA 1978 or deputized by a county  
11 sheriff to enforce state law rounded to the closest quarter  
12 hour;

13 (4) "tribal law enforcement department" means a  
14 bureau of Indian affairs agency or any subunit of a tribal  
15 government that enforces tribal or state laws and has officers  
16 that are certified New Mexico peace officers pursuant to Section  
17 29-1-11 NMSA 1978 or officers that are deputized to enforce  
18 state law by a county sheriff; and

19 (5) "tribe" means an Indian nation, tribe or  
20 pueblo located in whole or in part in New Mexico.

21 Section 2. A new section of Chapter 12, Article 2 NMSA  
22 1978 is enacted to read:

23 "[NEW MATERIAL] DEFINITIONS. -- For statutory purposes the  
24 term "Indian country" means:

25 A. all land within the limits of any reservation of

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1 an Indian nation, tribe or pueblo under the jurisdiction of the  
2 United States government, notwithstanding the issuance of any  
3 patent and including rights of way running through the  
4 reservation;

5 B. all dependent Indian communities within the  
6 borders of New Mexico whether within the original or  
7 subsequently acquired territory;

8 C. all Indian allotments, the Indian titles to which  
9 have not been extinguished, including rights of way running  
10 through the allotments; and

11 D. any lands, title to which is either held by the  
12 United States in trust for the benefit of any Indian nation,  
13 tribe, pueblo or tribal member or is held by any Indian nation,  
14 tribe, pueblo or tribal member subject to a restriction by the  
15 United States against alienation. "

16 Section 3. Section 29-1-11 NMSA 1978 (being Laws 1972,  
17 Chapter 8, Section 1, as amended) is amended to read:

18 "29-1-11. AUTHORIZATION OF TRIBAL AND PUEBLO POLICE  
19 OFFICERS AND CERTAIN FEDERAL OFFICERS TO ACT AS NEW MEXICO PEACE  
20 OFFICERS-- AUTHORITY, PAYMENT AND PROCEDURE FOR COMMISSIONED  
21 PEACE OFFICERS. --

22 A. All persons who are duly commissioned officers of  
23 the [~~police or sheriff's~~] law enforcement department of any New  
24 Mexico Indian nation, tribe or pueblo or who are law enforcement  
25 officers employed by the bureau of Indian affairs and are

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1 assigned in New Mexico are, when commissioned under Subsection B  
2 of this section, recognized and authorized to act as New Mexico  
3 peace officers. These officers have all the powers of New  
4 Mexico peace officers to enforce state laws in New Mexico,  
5 including [~~but not limited to~~] the power to make arrests for  
6 violation of state laws.

7 B. The chief of the New Mexico state police is  
8 granted authority to issue commissions as New Mexico peace  
9 officers to members of the [~~police or sheriff's~~] law enforcement  
10 department of any New Mexico Indian nation, tribe or pueblo or a  
11 law enforcement officer employed by the bureau of Indian affairs  
12 to implement the provisions of this section. The procedures to  
13 be followed in the issuance and revocation of commissions and  
14 the respective rights and responsibilities of the departments  
15 shall be set forth in a written agreement to be executed between  
16 the chief of the New Mexico state police and the Indian nation,  
17 tribe or pueblo or the appropriate federal official.

18 C. The agreement referred to in Subsection B of this  
19 section shall contain the following conditions:

20 (1) [~~the~~] an Indian nation, tribe or pueblo  
21 [~~but not the bureau of Indian affairs~~] whose law enforcement  
22 officers are not subject to coverage by the Federal Tort Claims  
23 Act shall submit proof of adequate public liability and property  
24 damage insurance for vehicles operated by the peace officers and  
25 police professional liability insurance from a company licensed

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1 to sell insurance in the state;

2 (2) each applicant for a commission shall  
3 successfully complete four hundred hours of basic police  
4 training that is approved by the director of the New Mexico law  
5 enforcement academy;

6 (3) the chief of the New Mexico state police  
7 shall have the authority to suspend any commission granted  
8 pursuant to Subsection B of this section for reasons solely  
9 within his discretion;

