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SENATE BILL 68

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO CORRECTIONS; CHANGING THE COMPOSITION OF THE  
CORRECTIONS COMMISSION; LIMITING THE ADVISORY AUTHORITY OF THE  
CORRECTIONS COMMISSION TO THE CORRECTIONS INDUSTRIES DIVISION;  
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of the Corrections Industries  
Act is enacted to read:

"[NEW MATERIAL] CORRECTIONS COMMISSION.--The "corrections  
commission" is created. The commission consists of seven  
members appointed by the governor with the advice and consent  
of the senate for staggered terms of four years or less in a  
manner that the terms of one or two members expire as the case  
may be on June 30 each year. Four members of the commission  
constitute a quorum for the transaction of business. Not more

underscored material = new  
[bracketed material] = delete

1 than four members shall be of the same political party. Any  
2 member who fails to attend three consecutive meetings of the  
3 commission without being excused by the commission shall be  
4 automatically removed. Vacancies shall be filled by  
5 appointment by the governor for the remainder of the unexpired  
6 term. Members of the commission shall be reimbursed as  
7 provided in the Per Diem and Mileage Act and shall receive no  
8 other compensation, perquisite or allowance."

9 Section 2. Section 33-8-6 NMSA 1978 (being Laws 1981,  
10 Chapter 127, Section 6, as amended) is amended to read:

11 "33-8-6. COMMISSION--POWERS AND DUTIES.--The commission  
12 [~~shall have~~] has the following powers and duties to:

13 A. [~~to~~] determine those enterprises to be conducted  
14 in facilities in such volume, kind and place as to eliminate  
15 unnecessary inmate idleness at all facilities and to provide  
16 diversified work activities [~~which~~] that will serve as a means  
17 of enhancing vocational skills;

18 B. [~~to~~] determine whether any enterprise should be  
19 established, expanded, diminished or discontinued;

20 C. [~~to~~] establish policy with respect to the  
21 conduct of all enterprises;

22 D. [~~to~~] approve the prices at which all services  
23 and products provided, manufactured, produced or harvested by  
24 enterprises shall be furnished; provided that the prices shall  
25 be as near the prevailing market price as possible. As used in

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1 this subsection, "prevailing market price" means the prevailing  
2 price ~~[which]~~ that an equivalent product or service would have  
3 if purchased by a state agency or local public body from  
4 community sources. The commission shall include data provided  
5 by the purchasing division of the general services department  
6 in the price determination process. Compensation paid to  
7 inmates shall be included as an item of the cost in fixing  
8 prices;

9 E. ~~[to]~~ consult regularly and continuously with  
10 state agencies and local public bodies in order to develop new  
11 enterprise products, adapt existing enterprise products and  
12 establish new service functions to meet their needs;

13 F. ~~[to]~~ act as liaison with private industry,  
14 organized labor, the legislature and the general public;

15 G. ~~[to]~~ obtain and provide technical assistance for  
16 enterprise programs;

17 H. ~~[to]~~ hold meetings at such times and for such  
18 periods as it deems essential, but not less than quarterly;

19 I. ~~[to]~~ recommend to the department the adoption of  
20 rules ~~[and regulations]~~ necessary to carry out the provisions  
21 of the Corrections Industries Act;

22 J. notwithstanding any other provision of law, ~~[to]~~  
23 adopt policies and procedures ~~[which would]~~ that permit an  
24 enterprise to make a single purchase of raw materials involving  
25 the expenditure of twelve thousand dollars (\$12,000) or less

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1 without bids and at the best obtainable price whether or not  
2 the provider is the holder of a preexisting state contract for  
3 the particular product. Records of such purchases shall be  
4 maintained for auditor's inspection and reported at the next  
5 scheduled commission meeting. Separate purchases of the same  
6 or similar materials from the same or different suppliers at  
7 the same time or about the same time where each purchase does  
8 not exceed twelve thousand dollars (\$12,000), but the aggregate  
9 of such purchases exceeds twelve thousand dollars (\$12,000),  
10 shall be considered a single purchase involving more than  
11 twelve thousand dollars (\$12,000);

12 K. notwithstanding any other provision of law, ~~[to]~~  
13 adopt policies and procedures ~~[which would]~~ that permit an  
14 enterprise to make a single purchase of a product or service  
15 other than raw materials involving the expenditure of two  
16 thousand dollars (\$2,000) or less without bids and at the best  
17 obtainable price whether or not the provider is the holder of a  
18 preexisting state contract for the particular product or  
19 service. Records of such purchases shall be maintained for  
20 auditor's inspection and reported at the next scheduled  
21 commission meeting. Separate purchases of the same or similar  
22 materials or services from the same or different suppliers at  
23 the same time or about the same time where each purchase does  
24 not exceed two thousand dollars (\$2,000), but the aggregate of  
25 such purchases exceeds two thousand dollars (\$2,000), shall be

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1 considered a single purchase involving more than two thousand  
2 dollars (\$2,000);

3 L. ~~[tø]~~ review, approve, adopt and monitor an  
4 annual budget for all enterprises. The budget process shall  
5 include a projected profit analysis, sales forecast and  
6 anticipated year-end financial forecast;

7 M. ~~[tø]~~ submit and recommend the names of one or  
8 more qualified individuals to the secretary of corrections for  
9 appointment as director of the corrections industries division;

10 N. advise the director of the corrections  
11 industries division in the management and control of the  
12 corrections industries division;

13 ~~[N.—tø]~~ O. assist in the process of inmate  
14 occupational placement upon release from confinement by  
15 coordination with the parole board and the field services  
16 division; and

17 ~~[ø.—tø]~~ P. prepare an annual report to the  
18 governor and the legislature ~~[which shall contain]~~ that  
19 contains:

20 (1) a detailed financial statement for each  
21 enterprise in each facility;

22 (2) a detailed financial statement of the  
23 fund;

24 (3) reasons for establishing or terminating  
25 enterprises;

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- 1 (4) a summary of plans to develop additional
- 2 enterprises;
- 3 (5) the number of inmates employed in each
- 4 enterprise;
- 5 (6) the number of idle inmates available for
- 6 work at each facility; and
- 7 (7) any further information requested by the
- 8 governor or the legislature."

9 Section 3. TEMPORARY PROVISION--CONTINUATION OF  
10 APPOINTMENT TERMS.--Commission members serving on the effective  
11 date of this act may continue to serve until their terms  
12 expire.

13 Section 4. REPEAL.--Section 33-1-4 NMSA 1978 (being Laws  
14 1969, Chapter 226, Section 4, as amended) is repealed.

15 Section 5. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2005.