

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 95

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY; REORGANIZING THE
DEPARTMENT OF PUBLIC SAFETY; PLACING THE SPECIAL INVESTIGATIONS
DIVISION AND THE MOTOR TRANSPORTATION DIVISION UNDER THE NEW
MEXICO STATE POLICE DIVISION; CHANGING THE NAME OF THE TRAINING
AND RECRUITING DIVISION TO THE NEW MEXICO LAW ENFORCEMENT
ACADEMY; AMENDING THE DEFINITION OF "STATE POLICE MEMBER" IN
THE PUBLIC EMPLOYEES RETIREMENT ACT; RECONCILING PENALTIES.

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

SECTION 1. Section 9-19-4 NMSA 1978 (being Laws 1987,
Chapter 254, Section 4, as amended) is amended to read:

"9-19-4. DEPARTMENT ESTABLISHED.--There is created in the
executive branch the "department of public safety". The
department shall be a cabinet department and shall consist of,
but not be limited to [~~five program divisions, an~~

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1 ~~administrative division and an information technology division~~
2 ~~as follows]:~~

- 3 A. the New Mexico state police division;
- 4 ~~[B. the special investigations division;~~
- 5 ~~C. the training and recruiting division]~~
- 6 B. the New Mexico law enforcement academy;
- 7 ~~[D.]~~ C. the technical support division;
- 8 ~~[E.]~~ D. the administrative services division;
- 9 ~~[F. the motor transportation division]~~ and
- 10 ~~[G.]~~ E. the information technology division."

11 SECTION 2. Section 9-19-6 NMSA 1978 (being Laws 1987,
12 Chapter 254, Section 6, as amended) is amended to read:

13 "9-19-6. SECRETARY--DUTIES AND GENERAL POWERS.--

14 A. The secretary is responsible to the governor for
15 the operation of the department. It is ~~[his]~~ the secretary's
16 duty to manage all operations of the department and to
17 administer and enforce the laws with which ~~[he]~~ the secretary
18 or the department is charged.

19 B. To perform ~~[his]~~ the secretary's duties, the
20 secretary has every power expressly enumerated in the laws,
21 whether granted to the secretary or the department or any
22 division of the department, except where authority conferred
23 upon any division is explicitly exempted from the secretary's
24 authority by statute. In accordance with these provisions, the
25 secretary shall:

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1 (1) except as otherwise provided in the
2 Department of Public Safety Act, exercise general supervisory
3 and appointing authority over all department employees, subject
4 to any applicable personnel laws and regulations [~~provided that~~
5 ~~the secretary shall not reduce positions for the seventy-sixth~~
6 ~~fiscal year budgeted in the General Appropriation Act of 1987~~
7 ~~except for cause, by attrition or by occurrence of a vacancy~~];

8 (2) delegate authority to subordinates as [~~he~~
9 the secretary deems necessary and appropriate, clearly
10 delineating such delegated authority and the limitations
11 thereto;

12 (3) organize the department into those
13 organizational units [~~he~~ the secretary deems will enable it to
14 function most efficiently, subject to any provisions of law
15 requiring or establishing specific organizational units;

16 (4) within the limitations of available
17 appropriations and applicable laws, employ and fix the
18 compensation of those persons necessary to discharge [~~his~~ the
19 secretary's duties;

20 (5) take administrative action by issuing
21 orders and instructions, not inconsistent with the law, to
22 assure implementation of and compliance with the provisions of
23 law with the administration or execution of which [~~he~~ the
24 secretary is responsible and to enforce those orders and
25 instructions by appropriate administrative action [~~or actions~~]

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1 in the court;

2 (6) conduct research and studies that will
3 improve the operation of the department and examine other
4 entities and functions of state government related to public
5 safety for purposes of possible transfer to the department;

6 (7) provide courses of instruction and
7 practical training for employees of the department and other
8 persons involved in the administration of programs with the
9 objective of improving the operations and efficiency of
10 administration;

11 (8) prepare an annual budget of the
12 department;

13 (9) provide cooperation, at the request of
14 heads of administratively attached agencies, in order to:

15 (a) minimize or eliminate duplication of
16 services and jurisdictional conflicts;

17 (b) coordinate activities and resolve
18 problems of mutual concern; and

19 (c) resolve by agreement the manner and
20 extent to which the department shall provide budgeting,
21 recordkeeping and related clerical assistance to
22 administratively attached agencies, if any;

23 (10) appoint, with the governor's consent, for
24 each division, a director. These appointed positions are
25 exempt from the provisions of the Personnel Act. Persons

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1 appointed to these positions shall serve at the pleasure of the
2 secretary;

3 (11) appoint the director of the New Mexico
4 law enforcement academy, subject to the approval of the New
5 Mexico law enforcement academy board;

6 (12) give bond in the penal sum of twenty-five
7 thousand dollars (\$25,000) and require directors to each give
8 bond in the penal sum of ten thousand dollars (\$10,000),
9 conditioned upon the faithful performance of duties as provided
10 in the Surety Bond Act, with the department paying the cost of
11 such bonds; and

12 (13) require performance bonds of such
13 employees and officers as [~~he~~] the secretary deems necessary as
14 provided in the Surety Bond Act, with the department paying the
15 costs of such bonds.

16 C. The secretary may apply for and receive, with
17 the governor's approval, in the name of the department, any
18 public or private funds, including but not limited to United
19 States government funds, available to the department to carry
20 out its programs, duties or services.

21 D. Where functions of departments overlap or a
22 function assigned to one department could better be performed
23 by another department, the secretary may recommend appropriate
24 legislation to the next session of the legislature for its
25 approval.

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1 E. The secretary may make and adopt such reasonable
2 and procedural rules and regulations as may be necessary to
3 carry out the duties of the department and its divisions. No
4 rule or regulation promulgated by the director of any division
5 in carrying out the functions and duties of the division shall
6 be effective until approved by the secretary unless otherwise
7 provided by statute. Nothing in this section erodes or changes
8 the powers and duties of the law enforcement academy board as
9 set forth in Sections 29-7-3 and 29-7-4 NMSA 1978. Unless
10 otherwise provided by statute, no regulation affecting any
11 person or agency outside the department shall be adopted,
12 amended or repealed without a public hearing on the proposed
13 action before the secretary or a hearing officer designated by
14 ~~[him]~~ the secretary. The public hearing shall be held in Santa
15 Fe unless otherwise permitted by statute. Notice of the
16 subject matter of the regulation, the action proposed to be
17 taken, the time and place of the hearing, the manner in which
18 interested persons may present their views and the method by
19 which copies of the proposed regulation, proposed amendment or
20 repeal of an existing regulation may be obtained shall be
21 published once at least thirty days prior to the hearing date
22 in a newspaper of general circulation in the state and mailed
23 at least thirty days prior to the hearing date to all persons
24 who have made a written request for advance notice of hearing.

25 F. All rules and regulations shall be filed in

1 accordance with the State Rules Act."

2 SECTION 3. Section 9-19-7 NMSA 1978 (being Laws 1987,
3 Chapter 254, Section 7, as amended) is amended to read:

4 "9-19-7. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND
5 DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

6 A. The organizational units of the department and
7 the officers of those units specified by law shall have all the
8 powers and duties enumerated in the specific laws involved.
9 However, the carrying out of those powers and duties shall be
10 subject to the direction and supervision of the secretary, who
11 shall retain the final decision-making authority and
12 responsibility for the administration of any such laws as
13 provided in Subsection B of Section 9-19-6 NMSA 1978. The
14 department shall have access to all records, data and
15 information of other state departments, agencies and
16 institutions, including its own organizational units, not
17 specifically held confidential by law.

18 B. The New Mexico state police division shall
19 consist of the commissioned officers and civilian personnel
20 [~~including all communications equipment operators~~] of the New
21 Mexico state police [~~uniform division and the commissioned~~
22 ~~officers and civilian personnel of the New Mexico state police~~
23 ~~criminal division~~] and such other personnel as may be assigned
24 by the secretary or by the governor pursuant to an executive
25 order as authorized in the Department of Public Safety Act.

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1 The New Mexico state police division shall also include:

2 ~~[G.]~~ (1) the special investigations ~~[division]~~
3 unit, which shall consist of the enforcement personnel of the
4 ~~[department of alcoholic beverage control]~~ former special
5 investigations division and ~~[such other]~~ civilian personnel as
6 may be assigned by the secretary or by the governor pursuant to
7 an executive order as authorized in the Department of Public
8 Safety Act. The ~~[division]~~ unit is responsible for the
9 enforcement of the New Mexico Bingo and Raffle Act and the
10 Liquor Control Act;

11 (2) the training and recruiting bureau, which
12 shall consist of the personnel of the New Mexico state police
13 training division and all civilian personnel and functions of
14 the department as the secretary may transfer to the bureau;

15 (3) the motor transportation police bureau,
16 which shall consist of the enforcement and civilian personnel
17 of the former motor transportation division. The bureau is
18 responsible for enforcing the Motor Carrier Act, the Motor
19 Transportation Act, the Motor Vehicle Code and the Criminal
20 Code; and

21 (4) civilian employees of the former motor
22 transportation division or the former special investigations
23 division, who shall be subject to the provisions of the
24 Personnel Act.

25 C. The New Mexico law enforcement academy shall

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1 consist of personnel of the New Mexico law enforcement academy
 2 and such other functions as the secretary may transfer to it.

3 D. The technical support division shall consist of
 4 functions such as [~~communications~~] crime laboratory and
 5 records.

6 [~~E. The training and recruiting division shall~~
 7 ~~consist of the personnel of the New Mexico law enforcement~~
 8 ~~academy, the New Mexico state police training division and all~~
 9 ~~other training personnel and functions of the department as the~~
 10 ~~secretary may transfer to this division.~~

11 ~~F.]~~ E. The administrative services division shall
 12 consist of the administrative services [~~and services divisions~~
 13 ~~of the New Mexico state police and those administrative support~~
 14 ~~personnel of the other existing departments, divisions or~~
 15 ~~offices]~~ as the secretary deems necessary.