10 (4) if any provision of the agreement is  
11 violated by the Indian nation, tribe or pueblo or any of its  
12 agents, the chief of the New Mexico state police shall suspend  
13 the agreement on five days' notice, which suspension shall last  
14 until the chief is satisfied that the violation has been  
15 corrected and will not recur;

16 (5) the goldenrod-colored officer's second copy  
17 of any citation issued pursuant to a commission authorized by  
18 this section shall be submitted within five days to the chief of  
19 the New Mexico state police;

20 (6) any citation issued pursuant to a  
21 commission authorized by this section shall be to a magistrate  
22 court of New Mexico; except that any citations issued to Indians  
23 within the exterior boundaries of an Indian reservation shall be  
24 [~~cited into~~] to tribal court;

25 (7) the agreement or any commission issued

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1 pursuant to it shall not confer any authority on a tribal court  
2 or other tribal authority which that court or authority would  
3 not otherwise have;

4 (8) the authority conferred by any agreement  
5 entered into pursuant to the provisions of this section shall be  
6 coextensive with the exterior boundaries of the reservation;  
7 except that an officer commissioned under this section may  
8 proceed in hot pursuit of an offender beyond the exterior  
9 boundaries of the reservation, and the authority conferred in  
10 any written agreement between the chief of the New Mexico state  
11 police and the Navajo ~~[tribe]~~ nation may extend beyond the  
12 exterior boundaries of the Navajo reservation to and including  
13 the area ~~[enclosed by the following description:~~

14 ~~Beginning at a point where the southern boundary line of~~  
15 ~~the Navajo Indian reservation intersects the western~~  
16 ~~right of way line of US 666, and running thence; southerly along~~  
17 ~~the western right of way line of US 666 to the northerly city~~  
18 ~~limits of Gallup; thence, easterly along the northerly city~~  
19 ~~limits of Gallup to the northern side of the right of way of~~  
20 ~~I-40; thence, in an easterly direction along the northerly side~~  
21 ~~of the right of way of I-40 to the northerly limits of the~~  
22 ~~village of Prewitt; thence, in a straight line between the~~  
23 ~~northerly boundary of the village of Prewitt to the southerly~~  
24 ~~boundary of Ambrosia Lake; thence in a straight line between the~~  
25 ~~southerly boundary of Ambrosia Lake to the southerly boundary of~~



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1 ~~Hospah; thence, east along a straight line from the southerly~~  
2 ~~boundary of Hospah to the southern boundary of Torreon; thence~~  
3 ~~along the easterly side of the right-of-way of state road 197 to~~  
4 ~~the westerly city limits of Cuba; thence, north along the~~  
5 ~~westerly side of the right-of-way of state road 44 to the~~  
6 ~~southerly boundary of the Jicarilla Apache Indian reservation;~~  
7 ~~thence, westerly along the southerly boundary of the Jicarilla~~  
8 ~~Apache Indian reservation to the southwest corner of that~~  
9 ~~reservation; thence, northerly along the westerly boundary of~~  
10 ~~the Jicarilla Apache Indian reservation to a point where the~~  
11 ~~westerly boundary of the reservation intersects the southerly~~  
12 ~~side of the right of way of state road 44; thence, northerly~~  
13 ~~along the southerly side of the right-of-way of state road 44 to~~  
14 ~~its intersection with the northerly side of the right of way of~~  
15 ~~Navajo road 3003; thence, along the northerly side of the~~  
16 ~~right of way of Navajo road 3003 to a point where the northerly~~  
17 ~~side of the right of way of Navajo road 3003 intersects the~~  
18 ~~westerly side of the right-of-way line of state road 371;~~  
19 ~~thence, northerly along the west side of the right-of-way of~~  
20 ~~state road 371 to the southerly side of the right-of-way of~~  
21 ~~Navajo road 36; thence, westerly along the southerly side of the~~  
22 ~~right-of-way of Navajo road 36 to the eastern border of the~~  
23 ~~Navajo Indian reservation; thence, along the eastern and~~  
24 ~~southerly borders of the Navajo Indian reservation to the point~~  
25 ~~of beginning.~~

