

| | |
|-----------------------|--------------|
| LFC Requester: | Eric Chenier |
|-----------------------|--------------|

**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 20, 2013
Bill No: HB 159 (CS)--305

Sponsor: Rep. William "Bill" R. Rehm **Reviewing** Attorney General's Office
Short NM Law Enforcement **Person Writing** Rick Word, AAG
Title: Academy Board **Phone:** 827-6029 **Email** rword@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|------------------------------|------------------|
| FY13 | FY14 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY13 | FY14 | FY15 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY13 | FY14 | FY15 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: The House Judiciary Committee Substitute for HB 159 makes several changes to the original HB 159. Changes in the committee substitute bill include the addition of language requiring the Attorney General to represent the Law Enforcement Academy and the Law Enforcement Academy Board (Board) in administrative proceedings, and an increase in the number of Board members from 9 to 11. The committee substitute also changes the original bill’s provisions regarding the composition of the Board by adding the requirement that either the New Mexico State Police Chief or the Chief of a police department of a city with a population of one million or more be appointed, by requiring that the Board include a law enforcement officer holding the rank or sergeant or below, by removing the requirement that the three municipal police chiefs be chosen from a list recommended by the Municipal League, and by requiring the Board include two citizen-at-large members instead of one.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

There are no fiscal implications for this office with the possible exception of those associated with the Attorney General not being required to attend board meetings.

SIGNIFICANT LEGAL ISSUES

None noted with the committee substitute bill.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

There are no performance implications for this agency.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

As with the original bill, the committee substitute would relieve the Attorney General of the obligation to serve as a member and chair of the Board. No other administrative implications are noted for the agency.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

None are noted.

TECHNICAL ISSUES OR DRAFTING ERROR

A word appears to have been inadvertently omitted from the proposed new text found at Lines 13 and 14 on page 4 of the bill. The addition of either the word “by” or the word “in” would seem appropriate, making the text of the bill read: “Vacancies shall be filled by the governor for the unexpired term as provided for [in] the original appointment.”

OTHER SUBSTANTIVE LEGAL ISSUES

No other substantive legal issues are noted.

ALTERNATIVES TO ENACTING THIS BILL

No alternatives to enacting this bill are noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The composition of the Board will remain unchanged.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None noted.