16 F. The information technology division shall
 17 consist of such functions as computer and technology support as
 18 the secretary deems necessary."

19 SECTION 4. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
 20 Chapter 254, Section 18, as amended) is amended to read:

21 "29-2-1.1. DEFINITIONS.--As used in Chapter 29 NMSA 1978:

22 A. "chief" or "chief of the state police" means the
 23 director of the New Mexico state police division of the
 24 department;

25 B. "commission" means the public safety advisory

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1 commission;

2 C. "department" means the department of public
3 safety;

4 D. "member of the New Mexico state police" means a
5 commissioned officer of the New Mexico state police, including
6 an officer who is certified and commissioned as of June 30,
7 2015 in the former motor transportation division or the former
8 special investigations division;

9 E. "New Mexico law enforcement academy" or
10 "academy" means a [~~bureau of the training and recruiting~~]
11 division of the department [~~of public safety~~] established
12 pursuant to the Law Enforcement Training Act;

13 F. "New Mexico state police" means the New Mexico
14 state police division of the department; and

15 [~~G. "New Mexico state police board" or "board"~~
16 ~~means the secretary of public safety; and~~

17 H.] G. "secretary" means the secretary of public
18 safety."

19 SECTION 5. Section 29-2-3 NMSA 1978 (being Laws 1941,
20 Chapter 147, Section 3, as amended) is amended to read:

21 "29-2-3. NEW MEXICO STATE POLICE--ORGANIZATION.--The New
22 Mexico state police shall consist of a chief and such
23 [~~patrolmen~~] patrol officers, sergeants, lieutenants and
24 captains as the [~~New Mexico state police board~~] secretary may
25 deem advisable within the limits of the funds appropriated for

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1 the New Mexico state police; provided [~~however~~] that the number
 2 of captains, lieutenants and sergeants shall not exceed twenty-
 3 five percent of the total number of the police, exclusive of
 4 the chief; but this requirement shall not be interpreted so as
 5 to require the demotion of any member of the previous state
 6 police division, [~~of the criminal justice department~~] the
 7 former motor transportation division or the former special
 8 investigations division."

9 SECTION 6. Section 29-2-4 NMSA 1978 (being Laws 1941,
 10 Chapter 147, Section 4, as amended) is amended to read:

11 "29-2-4. APPOINTMENTS--REMOVAL.--The chief of the New
 12 Mexico state police shall be appointed by the [~~New Mexico state~~
 13 ~~police board~~] secretary. All [~~patrolmen~~] patrol officers and
 14 other officers and all civilian employees shall be appointed by
 15 the chief."

16 SECTION 7. Section 29-2-4.1 NMSA 1978 (being Laws 1979,
 17 Chapter 202, Section 16) is amended to read:

18 "29-2-4.1. RULES [~~AND REGULATIONS~~].--The [~~New Mexico~~
 19 ~~state police board~~] secretary shall promulgate rules [~~and~~
 20 ~~regulations~~] governing employment and operating practices and
 21 related matters for employees of the New Mexico state police."

22 SECTION 8. Section 29-2-6 NMSA 1978 (being Laws 1941,
 23 Chapter 147, Section 6, as amended) is amended to read:

24 "29-2-6. QUALIFICATIONS OF MEMBERS.--

25 A. Members of the New Mexico state police, except

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1 the chief, shall:

2 (1) at the time of their appointment, be
3 citizens of the United States;

4 (2) at the time of their appointment, have
5 reached twenty-one years of age;

6 (3) except as otherwise provided in Subsection
7 B of this section, at the time of their appointment, have
8 completed at least sixty hours of college credit or have had
9 two years of military or law enforcement service. This
10 requirement shall not apply to officers who are certified and
11 commissioned as of June 30, 2015 in the former motor
12 transportation division or the former special investigations
13 division;

14 (4) be of good moral character and not have
15 been convicted of a felony or infamous crime in the courts of
16 this state or other state or any country or in the federal
17 courts; and

18 (5) pass a physical examination that the New
19 Mexico state police may require.

20 B. Notwithstanding the requirement of Paragraph (3)
21 of Subsection A of this section, the chief may appoint a member
22 of the New Mexico state police who has at least thirty hours of
23 college credit, and the chief shall determine an appropriate
24 time period after appointment for the member to complete the
25 additional thirty hours of college credit required. This

1 provision shall not apply to officers who are certified and
 2 commissioned as of June 30, 2015 in the former motor
 3 transportation division or the former special investigations
 4 division.

5 ~~[G. A person shall not be commissioned a member of~~
 6 ~~the New Mexico state police who is related by blood or marriage~~
 7 ~~within the fourth degree to a member of the public safety~~
 8 ~~advisory commission.]"~~

9 SECTION 9. Section 29-2-7 NMSA 1978 (being Laws 1941,
 10 Chapter 147, Section 7, as amended) is amended to read:

11 "29-2-7. COMMISSIONED OFFICERS--APPLICATION--PROCEDURE.--
 12 The New Mexico state police shall cause all applicants for the
 13 position of commissioned officer to submit a written detailed
 14 application on ~~[such]~~ forms as the ~~[board]~~ secretary shall
 15 prescribe, and the ~~[board]~~ secretary shall cause an
 16 investigation to be made of all applicants, subsequent to their
 17 taking the examination ~~[hereinafter]~~ referred to in Section
 18 29-2-8 NMSA 1978, for the purpose of determining the moral
 19 character, general reputation and fitness of any applicant.
 20 ~~[and. Any such]~~ An applicant who is found unfit as a result of
 21 ~~[such]~~ the investigation shall be disqualified for employment.
 22 The ~~[board]~~ secretary shall by rule prescribe the physical
 23 qualifications of applicants and shall require each applicant
 24 to submit to a physical examination by ~~[such]~~ doctors as the
 25 ~~[board]~~ secretary shall designate. ~~[and. Any]~~ An applicant

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1 who does not meet the physical requirements prescribed by the
2 [~~board~~] secretary shall be disqualified for employment.

3 Inasmuch as laws have been enacted providing for retirement,
4 disability and life insurance funds for members of the New
5 Mexico state police, it is the intention of the legislature
6 that no applicants will be appointed who are in such physical
7 condition that the cost of such protection will thereby be
8 increased."

9 SECTION 10. Section 29-2-8 NMSA 1978 (being Laws 1941,
10 Chapter 147, Section 8, as amended) is amended to read:

11 "29-2-8. NEW MEXICO STATE POLICE--COMMISSIONED OFFICERS--
12 EXAMINATION.--The New Mexico state police shall conduct a
13 written examination of all applicants for the position of
14 commissioned officer for the purpose of determining their
15 mental qualifications and knowledge of the laws of New Mexico
16 and their ability to render assistance in case of accidents
17 upon the public highways [~~and~~]. No applicant shall be
18 appointed a member of the New Mexico state police, other than
19 the chief, until [~~he shall have~~] the applicant has passed
20 [~~such~~] the written examination with a grade of not less than
21 seventy-two percent. This section shall not apply to officers
22 who are certified and commissioned as of June 30, 2015 in the
23 former motor transportation division or the former special
24 investigations division."

25 SECTION 11. Section 29-2-9 NMSA 1978 (being Laws 1941,

1 Chapter 147, Section 9, as amended) is amended to read:

2 "29-2-9. PROBATIONARY PERIOD--LENGTH--PERMANENT
3 COMMISSION--SALARY.--

4 A. All new appointments as members of the New
5 Mexico state police shall be for a probationary period of two
6 years. During [~~such~~] the probationary period, [~~such~~] the new
7 members may be removed or suspended at the discretion of the
8 chief [~~of the New Mexico state police~~]. At the end of two
9 years of satisfactory service and upon recommendation of the
10 chief and with concurrence of the [~~New Mexico state police~~
11 ~~board~~] secretary, the appointee may receive a permanent
12 commission as a member of the New Mexico state police.
13 However, the probationary period may be extended beyond a two-
14 year period upon the recommendation of the chief with the
15 concurrence of the [~~board~~] secretary. This subsection shall
16 not apply to officers who are certified and commissioned as of
17 June 30, 2015 in the former motor transportation division or
18 the former special investigations division. Members who are on
19 probation on July 1, 2015 shall complete the probationary
20 period under which they were hired.

21 B. The salaries of all members of the New Mexico
22 state police, probationary and permanent, and that of the chief
23 shall be fixed by the [~~board~~] secretary."

24 **SECTION 12.** Section 29-2-10 NMSA 1978 (being Laws 1941,
25 Chapter 147, Section 10, as amended) is amended to read:

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1 "29-2-10. PROMOTIONS.--All promotions in the New Mexico
2 state police to the rank of sergeant shall be made after
3 written examinations [~~provided, however, that on such~~
4 ~~examination for the rank of sergeant, the record of the party~~
5 ~~seeking promotion as a member of the New Mexico state police~~
6 ~~and his length of service shall be given a weight of forty~~
7 ~~percent in such examination)]. All promotions above the rank of
8 sergeant shall be made by the chief after concurrence and
9 approval by the [~~New Mexico state police board~~] secretary. The
10 ranks of sergeant, lieutenant and captain shall be permanent
11 unless established as an exempt rank by the chief with the
12 concurrence of the [~~board~~] secretary. All promotions above the
13 rank of captain are by executive appointment of the chief with
14 concurrence of the [~~board~~] secretary, and [~~such~~] those persons
15 shall serve at the pleasure of the chief with the concurrence
16 of the [~~board~~] secretary."~~

17 SECTION 13. Section 29-2-12 NMSA 1978 (being Laws 1941,
18 Chapter 147, Section 12, as amended) is amended to read:

19 "29-2-12. OATH.--All members of the New Mexico state
20 police and the [~~New Mexico state police board~~] secretary shall
21 take the oath of office required of all state officials."