. 113507. 2

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1           ~~The municipalities of Cuba and Gallup and the villages of~~  
2 ~~Thoreau and Prewitt are excluded from the grant of authority~~  
3 ~~that may be conferred in any written agreement entered into~~  
4 ~~pursuant to provisions of this section; provided, however, any~~  
5 ~~written agreement may include under such grant of authority the~~  
6 ~~communities of Ambrosia Lake, Hospah, Torreon, Lybrook, Nageezi,~~  
7 ~~Counselors and Blanco Trading Post and those communities~~  
8 ~~commonly known as the Wingate community; the Navajo Tribe blue~~  
9 ~~water ranch area of the Thoreau community; the Prewitt~~  
10 ~~community, exclusive of the village of Prewitt; the Haystack~~  
11 ~~community; the Desidero community; the Sand Springs community;~~  
12 ~~the Rincon Marquis community; the Charley Jesus Arviso and the~~  
13 ~~Castillo community; and state road 264 beginning at the point~~  
14 ~~where it intersects US 666 and ending where state road 264~~  
15 ~~intersects the Arizona-New Mexico state line] considered to be~~  
16 ~~Indian country as designated in that agreement;~~

17                           (9) the chief of the New Mexico state police or  
18 his designee and the Indian nation, tribe or pueblo or the  
19 appropriate federal official shall be required to meet at least  
20 quarterly or more frequently at the call of the chief of the New  
21 Mexico state police to discuss the status of the agreement and  
22 invite other law enforcement or other officials to attend as  
23 necessary; and

24                           (10) as consideration for law enforcement  
25 services rendered for the state by [~~tribal or pueblo police~~] law

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1 enforcement officers of an Indian nation, tribe or pueblo or the  
2 bureau of Indian affairs who are commissioned peace officers  
3 pursuant to this section, each Indian nation, tribe or pueblo or  
4 bureau of Indian affairs agency shall receive from the law  
5 enforcement protection fund three hundred dollars (\$300) for  
6 each commissioned [~~peace~~] law enforcement officer of the Indian  
7 nation, tribe or pueblo or the bureau of Indian affairs agency  
8 [~~in the tribe or pueblo~~]. To be counted as a commissioned peace  
9 officer for the purposes of this paragraph, a commissioned peace  
10 officer shall have been assigned to duty and have worked in New  
11 Mexico [~~for no fewer than two hundred days in the calendar year~~  
12 ~~immediately prior to the date of payment~~]. Payments shall be  
13 made for only those divisions of the [~~tribal or pueblo police~~]  
14 law enforcement departments of an Indian nation, tribe or pueblo  
15 that perform services in New Mexico. [~~No Indian nation, tribe~~  
16 ~~or pueblo police department shall be eligible for any~~  
17 ~~disbursement under the fund if officers of that department cite~~  
18 ~~non-Indians into the court of that Indian nation, tribe or~~  
19 ~~pueblo. This eligibility requirement would apply to either~~  
20 ~~civil or criminal citations issued by an Indian nation, tribe or~~  
21 ~~pueblo police department.~~]

22 D. Nothing in this section impairs or affects the  
23 existing status and sovereignty of Indian nations, tribes [~~and~~]  
24 or pueblos [~~of Indians~~] as established under the laws of the  
25 United States.

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1           E. All persons who are duly commissioned federal law  
2 enforcement officers employed by the federal bureau of  
3 investigation; drug enforcement administration; bureau of  
4 alcohol, tobacco and firearms; United States secret service;  
5 United States customs service; immigration and naturalization  
6 service; United States marshals service; postal inspection  
7 service; and other appropriate federal officers whose primary  
8 duty is law enforcement related, as designated by the chief of  
9 the New Mexico state police upon a recommendation by a county  
10 sheriff, who are assigned in New Mexico, are recognized and  
11 authorized to act as New Mexico peace officers and have all the  
12 powers of New Mexico peace officers to enforce state laws in  
13 New Mexico, including the power to make arrests for violation of  
14 state laws. This subsection shall not be construed to impose  
15 liability upon or to require indemnification by the state for  
16 any act performed by a federal law enforcement officer pursuant  
17 to this subsection."

