

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2015 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 January 11, 2015
Bill No: SB 95-305

Sponsor: Senator Rue
Short Title: Reorganize Department of Public Safety

Agency Code: Attorney General's Office
Person Writing: Jennifer Salazar
Phone: 827-6990 **Email:** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis: SB 95 would reorganize the Department of Public Safety (“Department”). Specifically, it would change the number of divisions under the Department from seven to five, and would include the following divisions: (1) the New Mexico State Police Division; (2) the New Mexico Law Enforcement Academy Division; (3) the Technical Support Division; (4) the Administrative Services Division; and (5) the Information Technology Division.

Section 3 of the Bill would place the following entities under the New Mexico State Police Division: (1) the Special Investigations Unit; (2) the Training and Recruiting Bureau; and (3) the Motor Transportation Police Bureau. Section 3 would also create a New Mexico Law Enforcement Academy Division, which would be composed of the New Mexico Law Enforcement Academy and “such other functions as the secretary may transfer to this division.”

Another significant change is found in Section 26 of the Bill which would make all money in the “law enforcement training and recruiting fund” non-reverting.

FISCAL IMPLICATIONS

Not applicable to AGO analysis.

SIGNIFICANT ISSUES

The relationship between the Law Enforcement Training Academy and the Law Enforcement Division is not well explained in the language of the currently proposed Bill. As currently proposed, the Secretary would have broad discretion to determine the Division’s functions. What would this look like in practice? For example, would the Division Director have authority to review Board decisions issued under Section 29-7-13 of the Law Enforcement Academy Act? Or, is the organization purely for administrative purposes?

In order to alleviate any ambiguity as to what the relationship between the Academy and the Division would be, it would be best to outline those in the proposed Bill.

PERFORMANCE IMPLICATIONS

Not applicable to AGO analysis.

ADMINISTRATIVE IMPLICATIONS

Not applicable to AGO analysis.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.