22 SECTION 14. Section 29-2-14 NMSA 1978 (being Laws 1971,
23 Chapter 87, Section 1, as amended) is amended to read:

24 "29-2-14. UNAUTHORIZED WEARING OF UNIFORM OR BADGE--
25 UNAUTHORIZED MARKING OF MOTOR VEHICLE--PENALTY.--

1 A. Unauthorized wearing of uniform or badge
2 consists of the wearing or requiring the wearing, without
3 authorization by the [~~New Mexico state police board~~] secretary,
4 of a uniform or badge or both whose material, color or design,
5 or any combination of them, is such that the wearer appears to
6 be a member of the New Mexico state police.

7 B. Unauthorized marking of motor vehicle consists
8 of the marking, using, possessing or owning or requiring the
9 marking or using, without authorization by the [~~board~~]
10 secretary, of a motor vehicle whose insignia, color or
11 equipment, or any combination of them, is such that the motor
12 vehicle appears to be a New Mexico state police motor vehicle.

13 C. Whoever commits unauthorized wearing of uniform
14 or badge or unauthorized marking of motor vehicle is guilty of
15 a petty misdemeanor."

16 SECTION 15. Section 29-2-16 NMSA 1978 (being Laws 1941,
17 Chapter 147, Section 15, as amended) is amended to read:

18 "29-2-16. STATE POLICE SCHOOL--COMPENSATION.--

19 A. Before entering upon [~~his~~] the appointee's
20 duties, every appointee to the New Mexico state police shall be
21 required to attend [~~for a period of at least ninety days~~] a
22 school of instruction approved by the [~~New Mexico state police~~
23 ~~board~~] secretary. A uniform course of instruction shall be
24 given all trainees governing the operation, maintenance and
25 temporary roadside repair of motor vehicles, the laws of the

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1 state ~~[which]~~ that the appointee may be called on to enforce
2 and other instruction as the ~~[New Mexico state police board]~~
3 secretary may require. Attendance at the school or other
4 course of instruction as may be prescribed renders the person
5 attending subject to the control of the New Mexico state police
6 during attendance.

7 B. The ~~[board]~~ secretary may, within the budgetary
8 means of the New Mexico state police, allow subsistence and
9 compensation for trainees attending the school of instruction
10 at the New Mexico state police headquarters or elsewhere. ~~[The~~
11 ~~compensation allowed for each trainee, excluding room and board~~
12 ~~for a thirty-day period, shall be in the amount set by the~~
13 ~~legislature in the general appropriations act.]~~

14 C. This section shall not apply to members of the
15 former motor transportation division or the former special
16 investigations division."

17 SECTION 16. Section 29-2-18 NMSA 1978 (being Laws 1941,
18 Chapter 147, Section 17, as amended) is amended to read:

19 "29-2-18. STATE POLICE CHIEF AND OTHER MEMBERS--POWERS
20 AND DUTIES.--

21 A. The chief and other members of the New Mexico
22 state police, ~~[who]~~ when duly commissioned and sworn under the
23 provisions of Sections 29-2-1 through 29-2-29 NMSA 1978, shall
24 have the following powers and ~~[shall perform the following~~
25 ~~duties:~~

1 A. ~~they~~] shall be:

2 (1) conservators of the peace within the state
3 with full power to apprehend, arrest and bring before the
4 proper court all law violators within the state;

5 ~~[B. they shall be]~~

6 (2) ex-officio deputies and agents of all the
7 officers and departments of the taxation and revenue department
8 and of the officers and departments within the state charged
9 with the registration of motor vehicles, the issuance of
10 licenses to operators of motor vehicles and of the officers and
11 departments of the state charged with the regulation and
12 control of motor vehicles operated upon the public highways for
13 hire in the transportation of either passengers or property;

14 and

15 ~~[C. they shall be]~~

16 (3) charged with the enforcement of all laws
17 of New Mexico regulating the use of highways. [~~and~~

18 ~~D.~~ B. Upon request of any officer or agency of the
19 state charged with the duty of enforcing any law of the state
20 that is made to the [~~New Mexico state police board~~] secretary,
21 one or more members of the New Mexico state police may be
22 temporarily designated specifically to enforce the provisions
23 of such law."

24 SECTION 17. Section 29-2-19 NMSA 1978 (being Laws 1977,
25 Chapter 257, Section 34, as amended) is amended to read:

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1 "29-2-19. CHIEF--QUALIFICATIONS--REMOVAL.--

2 A. The chief is the executive officer of the New
3 Mexico state police and ~~[shall be]~~ is subject to the control,
4 supervision and direction of the ~~[New Mexico state police~~
5 ~~board. He shall]~~ secretary. The appointee, at the time of
6 ~~[his]~~ appointment as chief by the ~~[board]~~ secretary, shall have
7 been a member of the New Mexico state police holding a
8 permanent commission for ten continuous years immediately prior
9 to ~~[his]~~ the appointment and shall have served not less than
10 three years in a supervisory capacity ~~[and said]~~. Appointment
11 shall be made with the consent of the senate.

12 B. The chief shall serve at the pleasure of the
13 ~~[New Mexico state police board]~~ secretary.

14 C. The seniority and retirement rating of the chief
15 shall be continuous as for any other member.

16 D. The chief shall maintain ~~[his]~~ an office in
17 Santa Fe in such quarters as are provided by the New Mexico
18 state police for that purpose."

19 SECTION 18. Section 29-2-20 NMSA 1978 (being Laws 1941,
20 Chapter 147, Section 19, as amended) is amended to read:

21 "29-2-20. DISTRICTS.--The New Mexico state police chief,
22 subject to the control of the ~~[New Mexico state police board]~~
23 secretary, may divide the state into districts and may
24 designate home stations for the members of the New Mexico state
25 police."

1 SECTION 19. Section 29-2-22 NMSA 1978 (being Laws 1941,
2 Chapter 147, Section 21, as amended) is amended to read:

3 "29-2-22. RULEMAKING POWER--RULES TO ESTABLISH STANDARDS
4 OF CONDUCT.--The [~~New Mexico state police board shall have~~]
5 secretary has authority to make and promulgate rules and
6 regulations for the purpose of carrying out the provisions of
7 Sections 29-2-1 through 29-2-29 NMSA 1978. The [~~New Mexico~~
8 ~~state police board~~] secretary shall establish by rules, from
9 time to time, standards of conduct for members of the New
10 Mexico state police, and a copy [~~thereof~~] of the rules shall be
11 delivered to each [~~such~~] member and displayed at each station
12 of the department. [~~Such~~] The rules shall be filed pursuant to
13 the State Rules Act."

14 SECTION 20. Section 29-2-24 NMSA 1978 (being Laws 1941,
15 Chapter 147, Section 25, as amended) is amended to read:

16 "29-2-24. WAIVER.--The provisions of Sections 29-2-6
17 through 29-2-8 NMSA 1978 may be waived by the [~~unanimous vote~~
18 ~~of all members of the New Mexico state police board~~] secretary
19 with regard to plainclothes [~~men~~] or special investigators and
20 other employees not regularly uniformed."

21 SECTION 21. Section 29-2-25 NMSA 1978 (being Laws 1947,
22 Chapter 38, Section 1, as amended) is amended to read:

23 "29-2-25. ACCIDENT REPORTS.--When any member of the New
24 Mexico state police [~~shall investigate~~] investigates a motor
25 vehicle accident, [~~he~~] the member shall make a written report

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1 of [~~his~~] the findings on appropriate forms furnished by the New
2 Mexico state police, the original of which report [~~and of all~~
3 ~~reports of motor vehicle accidents heretofore made~~] shall be
4 filed in the office of the New Mexico state police and shall be
5 furnished to any person upon written application accompanied by
6 a fee as set by the [~~New Mexico state police board~~] secretary
7 for the [~~photostat~~] photocopy of each surface of all documents
8 comprising a report."

9 SECTION 22. Section 29-7-3 NMSA 1978 (being Laws 1979,
10 Chapter 202, Section 42, as amended) is amended to read:

11 "29-7-3. NEW MEXICO LAW ENFORCEMENT ACADEMY BOARD.--

12 A. There is created the "New Mexico law enforcement
13 academy board".

14 B. The academy shall be controlled and supervised
15 by policy set by the board. The board shall be composed of the
16 attorney general, who shall serve automatically by reason of
17 [~~his~~] office and serve as [~~chairman~~] chair of the board, and
18 [~~six~~] eight members who are qualified electors to be appointed
19 by the governor and confirmed by the senate. An appointed
20 board member shall serve and have all of the duties,
21 responsibilities and authority of that office during the period
22 prior to the final action by the senate in confirming or
23 rejecting the appointment.

24 C. [~~On or before July 1, 1994, the governor shall~~
25 ~~increase the number of members on the board to eight by~~

1 ~~appointing two additional members. The seventh member of the~~
 2 ~~board shall be a citizen-at-large member whose term shall end~~
 3 ~~on July 1, 1996. The eighth member of the board shall be a~~
 4 ~~police officer who is a New Mexico certified police officer,~~
 5 ~~holding the rank of sergeant or below at the time of his~~
 6 ~~appointment, and whose term shall end on July 1, 1996 or sooner~~
 7 ~~if he retires or is deactivated from duty for longer than~~
 8 ~~thirty days.]~~ Appointments to the board shall be for terms of
 9 four years or less made in such manner that the terms of not
 10 more than two members expire on July 1 of each year. At all
 11 times, the board shall have represented on it, as members, one
 12 municipal police chief, one sheriff, one state police officer,
 13 one ~~[district]~~ attorney who is currently employed in a district
 14 attorney's office, one certified police chief of a New Mexico
 15 Indian tribe or pueblo, one certified New Mexico police officer
 16 holding the rank of sergeant or below and two citizen-at-large
 17 members, neither of whom shall be a police officer or retired
 18 police officer or have familial or financial connections to a
 19 police officer or any agency or department for which a police
 20 officer works. Vacancies shall be filled by the governor for
 21 the unexpired term.