18           Section 4. Section 41-4-3 NMSA 1978 (being Laws 1976,  
19 Chapter 58, Section 3, as amended) is amended to read:

20           "41-4-3. DEFINITIONS. --As used in the Tort Claims Act:

- 21           A. "board" means the risk management advisory board;
- 22           B. "governmental entity" means the state or any  
23 local public body [~~as defined in Subsections C and H of this~~  
24 ~~section~~];
- 25           C. "local public body" means all political

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1 subdivisions of the state and their agencies, instrumentalities  
2 and institutions and all water and natural gas associations  
3 organized pursuant to Chapter 3, Article 28 NMSA 1978;

4 D. "law enforcement officer" means any full-time  
5 salaried public employee of a governmental entity whose  
6 principal duties under law are to hold in custody any person  
7 accused of a criminal offense, to maintain public order or to  
8 make arrests for crimes, ~~[or]~~ members of the national guard when  
9 called to active duty by the governor or New Mexico peace  
10 officers commissioned pursuant to Section 29-1-11 NMSA 1978 or  
11 deputized by a county sheriff to enforce state law;

12 E. "maintenance" does not include:

13 (1) conduct involved in the issuance of a  
14 permit, driver's license or other official authorization to use  
15 the roads or highways of the state in a particular manner; or

16 (2) an activity or event relating to a public  
17 building or public housing project that was not foreseeable;

18 F. "public employee" means any officer, employee or  
19 servant of a governmental entity, excluding independent  
20 contractors except for individuals defined in Paragraphs (7),  
21 (8), (10) and (14) of this subsection, or of a corporation  
22 organized pursuant to the Educational Assistance Act or the  
23 Mortgage Finance Authority Act and including:

24 (1) elected or appointed officials;

25 (2) law enforcement officers;

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1 (3) persons acting on behalf or in service of a  
2 governmental entity in any official capacity, whether with or  
3 without compensation;

4 (4) licensed foster parents providing care for  
5 children in the custody of the human services department,  
6 corrections department or department of health, but not  
7 including foster parents certified by a licensed child placement  
8 agency;

9 (5) members of state or local selection panels  
10 established pursuant to the Adult Community Corrections Act;

11 (6) members of state or local selection panels  
12 established pursuant to the Juvenile Community Corrections Act;

13 (7) licensed medical, psychological or dental  
14 arts practitioners providing services to the corrections  
15 department pursuant to contract;

16 (8) members of the board of directors of the  
17 New Mexico comprehensive health insurance pool;

18 (9) individuals who are members of medical  
19 review boards, committees or panels established by the  
20 educational retirement board or the retirement board of the  
21 public employees retirement association;

22 (10) licensed medical, psychological or dental  
23 arts practitioners providing services to the children, youth and  
24 families department pursuant to contract;

25 (11) members of the board of directors of the

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1 New Mexico educational assistance foundation;

2 (12) members of the board of directors of the  
3 New Mexico student loan corporation;

4 (13) members of the New Mexico mortgage finance  
5 authority; and

6 (14) volunteers, employees and board members of  
7 court-appointed special advocate programs;

8 G. "scope of duties" means performing any duties  
9 that a public employee is requested, required or authorized to  
10 perform by the governmental entity, regardless of the time and  
11 place of performance; and

12 H. "state" or "state agency" means the state of New  
13 Mexico or any of its branches, agencies, departments,  
14 boards, instrumentalities or institutions."

15 Section 5. Section 66-6-2 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 337, as amended) is amended to read:

17 "66-6-2. PASSENGER VEHICLES--REGISTRATION FEES. --For  
18 registration of each motor vehicle other than motorcycles,  
19 trucks, buses and tractors, the division shall collect the  
20 following fees for a twelve-month registration period:

21 A. for a vehicle whose gross factory shipping weight  
22 is not more than two thousand pounds, [~~twenty dollars (\$20.00)~~]  
23 twenty-one dollars (\$21.00); provided, however, that after five  
24 years of registration, calculated from the date when the vehicle  
25 was first registered in this or another state, the fee is

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1 ~~[sixteen dollars (\$16.00)]~~ seventeen dollars (\$17.00);

2 B. for a vehicle whose gross factory shipping weight  
3 is more than two thousand but not more than three thousand  
4 pounds, ~~[twenty-nine dollars (\$29.00)]~~ thirty dollars (\$30.00);  
5 provided, however, that after five years of registration,  
6 calculated from the date when the vehicle was first registered  
7 in this or another state, the fee is ~~[twenty-three dollars~~  
8 ~~(\$23.00)]~~ twenty-four dollars (\$24.00);

