

# NMAC

## Transmittal Form



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NEW MEXICO STATE  
LEGISLATIVE  
2023 MAR 21 AM 8:00

Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action: New  Amendment  Repeal  Emergency  Renumber  (ALD Use) Recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):   
Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes  No  Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes  No  Public domain

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

# Concise Explanatory Statement For Rulemaking Adoption:

## Findings required for rulemaking adoption:

### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

1. DPS deems it necessary to adopt Rule 10.2.4 in order to carry out the provisions of NMSA 9-19-14 which created the law enforcement retention fund ["LERF"] with respect to the administration of the fund. The proposed rule, as amended, which is the final adopted rule, sets forth procedures : 1) for law enforcement agencies to follow in reporting (or requesting a waiver of the requirement to report) law enforcement officer retention information to DPS in order to obtain monies from the Law Enforcement Retention Fund ["LERF"] for the purpose of providing retention differential disbursements to eligible officers; 2) that DPS will follow in calculating, disbursing and, in the event of a shortfall in monies in the LERF, reducing the amount of money disbursed to law enforcement agencies for retention differential disbursements for eligible law enforcement officers; and 3) for law enforcement agencies to follow in returning unused monies to the DPS or in appealing DPS's calculation of the retention differential disbursement DPS intends to distribute to the requesting law enforcement agencies.
2. The effective date of the new rule is April 25, 2023.
3. The reason for changes between the published proposed rule and the final rule, which are stylistic, are to make the language more clear and to update the format of the state e-mail address.
4. There were no substantive changes to the rule proposed through public argument. The procedural arguments to the rulemaking process were deemed irrelevant or not substantive.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Jason R. Bowie

Check if authority has been delegated

Title:

DPS Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:



3-27-23