22 D. Members of the board shall receive, for their
 23 service as members of the board, per diem and mileage as
 24 provided in the Per Diem and Mileage Act."

25 SECTION 23. Section 29-7-5.1 NMSA 1978 (being Laws 1979,

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1 Chapter 202, Section 45, as amended) is amended to read:

2 "29-7-5.1. REMOVAL OF DIRECTOR.--The director may be
3 removed by the board in accordance with the procedures provided
4 in Section 29-2-11 NMSA 1978 for removal of members of the New
5 Mexico state police holding permanent commissions. In the case
6 of removal proceedings for the director under that section,
7 ~~[the words "New Mexico state police board" or "board"]~~
8 "commission", as used in Subsections C and D of Section 29-2-11
9 NMSA 1978, shall be construed to mean the New Mexico law
10 enforcement academy board."

11 SECTION 24. Section 29-7-6.1 NMSA 1978 (being Laws 1993,
12 Chapter 255, Section 7) is amended to read:

13 "29-7-6.1. COUNTY SHERIFFS--TRAINING REQUIREMENT.--

14 A. Every county sheriff, except sheriffs who have
15 previously been awarded a certificate attesting to completion
16 of a basic law enforcement training program, shall participate
17 in and complete an administrative law enforcement training
18 program no later than twelve months after the date ~~[he]~~ the
19 sheriff assumes office as a county sheriff.

20 B. The director ~~[of the training and recruiting~~
21 ~~division of the department of public safety]~~ shall establish
22 the administrative law enforcement training program for county
23 sheriffs, subject to review and approval by the executive
24 committee of the sheriff's affiliate of the New Mexico
25 association of counties.

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1 C. A county sheriff's per diem, mileage and tuition
2 expenses attributed to attendance at the administrative law
3 enforcement training shall be paid for by the governing body of
4 the county served by that sheriff."

5 SECTION 25. Section 29-7-7 NMSA 1978 (being Laws 1981,
6 Chapter 114, Section 6, as amended) is amended to read:

7 "29-7-7. DEFINITIONS.--For the purpose of the Law
8 Enforcement Training Act:

9 A. "academy" means the New Mexico law enforcement
10 academy;

11 B. "basic law enforcement training" means a course
12 consisting of not less than four hundred hours of instruction
13 in basic law enforcement training as required by the Law
14 Enforcement Training Act;

15 C. "board" means the New Mexico law enforcement
16 academy board;

17 D. "conviction" means an adjudication of guilt or a
18 plea of no contest and includes convictions that are suspended
19 or deferred;

20 E. "director" means the director of the [~~academy~~]
21 division;

22 F. "division" means the New Mexico law enforcement
23 academy of the department of public safety;

24 [F.] G. "in-service law enforcement training" means
25 a course of instruction required of all certified peace

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1 officers and designed to train and equip all police officers in
2 the state with specific law enforcement skills and to ensure
3 the continuing development of all police officers in the state.
4 The training and instruction shall be kept current and may be
5 conducted on a regional basis at the discretion of the
6 director;

7 [~~G.~~] H. "police officer" means any commissioned
8 employee of a law enforcement agency that is part of or
9 administered by the state or any political subdivision of the
10 state, and includes any employee of a missile range civilian
11 police department who is a graduate of a recognized certified
12 regional law enforcement training facility and who is currently
13 certifiable by the [~~New Mexico law enforcement~~] academy, which
14 employee is responsible for the prevention and detection of
15 crime or the enforcement of the penal, or traffic or highway
16 laws of this state. The term specifically includes deputy
17 sheriffs. Sheriffs are eligible to attend the academy and are
18 eligible to receive certification as provided in the Law
19 Enforcement Training Act. As used in this subsection,
20 "commissioned" means an employee of a law enforcement agency
21 who is authorized by a sheriff or chief of police to apprehend,
22 arrest and bring before the court all violators within the
23 state; and

24 [~~H.~~] I. "certified regional law enforcement
25 training facility" means a law enforcement training facility

1 within the state certified by the director, with the approval
2 of the academy's board of directors, that offers basic law
3 enforcement training and in-service law enforcement training
4 that is comparable to or exceeds the standards of the
5 programs of the academy."

6 SECTION 26. Section 29-7-12 NMSA 1978 (being Laws 1981,
7 Chapter 114, Section 12, as amended) is amended to read:

8 "29-7-12. CHARGES--FUND CREATED--USE.--

9 A. The [~~training and recruiting~~] division [~~of the~~
10 ~~department of public safety~~] shall not charge local public
11 bodies [~~and~~] or New Mexico Indian tribes [~~and~~] or pueblos for
12 any expenses associated with providing basic law enforcement
13 training programs to applicants for certification seeking
14 commission pursuant to the provisions of the Law Enforcement
15 Training Act. The division may charge state agencies and
16 institutions and federal agencies and shall charge civilian
17 participants for the cost of providing basic law enforcement
18 training programs, which charges shall be specified in a
19 tuition and fee schedule promulgated by the [~~New Mexico law~~
20 ~~enforcement academy~~] board and shall not exceed the actual
21 cost of providing the training programs.

22 B. The [~~training and recruiting~~] division may
23 charge state agencies and institutions, local public bodies,
24 New Mexico Indian tribes and pueblos and federal agencies and
25 shall charge civilian participants for the cost of providing

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1 advanced training programs, which charges shall be specified
2 in a tuition and fee schedule promulgated by the [~~New Mexico~~
3 ~~law enforcement academy~~] board and shall not exceed the
4 actual cost of providing the training programs.

5 C. The [~~training and recruiting~~] division may
6 charge for the rental or other use of the academy's facility,
7 personnel and equipment, which charges shall be specified in
8 a tuition and fee schedule promulgated by the [~~New Mexico law~~
9 ~~enforcement academy~~] board and shall not exceed the actual
10 cost of the facility, personnel or equipment.

11 D. The "law enforcement training and recruiting
12 fund" is created in the state treasury. Money received by
13 the [~~training and recruiting~~] division for activities
14 specified in this section shall be deposited in the fund.
15 The department of public safety shall administer the fund,
16 and money in the fund is appropriated to the division to
17 offset the operational costs of the division. [~~Unexpended or~~
18 ~~unencumbered balances in the fund shall revert to the general~~
19 ~~fund at the end of a fiscal year.~~] Money in the fund shall be
20 nonreverting. Money shall be expended on warrants issued by
21 the secretary of finance and administration upon vouchers
22 signed by the secretary of public safety or [~~his~~] the
23 secretary of public safety's authorized representative.

24 E. As used in this section, "local public body"
25 means all political subdivisions of the state and their

1 agencies, instrumentalities and institutions."

2 SECTION 27. Section 60-3A-1 NMSA 1978 (being Laws 1981,
3 Chapter 39, Section 1, as amended) is amended to read:

4 "60-3A-1. SHORT TITLE.--Chapter 60, Articles 3A, [~~4B,~~
5 ~~4C~~] 5A, 6A, 6B, 6C, 6E, 7A, 7B and 8A [~~of Chapter 60~~] NMSA
6 1978 may be cited as the "Liquor Control Act"."

7 SECTION 28. Section 60-3A-3 NMSA 1978 (being Laws 1981,
8 Chapter 39, Section 3, as amended) is amended to read:

9 "60-3A-3. DEFINITIONS.--As used in the Liquor Control
10 Act:

11 A. "alcoholic beverages" means distilled or
12 rectified spirits, potable alcohol, brandy, whiskey, rum, gin
13 and aromatic bitters bearing the federal internal revenue
14 strip stamps or any similar alcoholic beverage, including
15 blended or fermented beverages, dilutions or mixtures of one
16 or more of the foregoing containing more than one-half
17 percent alcohol, but excluding medicinal bitters;

18 B. "beer" means an alcoholic beverage obtained by
19 the fermentation of any infusion or decoction of barley, malt
20 and hops or other cereals in water, and includes porter,
21 beer, ale and stout;

22 C. "brewer" means a person who owns or operates a
23 business for the manufacture of beer;

24 D. "club" means:

25 (1) any nonprofit group, including an

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1 auxiliary or subsidiary group, organized and operated under
2 the laws of this state, with a membership of not less than
3 fifty members who pay membership dues at the rate of not less
4 than five dollars (\$5.00) per year and who, under the
5 constitution and bylaws of the club, have all voting rights
6 and full membership privileges, and which group is the owner,
7 lessee or occupant of premises used exclusively for club
8 purposes and which group the director finds:

9 (a) is operated solely for recreation,
10 social, patriotic, political, benevolent or athletic
11 purposes; and

12 (b) has been granted an exemption by
13 the United States from the payment of the federal income tax
14 as a club under the provisions of Section 501(a) of the
15 Internal Revenue Code of 1986, as amended, or, if the
16 applicant has not operated as a club for a sufficient time to
17 be eligible for the income tax exemption, it must execute and
18 file with the director a sworn letter of intent declaring
19 that it will, in good faith, apply for an income tax
20 exemption as soon as it is eligible; or

21 (2) an airline passenger membership club
22 operated by an air common carrier that maintains or operates
23 a clubroom at an international airport terminal. As used in
24 this paragraph, "air common carrier" means a person engaged
25 in regularly scheduled air transportation between fixed

1 termini under a certificate of public convenience and
2 necessity issued by the federal aviation administration;

