

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2014 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 February 6, 2014
Bill No: HB335-305 Feb 6

Sponsor: Rep. Alonzo Baldonado **Reviewing** Attorney General's Office
Short Reorganize Department of **Person Writing** Rick Word, AAG
Title: Public Safety **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
FY14	FY15		

(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
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	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: House Bill 335 (HB 335) appears to be identical to Senate Bill 301. Accordingly, this analysis is identical to that produced for SB 301. HB 335 would reorganize the Department of Public Safety, reclassifying three current divisions of the Department of Public Safety (DPS) as units or bureaus of the New Mexico State Police, itself a Division of DPS. Specifically, the current Special Investigations Division would become a unit of the State Police Division of DPS, while the Training and Recruitment (of which the Law Enforcement Academy Bureau is a part) and the Motor Transportation Division would each become bureaus under the State Police Division. This would be accomplished by significantly amending or repealing sections of five major acts, including: the Department of Public Safety Act, NMSA 1978, Sections 9-19-1 through 9-19-11; the untitled act creating the New Mexico State Police, NMSA 1978, Sections 29-2-1 through 29-2-29; the Law Enforcement Training Act, NMSA 1978, Sections 29-7-1 through 29-7-13; the Liquor Control Act, NMSA 1978, Sections 60-3A-1-1 through 60-3A-12; and the Motor Transportation Act, NMSA 1978, Sections 65-1-1 through 65-1-45.

In addition to the reclassifications described above, HB 335 would effect several other changes for the impacted DPS divisions. Section 22 of the bill repeals NMSA 1978, 29-7-5.1, which would take away the Law Enforcement Academy Board’s authority to remove the Director of the Law Enforcement Academy. Section 23 provides that money in the statutorily created Law Enforcement Training and Recruiting Fund shall not revert to the general fund. Section 41 of the bill further provides that all appropriations, personnel, equipment, and other property of the three reclassified divisions would transfer to the State Police Division on the bill’s effective date of July 1, 2014. Section 41 also makes all contracts of the three reclassified divisions binding on the State Police Division, and directs that all references in law to those three divisions be deemed to refer to the State Police Division, again effective July 1, 2014.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

None noted.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None for this agency.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None for this agency.

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

Senate Bill 301 appears to be a duplicate of this bill.

TECHNICAL ISSUES OR DRAFTING ERROR

None noted.

OTHER SUBSTANTIVE LEGAL ISSUES

HB 335 would strike NMSA 1978, Section 29-7-4(A), which provides that the Law Enforcement Academy Board shall “approve or disapprove the appointment of the director [of the Law Enforcement Academy] by the Secretary”, but leaves intact NMSA 1978, Section 9-19-6(B)(11), which provides that the Secretary’s appointment of the Law Enforcement Academy Director is subject to the approval of that Board. As the Secretary’s appointment remains subject to Law Enforcement Academy Board approval, it makes sense to continue to require that Board to act to approve or disapprove of such appointments.

ALTERNATIVES TO ENACTING THIS BILL

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo is maintained.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None suggested.