9 C. for a vehicle whose gross factory shipping weight  
10 is more than three thousand pounds, ~~[forty-two dollars (\$42.00)]~~  
11 forty-three dollars (\$43.00); provided, however, that after five  
12 years of registration, calculated from the date when the vehicle  
13 was first registered in this or another state, the fee is  
14 ~~[thirty-four dollars (\$34.00)]~~ thirty-five dollars (\$35.00); and

15 D. beginning July 1, 1994, for each vehicle  
16 registered pursuant to the provisions of this section, a tire  
17 recycling fee of one dollar (\$1.00) for a twelve-month  
18 registration period. "

19 Section 6. Section 66-6-23 NMSA 1978 (being Laws 1978,  
20 Chapter 35, Section 358, as amended) is amended to read:

21 "66-6-23. DISPOSITION OF FEES. --

22 A. After the necessary disbursements for refunds and  
23 other purposes have been made, the money remaining, except for  
24 remittances received within the previous two months that are  
25 unidentified as to source or disposition, shall be distributed

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1 as follows:

2 (1) to each municipality, county or fee agent  
3 operating a motor vehicle field office, an amount equal to six  
4 dollars (\$6.00) per driver's license and three dollars (\$3.00)  
5 per identification card, registration or title transaction  
6 performed;

7 (2) to each municipality or county, other than  
8 a class A county with a population in excess of three hundred  
9 thousand or a municipality with a population in excess of three  
10 hundred thousand within a class A county, operating a motor  
11 vehicle field office, an amount equal to fifty cents (\$.50) for  
12 each administrative service fee remitted by that county or  
13 municipality to the department pursuant to the provisions of  
14 Section 66-2-16 NMSA 1978;

15 (3) to the state road fund:

16 (a) an amount equal to one-half of each  
17 fee received from motorcycle endorsements; and

18 (b) the remainder of each driver's  
19 license fee collected by the department employees from an  
20 applicant to whom a license is granted after deducting from the  
21 driver's license fee the amount of the distribution authorized  
22 in Paragraph (1) of this subsection with respect to that  
23 collected driver's license fee;

24 (4) to the local governments road fund, the  
25 amount of the fees provided for in Subsection A of Section

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1 66-5-408 NMSA 1978;

2 (5) to the division:

3 (a) an amount equal to one-half of each  
4 fee received from motorcycle endorsements;

5 (b) an amount equal to two dollars  
6 (\$2.00) of each motorcycle registration fee collected pursuant  
7 to Section 66-6-1 NMSA 1978; and

8 (c) an amount equal to the fees provided  
9 for in Subsection C of Section 66-5-44 NMSA 1978 and Subsection  
10 B of Section 66-5-408 NMSA 1978;

11 (6) to the state equalization guarantee  
12 distribution made annually pursuant to the general appropriation  
13 act, an amount equal to one hundred percent of the driver safety  
14 fee collected pursuant to Section 66-5-44 NMSA 1978;

15 (7) to the rubberized asphalt fund, forty-five  
16 percent of all tire recycling fees collected pursuant to the  
17 provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8  
18 NMSA 1978; [~~and~~]

19 (8) to the tire recycling fund, the amount  
20 remaining, after distributions pursuant to Paragraph (7) of this  
21 subsection have been made to the rubberized asphalt fund, from  
22 all annual tire recycling fees collected pursuant to the  
23 provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8  
24 NMSA 1978; and

25 (9) to the intergovernmental law enforcement

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1 fund, an amount equal to one dollar (\$1.00) of each vehicle  
2 registration fee paid pursuant to Section 66-6-2 NMSA 1978.