3 E. "commission" means the secretary of public
4 safety when the term is used in reference to the enforcement
5 and investigatory provisions of the Liquor Control Act and
6 means the superintendent of regulation and licensing when the
7 term is used in reference to the licensing provisions of the
8 Liquor Control Act;

9 F. "department" means the [~~special~~
10 ~~investigations~~] New Mexico state police division of the
11 department of public safety when the term is used in
12 reference to the enforcement and investigatory provisions of
13 the Liquor Control Act and means the director of the alcohol
14 and gaming division of the regulation and licensing
15 department when the term is used in reference to the
16 licensing provisions of the Liquor Control Act;

17 G. "director" means the [~~director~~] chief of the
18 [~~special investigations~~] New Mexico state police division of
19 the department of public safety when the term is used in
20 reference to the enforcement and investigatory provisions of
21 the Liquor Control Act and means the director of the alcohol
22 and gaming division of the regulation and licensing
23 department when the term is used in reference to the
24 licensing provisions of the Liquor Control Act;

25 H. "dispenser" means a person licensed under the

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1 provisions of the Liquor Control Act selling, offering for
2 sale or having in the person's possession with the intent to
3 sell alcoholic beverages both by the drink for consumption on
4 the licensed premises and in unbroken packages for
5 consumption and not for resale off the licensed premises;

6 I. "distiller" means a person engaged in
7 manufacturing spirituous liquors;

8 J. "golf course" means a tract of land and
9 facilities used for playing golf and other recreational
10 activities that includes tees, fairways, greens, hazards,
11 putting greens, driving ranges, recreational facilities,
12 patios, pro shops, cart paths and public and private roads
13 that are located within the tract of land;

14 K. "governing body" means the board of county
15 commissioners of a county or the city council or city
16 commissioners of a municipality;

17 L. "hotel" means an establishment or complex
18 having a resident of New Mexico as a proprietor or manager
19 and where, in consideration of payment, meals and lodging are
20 regularly furnished to the general public. The establishment
21 or complex must maintain for the use of its guests a minimum
22 of twenty-five sleeping rooms;

23 M. "licensed premises" means the contiguous areas
24 or areas connected by indoor passageways of a structure and
25 the outside dining, recreation and lounge areas of the

1 structure and the grounds and vineyards of a structure that
2 is a winery that are under the direct control of the licensee
3 and from which the licensee is authorized to sell, serve or
4 allow the consumption of alcoholic beverages under the
5 provisions of its license; provided that in the case of a
6 restaurant, "licensed premises" includes a restaurant that
7 has operated continuously in two separate structures since
8 July 1, 1987 and that is located in a local option district
9 that has voted to disapprove the transfer of liquor licenses
10 into that local option district, hotel, golf course or
11 racetrack and all public and private rooms, facilities and
12 areas in which alcoholic beverages are sold or served in the
13 customary operating procedures of the restaurant, hotel, golf
14 course or racetrack. "Licensed premises" also includes rural
15 dispenser licenses located in the unincorporated areas of a
16 county with a population of less than thirty thousand,
17 located in buildings in existence as of January 1, 2012, that
18 are within one hundred fifty feet of one another and that are
19 under the direct control of the license holder;

20 N. "local option district" means a county that
21 has voted to approve the sale, serving or public consumption
22 of alcoholic beverages, or an incorporated municipality that
23 falls within a county that has voted to approve the sale,
24 serving or public consumption of alcoholic beverages, or an
25 incorporated municipality of over five thousand population

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1 that has independently voted to approve the sale, serving or
2 public consumption of alcoholic beverages under the terms of
3 the Liquor Control Act or any former act;

4 O. "manufacturer" means a distiller, rectifier,
5 brewer or winer;

6 P. "minor" means a person under twenty-one years
7 of age;

8 Q. "package" means an immediate container of
9 alcoholic beverages that is filled or packed by a
10 manufacturer or wine bottler for sale by the manufacturer or
11 wine bottler to wholesalers;

12 R. "person" means an individual, corporation,
13 firm, partnership, copartnership, association or other legal
14 entity;

15 S. "rectifier" means a person who blends, mixes
16 or distills alcohol with other liquids or substances for the
17 purpose of making an alcoholic beverage for the purpose of
18 sale other than to the consumer by the drink, and includes
19 all bottlers of spirituous liquors;

20 T. "restaurant" means an establishment having a
21 New Mexico resident as a proprietor or manager that is held
22 out to the public as a place where meals are prepared and
23 served primarily for on-premises consumption to the general
24 public in consideration of payment and that has a dining
25 room, a kitchen and the employees necessary for preparing,

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1 cooking and serving meals; provided that "restaurant" does
2 not include establishments as defined in rules promulgated by
3 the director serving only hamburgers, sandwiches, salads and
4 other fast foods;

5 U. "retailer" means a person licensed under the
6 provisions of the Liquor Control Act selling, offering for
7 sale or having in the person's possession with the intent to
8 sell alcoholic beverages in unbroken packages for consumption
9 and not for resale off the licensed premises;

10 V. "spirituous liquors" means alcoholic beverages
11 as defined in Subsection A of this section except fermented
12 beverages such as wine, beer and ale;

13 W. "wholesaler" means a person whose place of
14 business is located in New Mexico and who sells, offers for
15 sale or possesses for the purpose of sale any alcoholic
16 beverages for resale by the purchaser;

17 X. "wine" includes the words "fruit juices" and
18 means alcoholic beverages obtained by the fermentation of the
19 natural sugar contained in fruit or other agricultural
20 products, with or without the addition of sugar or other
21 products, that do not contain less than one-half percent nor
22 more than twenty-one percent alcohol by volume;

23 Y. "wine bottler" means a New Mexico wholesaler
24 who is licensed to sell wine at wholesale for resale only and
25 who buys wine in bulk and bottles it for wholesale resale;

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1 Z. "winegrower" means a person who owns or
2 operates a business for the manufacture of wine;

3 AA. "winer" means a winegrower; and

4 BB. "winery" means a facility in which a
5 winegrower manufactures and stores wine."

6 SECTION 29. Section 60-4B-4.1 NMSA 1978 (being Laws
7 1993, Chapter 329, Section 1) is recompiled as Section
8 60-3A-6.1 NMSA 1978 and is amended to read:

9 "60-3A-6.1. LOCAL LAW ENFORCEMENT--DEPARTMENT OF PUBLIC
10 SAFETY--REPORTING REQUIREMENTS--AUTHORITY TO REQUEST
11 INVESTIGATIONS.--

12 A. Within thirty days following the date of
13 issuance of a citation pursuant to the provisions of the
14 Liquor Control Act, the department of public safety or the
15 law enforcement agency of a municipality or county shall
16 report alleged violations of that act to the alcohol and
17 gaming division of the regulation and licensing department.

18 B. The director of the alcohol and gaming
19 division of the regulation and licensing department may
20 request the investigators [~~of the special investigations~~
21 ~~division~~] of the department of public safety to investigate
22 licensees or activities that the director has reasonable
23 cause to believe are in violation of the Liquor Control Act."

24 SECTION 30. Section 60-4B-4 NMSA 1978 (being Laws 1981,
25 Chapter 39, Section 7) is recompiled as Section 60-3A-8.1

1 NMSA 1978 and is amended to read:

2 "60-3A-8.1. INVESTIGATIVE AUTHORITY AND POWERS.--

3 A. For the purpose of enforcing the provisions of
4 the Liquor Control Act, the director is authorized to examine
5 and to require the production of [~~any~~] pertinent records,
6 books, information or evidence, to require the presence of
7 any person and to require [~~him~~] the person to testify under
8 oath concerning the subject matter of the inquiry and to make
9 a permanent record of the proceedings.

10 B. The director is vested with the power to issue
11 subpoenas. In no case shall a subpoena be made returnable
12 less than five days from the date of service.

13 C. Any subpoena issued by the director shall
14 state with reasonable certainty the nature of the evidence
15 required to be produced, the time and place of the hearing,
16 the nature of the inquiry or investigation and the
17 consequences of failure to obey the subpoena, and shall bear
18 the seal of the department and be attested to by the
19 director.

20 D. After service of a subpoena upon [~~him~~] a
21 person, if [~~any~~] the person neglects or refuses to appear or
22 produce records or other evidence in response to the subpoena
23 or neglects or refuses to give testimony, as required, the
24 director may invoke the aid of the New Mexico district courts
25 in the enforcement of the subpoena. In appropriate cases,

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1 the court shall issue its order requiring the person to
2 appear and testify or produce [~~his~~] the person's books or
3 records and may, upon failure of the person to comply with
4 the order, punish the person for contempt.

5 E. The director may exchange identification
6 records and information with law enforcement agencies for
7 official use. [~~Any~~] Identification records received from the
8 United States department of justice, including identification
9 records based on fingerprints, shall be used only to
10 effectuate the licensing purposes and provisions of the
11 Liquor Control Act. The department shall not disseminate
12 such information except to other law enforcement agencies for
13 official use only.

14 F. For the purposes of this section, "director"
15 means the director of the alcohol and gaming division of the
16 regulation and licensing department."

