

LFC Requester:	Eric Chenier
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**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 X **Amendment**
Correction **Substitute**

Date January 23, 2013
Bill No: HB 159--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 SHAGED 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: HB 159 would amend NMSA 1978, Section 29-7-3 to effect significant changes to the composition of the Law Enforcement Academy Board (Board). Changes include: the elimination of the requirement that the Attorney General sit on the Board and serve as chair; the elimination of a rank and file officer from the Board; the elimination of a State Police representative from the Board; a reduction in “public membership” from two to one; and an increase in the size of the Board from eight to nine.

The bill would completely rewrite Section 29-7-3(C). HB 159 would require the following Board composition: three members would be County Sheriffs from three different-sized counties; three would be municipal police chiefs to be selected from a list provided by the Municipal League and also from municipalities of specified sizes; one member would be a district attorney; one a certified police chief of an Indian nation, tribe or pueblo; and one a citizen at large.

The bill would mandate that the Attorney General act as counsel to the Law Enforcement Academy and the Board.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

Because the Attorney General’s Office currently acts as counsel to the Law Enforcement Academy and Board, there are no fiscal implications for this Office.

SIGNIFICANT LEGAL ISSUES

In addition to removing the Attorney General from the Board, HB 159 would also remove the rank and file officer and State Police representatives from the Board. This is somewhat of a departure from the current law which apparently was designed to have representation from almost every aspect of law enforcement in the State.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

There are no performance implications for this agency.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

HB 159 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.