3 B. The balance, exclusive of unidentified  
4 remittances, after having been reduced by the distributions  
5 required by Subsection A of this section, shall be further  
6 reduced by a distribution of forty-three percent of the balance  
7 to the state road fund, and the remainder of the balance shall  
8 be transferred or distributed by the state treasurer on or  
9 before the last day of the month next after its receipt, as  
10 follows:

11 (1) forty-one and three-tenths percent shall be  
12 distributed to the state road fund;

13 (2) seventeen and six-tenths percent shall be  
14 transferred to each county in the proportion, determined by the  
15 department in accordance with Subsection C of this section, that  
16 the registration fees for vehicles in that county are to the  
17 total registration fees for vehicles in all counties;

18 (3) seventeen and six-tenths percent shall be  
19 transferred to the counties, each county receiving an amount  
20 equal to the proportion, determined by the secretary of highway  
21 and transportation in accordance with Subsection E of this  
22 section, that the mileage of public roads maintained by the  
23 county is to the total mileage of public roads maintained by all  
24 counties of the state. Amounts distributed to each county in  
25 accordance with this paragraph shall be credited to the

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1        respective county road fund and be used for the improvement and  
2        maintenance of the public roads in the county and to pay for the  
3        acquisition of rights of way and material pits. For this  
4        purpose, the board of county commissioners of each of the  
5        respective counties shall certify by April 1 of each year to the  
6        secretary of highway and transportation the total mileage as of  
7        April 1 of that year; provided that in their report, the boards  
8        of county commissioners shall identify each of the public roads  
9        maintained by them by name, route and location. By agreement  
10       and in cooperation with the state highway and transportation  
11       department, the boards of county commissioners of the various  
12       counties may use or designate any of the funds provided in this  
13       paragraph for any federal aid program;

14                        (4) nine and four-tenths percent shall be  
15       allocated among the counties in the proportion, determined by  
16       the department in accordance with Subsection C of this section,  
17       that the registration fees for vehicles in that county are to  
18       the total registration fees for vehicles in all counties. The  
19       amount allocated to each county shall be transferred to the  
20       incorporated municipalities within the county in the proportion,  
21       determined by the department of finance and administration in  
22       accordance with Subsection C of this section, that the sum of  
23       net taxable value, as that term is defined in the Property Tax  
24       Code, plus the assessed value, as that term is used in the Oil  
25       and Gas Ad Valorem Production Tax Act and in the Oil and Gas

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1 Production Equipment Ad Valorem Tax Act, determined for the  
2 incorporated municipality is to the sum of net taxable value  
3 plus assessed value determined for all incorporated  
4 municipalities within the county. Amounts transferred to  
5 incorporated municipalities under the provisions of this  
6 paragraph shall be used for the construction, maintenance and  
7 repair of streets within the municipality and for payment of  
8 paving assessments against property owned by federal, county or  
9 municipal governments. In any county in which there are no  
10 incorporated municipalities, the amount allocated under this  
11 paragraph shall be transferred to the county road fund and used  
12 in accordance with the provisions of Paragraph (3) of this  
13 subsection; and

14 (5) fourteen and one-tenth percent shall be  
15 allocated among the counties in the proportion, determined by  
16 the department in accordance with Subsection C of this section,  
17 that the registration fees for vehicles in that county are to  
18 the total registration fees for vehicles in all counties. The  
19 amount allocated to each county shall be transferred to the  
20 county and incorporated municipalities within the county in the  
21 proportion, determined by the department of finance and  
22 administration in accordance with Subsection C of this section,  
23 that the computed taxes due for the county and each incorporated  
24 municipality within the county bear to the total computed taxes  
25 due for the county and incorporated municipalities within the

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1 county. For the purposes of this paragraph, the term "computed  
2 taxes due" for any jurisdiction means the sum of the net taxable  
3 value, as that term is defined in the Property Tax Code, plus  
4 the assessed value, as that term is used in the Oil and Gas Ad  
5 Valorem Production Tax Act and in the Oil and Gas Production  
6 Equipment Ad Valorem Tax Act, for that jurisdiction multiplied  
7 by an average of the rates for residential and nonresidential  
8 property imposed for that jurisdiction pursuant to Subsection B  
9 of Section 7-37-7 NMSA 1978.