17 SECTION 31. Section 65-1-2 NMSA 1978 (being Laws 1978,
18 Chapter 19, Section 1, as amended) is amended to read:

19 "65-1-2. DEFINITIONS.--As used in the Motor
20 Transportation Act:

21 A. "combination" means any connected assemblage
22 of a motor vehicle and one or more semitrailers, trailers or
23 semitrailers converted to trailers by means of a converter
24 gear;

25 B. "combination gross vehicle weight" means the

1 sum total of the gross vehicle weights of all units of a
2 combination;

3 C. "commercial motor carrier vehicle" means a
4 self-propelled or towed vehicle, other than special mobile
5 equipment, used on public highways in commerce to transport
6 passengers or property when the vehicle:

7 (1) is operated interstate and has a gross
8 vehicle weight rating or gross combination weight rating, or
9 gross vehicle weight or gross combination weight, of four
10 thousand five hundred thirty-six kilograms, or ten thousand
11 one pounds or more; or is operated only in intrastate
12 commerce and has a gross vehicle weight rating or gross
13 combination weight rating, or gross vehicle weight or gross
14 combination weight, of twenty-six thousand one or more
15 pounds;

16 (2) is designed or used to transport more
17 than eight passengers, including the driver, and is used to
18 transport passengers for compensation;

19 (3) is designed or used to transport more
20 than fifteen passengers, including the driver, and is not
21 used to transport passengers for compensation; or

22 (4) is used to transport hazardous materials
23 of the type or quantity requiring placarding under rules
24 prescribed by applicable federal or state law;

25 D. "converter gear" means any assemblage of one

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1 or more axles with a fifth wheel mounted thereon, designed
2 for use in a combination to support the front end of a
3 semitrailer but not permanently attached thereto. A
4 "converter gear" shall not be considered a vehicle as that
5 term is used in Chapter 66 NMSA 1978, but its weight
6 [~~attributable thereto~~] shall be included in declared gross
7 weight;

8 E. "declared gross weight" means maximum gross
9 vehicle weight or combination gross vehicle weight at which a
10 vehicle or combination will be operated during the
11 registration period as declared by the registrant for
12 registration and fee purposes. The vehicle or combination
13 shall have only one "declared gross weight" for all operating
14 considerations;

15 F. "department", without modification, means the
16 department of public safety, the secretary of public safety
17 or any employee of the department exercising authority
18 lawfully delegated to that employee by the secretary;

19 G. "director" means the secretary;

20 H. "division" means the [~~motor transportation~~]
21 New Mexico state police division of the department;

22 I. "evidence of registration" means documentation
23 issued by the taxation and revenue department identifying a
24 motor carrier vehicle as being registered with New Mexico or
25 documentation issued by another state pursuant to the terms

1 of a multistate agreement on registration of vehicles to
2 which this state is a party identifying a motor carrier
3 vehicle as being registered with that state; provided that
4 evidence of payment of the weight distance tax and permits
5 obtained under either the Special Fuels Supplier Tax Act or
6 Trip Tax Act are not "evidence of registration";

7 J. "field enforcement" or "in the field" means
8 patrolling of the highway, stopping of commercial motor
9 carrier vehicles or establishing ports of entry and
10 roadblocks for the purpose of checking motor carriers and
11 includes similar activities;

12 K. "freight trailer" means any trailer,
13 semitrailer or pole trailer drawn by a truck tractor or road
14 tractor and any trailer, semitrailer or pole trailer drawn by
15 a truck that has a gross vehicle weight of more than twenty-
16 six thousand pounds, but the term does not include house
17 trailers, trailers of less than one-ton carrying capacity
18 used to transport animals or fertilizer trailers of less than
19 three thousand five hundred pounds empty weight;

20 L. "gross vehicle weight" means the weight of a
21 vehicle without load plus the weight of any load thereon;

22 M. "motor carrier" means any person that owns,
23 controls, operates or manages any motor vehicle with gross
24 vehicle weight of twelve thousand pounds or more that is used
25 to transport persons or property on the public highways of

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1 this state;

2 N. "motor vehicle" means any vehicle or device
3 that is propelled by an internal combustion engine or
4 electric motor power that is used or may be used on the
5 public highways for the purpose of transporting persons or
6 property and includes any connected trailer or semitrailer;

7 O. "one-way rental fleet" means two or more
8 vehicles each having a gross vehicle weight of under twenty-
9 six thousand one pounds and rented to the public without a
10 driver;

11 P. "person" means any individual, estate, trust,
12 receiver, cooperative association, club, corporation,
13 company, firm, partnership, joint venture, syndicate or other
14 association; "person" also means, to the extent permitted by
15 law, any federal, state or other governmental unit or
16 subdivision or an agency, department or instrumentality
17 [~~thereof~~]; "person" also includes an officer or employee of a
18 corporation, a member or employee of a partnership or any
19 individual who, as such, is under a duty to perform any act
20 in respect of which a violation occurs;

21 Q. "properly registered" means bearing the
22 lawfully issued and currently valid evidence of registration
23 of this or another jurisdiction, regardless of the owner's
24 residence, except in those cases where the evidence has been
25 procured by misrepresentation or fraud;

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1 R. "public highway" means every way or place
2 generally open to the use of the public as a matter of right
3 for the purpose of vehicular travel, even though it may be
4 temporarily closed or restricted for the purpose of
5 construction, maintenance, repair or reconstruction;

6 S. "secretary" means the secretary of public
7 safety and, except for the purposes of Section 65-1-33 NMSA
8 1978, also includes [~~the~~] a deputy secretary and any division
9 director delegated by the secretary;

10 T. "state" or "jurisdiction" means a state,
11 territory or possession of the United States, the District of
12 Columbia, the commonwealth of Puerto Rico, a foreign country
13 or a state or province of a foreign country; and

14 U. "utility trailer" means any trailer,
15 semitrailer or pole trailer and includes house trailers that
16 exceed neither eight feet in width nor forty feet in length,
17 but does not include freight trailers, trailers of less than
18 one-ton carrying capacity used to transport animals or
19 fertilizer trailers of less than three thousand five hundred
20 pounds empty weight."

21 **SECTION 32.** Section 65-1-35 NMSA 1978 (being Laws 1967,
22 Chapter 97, Section 44, as amended) is amended to read:

23 "65-1-35. DUPLICATE RECORDS.--If the [~~motor~~
24 ~~transportation~~] New Mexico state police division in carrying
25 out any of the powers and duties granted or imposed on it by

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1 the Motor Transportation Act needs duplicates of any records
2 not transferred to it by [~~this~~] that act, all departments,
3 agencies and commissions of this state shall, upon request,
4 make the records available to the division for copying."

5 SECTION 33. Section 66-1-4.2 NMSA 1978 (being Laws
6 1990, Chapter 120, Section 3, as amended) is amended to read:

7 "66-1-4.2. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "bicycle" means every device propelled by
10 human power upon which any person may ride, having two tandem
11 wheels, except scooters and similar devices;

12 B. "bureau" means the traffic safety bureau of
13 the [~~state highway and~~] department of transportation
14 [~~department~~];

15 C. "bus" means every motor vehicle designed and
16 used for the transportation of persons and every motor
17 vehicle, other than a taxicab, designed and used for the
18 transportation of persons for compensation; and

19 D. "business district" means the territory
20 contiguous to and including a highway when within any three
21 hundred feet along the highway there are buildings in use for
22 business or industrial purposes, including but not limited to
23 hotels, banks or office buildings, railroad stations and
24 public buildings that occupy at least fifty percent of the
25 frontage on one side or fifty percent of the frontage

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1 collectively on both sides of the highway."

2 SECTION 34. Section 66-3-302 NMSA 1978 (being Laws
3 1978, Chapter 35, Section 78, as amended) is amended to read:

4 "66-3-302. CARAVAN FEE.--

5 A. A person or an employee, agent or
6 representative of that person shall not use the highways of
7 New Mexico for the transportation of any vehicle, regardless
8 of whether the vehicle is registered in another state or
9 whether the vehicle is transported on its own wheels or on
10 another vehicle or by being drawn or towed behind another, if
11 the vehicle is transported by any person or the agents or
12 employees of that person engaged in the business of
13 transporting vehicles or if the vehicle is being transported
14 for the purpose of delivery to any purchaser of the vehicle
15 on a sale or contract of sale previously made, unless the
16 vehicle carries:

- 17 (1) a valid New Mexico registration plate;
18 (2) a valid dealer's plate issued by the
19 department;
20 (3) a special permit for the use of the
21 highways of this state for the transportation of the vehicle
22 in the manner in which the vehicle is being transported,
23 which has first been obtained and the fee paid as specified
24 in this section; or
25 (4) a valid temporary transportation permit

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1 issued under Subsection B of Section 66-3-6 NMSA 1978.

2 B. Special permits for the use of the highways of
3 this state for the transportation of such vehicles shall be
4 issued by the department of public safety upon application on
5 the form prescribed by the department of public safety and
6 upon payment of a fee of ten dollars (\$10.00) for each
7 vehicle transported by use of its own power and a fee of
8 seven dollars (\$7.00) for each vehicle carried in or on
9 another vehicle or towed or drawn by another vehicle and not
10 transported in whole or in part by the use of its own power.
11 A fee imposed pursuant to this section may be referred to as
12 a "caravan fee". Every permit shall show upon its face the
13 registration number assigned to each vehicle, the name and
14 address of the owner, the manner of transportation authorized
15 and a description of the vehicle registered, including the
16 engine number. The permit shall be carried at all times by
17 the person in charge of the vehicle. A suitable tag or
18 placard for each vehicle may be issued by the department of
19 public safety and, if issued, shall be at all times displayed
20 on each vehicle being transported. The permit, tag or
21 placard shall not be used upon or in connection with the
22 transportation of any vehicle other than the one for which
23 the permit, tag or placard is issued.

24 C. A caravan fee shall not apply to the
25 transportation of vehicles carried on another vehicle for the

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1 operation of which a weight distance tax is paid, nor shall
 2 the vehicle transported be required to carry a registration
 3 plate or temporary transportation permits. The [~~motor~~
 4 ~~transportation and the~~] New Mexico state police [~~divisions~~
 5 division of the department of public safety [~~are~~] is
 6 authorized to impound any vehicle transported in violation of
 7 the Motor Transportation Act until a proper permit has been
 8 secured and any fine levied has been paid."

9 SECTION 35. Section 66-7-314 NMSA 1978 (being Laws
 10 1978, Chapter 35, Section 418, as amended) is amended to
 11 read:

12 "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT MAY BE
 13 REQUIRED.--When, in the judgment of the [~~motor~~
 14 ~~transportation~~] New Mexico state police division of the
 15 department of public safety or local authorities with respect
 16 to highways under their jurisdiction, the movement of any
 17 vehicle is deemed a hazard to traffic upon a highway over
 18 which the vehicle is to travel, the granting of permission
 19 for the movement of the vehicle may be conditioned upon a
 20 special escort accompanying the hazardous vehicle."

21 SECTION 36. Section 66-7-411 NMSA 1978 (being Laws
 22 1978, Chapter 35, Section 482, as amended) is amended to
 23 read:

24 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
 25 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

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1 A. A police officer with the [~~motor~~
2 ~~transportation division or the~~] New Mexico state police
3 division of the department of public safety, having reason to
4 believe that the weight of a vehicle and load is unlawful,
5 may require the driver to stop and submit to weighing of the
6 vehicle and load by means of either portable or stationary
7 scales and may require the vehicle to be driven to the
8 nearest scales approved by the department of public safety if
9 the scales are within five miles. A police officer shall not
10 require a driver to weigh a vehicle on a private scale.

11 B. When a police officer with the [~~motor~~
12 ~~transportation division or the~~] New Mexico state police
13 division of the department of public safety or a
14 transportation inspector, upon weighing a vehicle or
15 combination, determines that the gross vehicle weight or
16 combination gross vehicle weight exceeds the maximum
17 authorized by Sections 66-7-409 and 66-7-410 NMSA 1978, the
18 officer or inspector shall require the driver or owner of the
19 vehicle or combination to unload that portion of the load
20 necessary to decrease the gross vehicle weight or combination
21 gross vehicle weight to the authorized maximum.

22 C. A driver of a vehicle who fails or refuses to
23 stop and submit the vehicle and load to weighing or who fails
24 or refuses, when directed by a duly authorized police officer
25 with the [~~motor transportation division or the~~] New Mexico

1 state police division of the department of public safety or a
 2 transportation inspector, upon a weighing of the vehicle, to
 3 unload the vehicle and otherwise comply with the provisions
 4 of this section is guilty of a misdemeanor.

5 D. A shipper or a person loading the vehicle who
 6 intentionally overloads a vehicle that the shipper or person
 7 has reason to believe will travel in that condition upon a
 8 public highway is guilty of a misdemeanor and shall be fined
 9 in accordance with [~~Subsection E of this section~~] Section
 10 66-8-116.1 NMSA 1978.

11 E. In all cases of violations of weight
 12 limitations, the penalties shall be assessed and imposed in
 13 accordance with [~~the following schedule~~] Section 66-8-116.1
 14 NMSA 1978.

15 [~~WEIGHT OF EXCESS~~

16 [~~LOAD IN POUNDS~~ ————— ~~AMOUNT OF FINE~~

17 [~~1 to 3,000~~ ————— ~~fifty dollars (\$50.00)~~

18 [~~3,001 to 4,000~~ ————— ~~eighty dollars (\$80.00)~~

19 [~~4,001 to 5,000~~ ————— ~~one hundred dollars (\$100)~~

20 [~~5,001 to 6,000~~ ————— ~~one hundred fifty dollars (\$150)~~

21 [~~6,001 to 7,000~~ ————— ~~two hundred fifty dollars (\$250)~~

22 [~~7,001 to 8,000~~ ————— ~~three hundred fifty dollars (\$350)~~

23 [~~8,001 to 9,000~~ ————— ~~four hundred dollars (\$400)~~

24 [~~9,001 to 10,000~~ ————— ~~five hundred dollars (\$500)~~

25 [~~over 10,000~~ ————— ~~seven hundred dollars (\$700).]~~"

1 SECTION 37. Section 66-7-412 NMSA 1978 (being Laws
2 1959, Chapter 247, Section 1, as amended) is amended to read:

3 "66-7-412. SPECIAL FARM PERMITS.--The [~~motor~~
4 ~~transportation~~] New Mexico state police division of the
5 department of public safety shall have the authority to issue
6 special permits at all ports of entry where registration
7 stations or places where inspection and registration services
8 are maintained by the [~~motor transportation~~] New Mexico state
9 police division to all implements of husbandry using the
10 highways, including farm tractors, and to the
11 instrumentalities or vehicles that may be carrying the
12 implements of husbandry, including farm tractors, when the
13 securing of these permits is required by law."

14 SECTION 38. Section 66-7-413.2 NMSA 1978 (being Laws
15 1989, Chapter 291, Section 1, as amended) is amended to read:

16 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
17 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

18 A. All vehicles with a gross vehicle weight in
19 excess of one hundred seventy thousand pounds shall require a
20 special permit as provided for in Section 66-7-413 NMSA 1978,
21 and no such permit shall be issued unless:

22 (1) an engineering investigation and review
23 have been conducted to:

24 (a) establish whether the move could
25 be made without visible or documented damages to the portion

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1 of road or bridges upon which the move is to be made;

2 (b) establish whether the move could
3 be made without visible or documented damages to any private
4 facilities along the road upon which the move is to be made;
5 and

6 (c) estimate the cost for any
7 necessary modifications the move may cause; and

8 (2) when required, the applicant has
9 submitted to the [~~motor transportation~~] New Mexico state
10 police division of the department of public safety and the
11 local highway authorities all pertinent information requested
12 of the applicant by the [~~motor transportation~~] New Mexico
13 state police division [~~of the department of public safety~~].

14 If the submitted data [~~is~~] are not acceptable to the [~~state~~
15 ~~highway and~~] department of transportation [~~department~~], the
16 applicant will be advised by the [~~motor transportation~~] New
17 Mexico state police division [~~of the department of public~~
18 ~~safety~~] that engineering investigations will be conducted by
19 the [~~state highway and~~] department of transportation
20 [~~department~~], and the cost incurred by the [~~state highway~~
21 ~~and~~] department of transportation [~~department~~] will be paid
22 by the applicant as an added cost to [~~his~~] the permit fee.

23 B. The [~~motor transportation~~] New Mexico state
24 police division [~~of the department of public safety~~] shall
25 adopt the necessary rules and regulations for the development

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1 of data for an investigation to determine whether to issue
2 any special permit pursuant to Section 66-7-413 NMSA 1978.

3 C. The applicant or the applicant's employer
4 shall pay the costs for any modifications to the road,
5 bridges or private facilities along the road that the [~~motor~~
6 ~~transportation~~] New Mexico state police division [~~of the~~
7 ~~department of public safety~~] has determined are necessary for
8 the issuance of the special permit and the costs for any
9 damages to the road or bridges that are the result of the
10 move and the fault of the mover and not the [~~motor~~
11 ~~transportation~~] New Mexico state police division [~~of the~~
12 ~~department of public safety~~].

13 D. Any person who violates the provisions of
14 Subsection A of this section [~~shall be~~] is guilty of a
15 misdemeanor and shall be punished by a fine of not more than
16 one thousand dollars (\$1,000) or imprisonment for a definite
17 term not to exceed six months, or both.

18 E. Nothing contained in this section shall limit
19 in any manner the authority of the state, a county, a
20 municipality or a political subdivision [~~thereof~~] to collect
21 damages for any unlawful use of highways as provided by law."

22 SECTION 39. Section 66-7-413.4 NMSA 1978 (being Laws
23 2001, Chapter 20, Section 2, as amended) is amended to read:

24 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

25 A. In addition to the authority granted in

1 Section 66-7-413 NMSA 1978, the [~~motor transportation~~] New
2 Mexico state police division of the department of public
3 safety may issue special permits authorizing an increase of
4 up to twenty-five percent in axle weight for liquid hauling
5 tank vehicles whenever the liquid hauling tank vehicles would
6 have to haul less than a full tank under the maximum weights
7 authorized in [~~Section~~] Sections 66-7-409 and 66-7-410 NMSA
8 1978. A special permit under this section may be issued for
9 a single trip or for a year. The fee for the permits shall
10 be thirty-five dollars (\$35.00) for a single-trip permit and
11 one hundred twenty dollars (\$120) for an annual permit.
12 Revenue from the permit fee shall be used to build, maintain,
13 repair or reconstruct the highways and bridges of this state.
14 Revenue from the permit shall be collected for the department
15 of transportation and transferred to the state road fund.

16 B. The special permits authorized by this section
17 shall not be valid for transportation of excessive weights on
18 the interstate system as currently defined in federal law or
19 as that system may be defined in the future. A special
20 permit issued pursuant to this section shall not be valid for
21 gross vehicle weights in excess of eighty-six thousand four
22 hundred pounds or for a combination vehicle.

23 C. If the federal highway administration of the
24 United States department of transportation gives official
25 notice that money will be withheld or that this section

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1 violates the grandfather provision of 23 USCA 127, the
2 secretary may withdraw all special permits and discontinue
3 issuance of all special permits authorized in this section
4 until such time that final determination is made. If the
5 final determination allows the state to issue the special
6 permits without sanction of funds or weight tables, the
7 secretary shall reissue the special permits previously
8 withdrawn and make the special permits available pursuant to
9 this section."

10 SECTION 40. Section 66-7-415 NMSA 1978 (being Laws
11 1955, Chapter 37, Section 12, as amended) is amended to read:

12 "66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR
13 LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

14 A. Local authorities, with respect to streets
15 under their jurisdiction, may also, by ordinance or
16 resolution, prohibit the operation of trucks or other
17 commercial vehicles or may impose limitations as to [~~the~~
18 size or weight [~~thereof~~] on designated streets in areas that
19 are primarily residential, which prohibitions and limitations
20 shall be designated by appropriate signs placed on [~~such~~] the
21 street.