10 C. To carry out the provisions of this section,  
11 during the month of June of each year:

12 (1) the department shall determine and certify  
13 to the department of finance and administration the proportions  
14 which the department is required to determine by Subsection B of  
15 this section using information for the preceding calendar year  
16 on the number of vehicles registered in each county based on the  
17 address of the owner or place where the vehicle is principally  
18 located, the registration fees for the vehicles registered in  
19 each county, the total number of vehicles registered in the  
20 state and the total registration fees for all vehicles  
21 registered in the state; and

22 (2) the department of finance and  
23 administration shall determine the proportions that the  
24 department of finance and administration is required to  
25 determine by Subsection B of this section based upon the net

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1 taxable value, as that term is defined in the Property Tax Code,  
2 and assessed value, as that term is used in the Oil and Gas Ad  
3 Valorem Production Tax Act and the Oil and Gas Production  
4 Equipment Ad Valorem Tax Act, for the preceding tax year and the  
5 tax rates imposed pursuant to Subsection B of Section 7-37-7  
6 NMSA 1978 in the preceding September.

7 D. By June 30 of each year, the department of  
8 finance and administration shall determine the appropriate  
9 percentage of money to be transferred to each county and  
10 municipality for each purpose in accordance with Subsection A of  
11 this section based upon the proportions determined by or  
12 certified to the department of finance and administration. The  
13 percentages determined shall be used to compute the amounts to  
14 be transferred to the counties and municipalities during the  
15 succeeding fiscal year.

16 E. The board of county commissioners of each of the  
17 respective counties shall, by April 1 of every year, certify  
18 reports to the secretary of highway and transportation of the  
19 total mileage of public roads maintained by each county as of  
20 April 1 of every year; provided that in their reports, the  
21 boards of county commissioners shall identify each of the public  
22 roads maintained by them by name, route and location. By July 1  
23 of every year, the secretary of highway and transportation shall  
24 verify the reports of the counties and revise, if necessary, the  
25 total mileage of public roads maintained by each county and the

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1 mileage verified by the secretary of highway and transportation  
2 shall be the official mileage of public roads maintained by each  
3 county. Distribution of amounts to any county for road purposes  
4 shall be made in accordance with this section.

5 F. If a county has not made the required mileage  
6 certification pursuant to Section 67-3-28.3 NMSA 1978 by April 1  
7 of any year, the secretary of highway and transportation shall  
8 estimate the mileage maintained by those counties for the  
9 purpose of making distribution to all counties, and the amount  
10 calculated to be distributed each month to those counties not  
11 certifying mileage shall be reduced by one-third each month for  
12 that fiscal year and that amount not distributed to those  
13 counties shall be distributed equally to all counties that have  
14 certified mileages.

15 G. The secretary shall review, at the end of each  
16 fiscal year, the aggregate total of motor vehicle transactions  
17 performed by each municipality, county or fee agent operating a  
18 motor vehicle field office, and for each office exceeding ten  
19 thousand aggregate transactions per year, that municipality,  
20 county or fee agent shall be paid an additional one dollar  
21 (\$1.00) per identification card, driver's license, registration  
22 or title transaction performed during the next fiscal year. "

23 Section 7. EFFECTIVE DATE. -- The effective date of the  
24 provisions of this act is July 1, 1997.

25 - 24 -



1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

5  
6 March 4, 1997  
7

8 Mr. President:

9  
10 Your INDIAN & CULTURAL AFFAIRS COMMITTEE, to whom  
11 has been referred  
12

13 SENATE BILL 1183  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.  
18

19  
20 Respectfully submitted,  
21  
22

23  
24 \_\_\_\_\_  
25 John Pinto, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

1 (Chief Clerk)

(Chief Clerk)

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4 Date \_\_\_\_\_

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7 The roll call vote was 6 For 0 Against

8 Yes: 6

9 No: 0

10 Excused: Davis, Maes, Rawson

11 Absent: None

12

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3  
4  
5  
6 March 15, 1997

7  
8 Mr. President:

9  
10 Your FINANCE COMMITTEE, to whom has been referred

11  
12 SENATE JUDICIARY COMMITTEE SUBSTITUTE  
13 FOR SENATE BILL 1183

14  
15  
16 has had it under consideration and reports same with  
17 recommendation that it DO PASS.

18  
19 Respectfully submitted,

20  
21  
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23  
24 \_\_\_\_\_  
25 Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against  
Yes: 6  
No: None  
Excused: Carraro, Ingle, Lyons, McKibben, Smith  
Absent: None

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