22 B. The local authority enacting an ordinance or
23 resolution shall erect or cause to be erected and maintained
24 signs designating the provisions of the ordinance or
25 resolution at each end of that portion of [~~any~~] the street

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1 affected, and the ordinance or resolution shall not be
 2 effective [~~unless and~~] until [~~such~~] signs are erected and
 3 maintained and notice [~~thereof~~] given in writing to the
 4 nearest officer or employee of the [~~motor transportation~~] New
 5 Mexico state police division of the department of public
 6 safety authorized to issue special permits.

7 C. The state transportation commission shall
 8 likewise have authority, as granted to local authorities in
 9 Subsections A and B of this section, to determine by
 10 resolution and to impose restrictions as to the size and
 11 weight of vehicles operated upon any highways under the
 12 jurisdiction of the commission, and such restrictions shall
 13 be effective [~~on and after~~] upon the passage of a resolution
 14 and when signs giving notice thereof are erected upon the
 15 highway or portion of any highway affected by [~~such~~] the
 16 resolution. The commission shall deliver a copy of all
 17 restrictions adopted by it to the [~~motor transportation~~] New
 18 Mexico state police division of the department of public
 19 safety."

20 SECTION 41. Section 66-7-505 NMSA 1978 (being Laws
 21 1978, Chapter 35, Section 492, as amended) is amended to
 22 read:

23 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
 24 TERMS.--

25 A. There is created a five-member advisory

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1 committee to the bureau. The chief is, ex officio, the chair
2 and a voting member of the committee. The governor shall
3 appoint three members, to terms coterminous with the
4 governor's tenure, who shall have the following
5 qualifications:

6 (1) one member who is representative of the
7 law enforcement agencies of this state;

8 (2) one member who is representative of the
9 school bus transportation function of the public education
10 department; and

11 (3) one member who is representative of the
12 ~~[motor transportation]~~ New Mexico state police division of
13 the department of public safety.

14 B. Appointees who are public officers or public
15 employees shall be compensated for attendance at meetings
16 according to the Per Diem and Mileage Act. Appointees who
17 are not public officers or employees shall be compensated for
18 attendance at meetings in commensurate amount."

19 SECTION 42. Section 10-11-2 NMSA 1978 (being Laws 1987,
20 Chapter 253, Section 2, as amended) is amended to read:

21 "10-11-2. DEFINITIONS.--As used in the Public Employees
22 Retirement Act:

23 A. "accumulated member contributions" means the
24 amounts deducted from the salary of a member and credited to
25 the member's individual account, together with interest, if

1 any, credited to that account;

2 B. "affiliated public employer" means the state
3 and any public employer affiliated with the association as
4 provided in the Public Employees Retirement Act, but does not
5 include an employer pursuant to the Magistrate Retirement
6 Act, the Judicial Retirement Act or the Educational
7 Retirement Act;

8 C. "association" means the public employees
9 retirement association established under the Public Employees
10 Retirement Act;

11 D. "disability retired member" means a retired
12 member who is receiving a pension pursuant to the disability
13 retirement provisions of the Public Employees Retirement Act;

14 E. "disability retirement pension" means the
15 pension paid pursuant to the disability retirement provisions
16 of the Public Employees Retirement Act;

17 F. "educational retirement system" means that
18 retirement system provided for in the Educational Retirement
19 Act;

20 G. "employee" means any employee of an affiliated
21 public employer;

22 H. "federal social security program" means that
23 program or those programs created and administered pursuant
24 to the act of congress approved August 14, 1935, Chapter 531,
25 49 Stat. 620, as that act may be amended;

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1 I. "final average salary" means the final average
2 salary calculated in accordance with the provisions of the
3 applicable coverage plan;

4 J. "form of payment" means the applicable form of
5 payment of a pension provided for in Section 10-11-117 NMSA
6 1978;

7 K. "former member" means a person who was
8 previously employed by an affiliated public employer, who has
9 terminated that employment and who has received a refund of
10 member contributions;

11 L. "fund" means the funds included under the
12 Public Employees Retirement Act;

13 M. "member" means a currently employed,
14 contributing employee of an affiliated public employer, or a
15 person who has been but is not currently employed by an
16 affiliated public employer, who has not retired and who has
17 not received a refund of member contributions; "member" also
18 includes the following:

19 (1) "adult correctional officer member"
20 means a member who is employed as an adult correctional
21 officer or an adult correctional officer specialist by a
22 state correctional facility of the corrections department or
23 its successor agency;

24 (2) "juvenile correctional officer member"
25 means a member who is employed as a juvenile correctional

1 officer by the children, youth and families department or its
2 successor agency;

3 (3) "municipal detention officer member"
4 means a member who is employed by an affiliated public
5 employer other than the state and who has inmate custodial
6 responsibilities at a facility used for the confinement of
7 persons charged with or convicted of a violation of a law or
8 ordinance;

9 (4) "municipal fire member" means any member
10 who is employed as a full-time nonvolunteer firefighter by an
11 affiliated public employer and who has taken the oath
12 prescribed for firefighters;

13 (5) "municipal police member" means any
14 member who is employed as a police officer by an affiliated
15 public employer, other than the state, and who has taken the
16 oath prescribed for police officers; and

17 (6) "state police member" means ~~any~~ a
18 member who is an officer of the New Mexico state police and
19 who has taken the oath prescribed for such officers, except
20 that a state police member shall not include a member who is
21 an officer of the New Mexico state police division and who
22 was certified and commissioned as of June 30, 2015 in the
23 former motor transportation division or the former special
24 investigations division of the department of public safety;

25 N. "membership" means membership in the

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1 association;

2 O. "pension" means a series of monthly payments
3 to a retired member or survivor beneficiary as provided in
4 the Public Employees Retirement Act;

5 P. "public employer" means the state, any
6 municipality, city, county, metropolitan arroyo flood control
7 authority, economic development district, regional housing
8 authority, soil and water conservation district, entity
9 created pursuant to a joint powers agreement, council of
10 government, conservancy district, irrigation district, water
11 and sanitation district, water district and metropolitan
12 water board, including the boards, departments, bureaus and
13 agencies of a public employer, so long as these entities fall
14 within the meaning of governmental plan as that term is used
15 in Section 414(d) of the Internal Revenue Code of 1986, as
16 amended;

17 Q. "refund beneficiary" means a person designated
18 by the member, in writing, in the form prescribed by the
19 association, as the person who would be refunded the member's
20 accumulated member contributions payable if the member dies
21 and no survivor pension is payable or who would receive the
22 difference between pension paid and accumulated member
23 contributions if the retired member dies before receiving in
24 pension payments the amount of the accumulated member
25 contributions;

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1 R. "retire" means to:

2 (1) terminate employment with all employers
3 covered by any state system or the educational retirement
4 system; and

5 (2) receive a pension from a state system or
6 the educational retirement system;

7 S. "retired member" means a person who has met
8 all requirements for retirement and who is receiving a
9 pension from the fund;

10 T. "retirement board" means the retirement board
11 provided for in the Public Employees Retirement Act;

12 U. "salary" means the base salary or wages paid a
13 member, including longevity pay, for personal services
14 rendered an affiliated public employer. "Salary" shall not
15 include overtime pay, allowances for housing, clothing,
16 equipment or travel, payments for unused sick leave, unless
17 the unused sick leave payment is made through continuation of
18 the member on the regular payroll for the period represented
19 by that payment, and any other form of remuneration not
20 specifically designated by law as included in salary for
21 Public Employees Retirement Act purposes. Salary in excess
22 of the limitations set forth in Section 401(a)(17) of the
23 Internal Revenue Code of 1986, as amended, shall be
24 disregarded. The limitation on compensation for eligible
25 employees shall not be less than the amount that was allowed

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1 to be taken into account under the state retirement system
2 acts in effect on July 1, 1993. For purposes of this
3 subsection, "eligible employee" means an individual who was a
4 member of a state system before the first plan year beginning
5 after December 31, 1995;

6 V. "state system" means the retirement programs
7 provided for in the Public Employees Retirement Act, the
8 Magistrate Retirement Act and the Judicial Retirement Act;

9 W. "state retirement system acts" means
10 collectively the Public Employees Retirement Act, the
11 Magistrate Retirement Act, the Judicial Retirement Act and
12 the Volunteer Firefighters Retirement Act; and

13 X. "survivor beneficiary" means a person who
14 receives a pension or who has been designated to be paid a
15 pension as a result of the death of a member or retired
16 member."

17 SECTION 43. TEMPORARY PROVISIONS--TRANSFER OF
18 PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On
19 July 1, 2015:

20 A. all personnel, appropriations, money, records,
21 equipment, supplies and other property of the special
22 investigations and motor transportation divisions of the
23 department of public safety shall be transferred to the New
24 Mexico state police division of the department of public
25 safety;

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1 B. all contracts pertaining to the special
2 investigations and motor transportation divisions of the
3 department of public safety shall be binding and effective on
4 the department of public safety; and

5 C. all references in law to the special
6 investigations or motor transportation division of the
7 department of public safety shall be deemed to refer to the
8 New Mexico state police division of the department of public
9 safety.

10 **SECTION 44. TEMPORARY PROVISIONS--TRANSFER OF**
11 **PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On**
12 **July 1, 2015:**

13 A. all personnel, appropriations, money, records,
14 equipment, supplies and other property of the training and
15 recruiting division of the department of public safety shall
16 be transferred to the New Mexico law enforcement academy of
17 the department of public safety;

18 B. all contracts pertaining to the training and
19 recruiting division of the department of public safety shall
20 be binding and effective on the New Mexico law enforcement
21 academy of the department of public safety; and

22 C. all references in law to the training and
23 recruiting division of the department of public safety shall
24 be deemed to refer to the New Mexico law enforcement academy
25 of the department of public safety.

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