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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/08

SPONSOR Maestas LAST UPDATED _____ HB 223

SHORT TITLE Continue Task Force on Employment Barriers SB _____

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$170.0	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HJM 13 “Criminal Offender Employment Act Cooperation”

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

State Personnel Office (SPO)

Workforce Solutions Department (WSD)

SUMMARY

Synopsis of Bill

House Bill 223 appropriates one hundred seventy thousand (\$170,000) from the general fund to the Workforce Solutions Department for expenditure in FY09 to continue the work of the task force created in the 2007 legislative session by House Memorial 41 and Senate Joint Memorial 4 to review barriers to public employment for persons with criminal convictions and to:

1. review current clearance regulations of all state agencies and local public bodies and make recommendations;
2. develop and administer, in coordination with the New Mexico municipal league and the New Mexico association of counties, a survey to obtain information from local public bodies, community colleges and state-funded universities on how their hiring practices may impact persons with criminal convictions;
3. review admission and other requirements of local community colleges and state-funded universities to ensure that persons with criminal convictions are not prohibited from attending, taking classes, and selecting career paths;
4. investigate and develop a proposal for a New Mexico civic justice conservation corps and community custody program that would provide full-time paid opportunities for people transitioning out of prison;

5. Study the effectiveness of establishing an independent office of advocacy, with a commission to oversee the office, administratively attached to the Workforce Solutions Department;
6. Host a public sector job fair in collaboration with the State Personnel Office, the Corrections Department, the city of Albuquerque, and Bernalillo County to assist persons with criminal convictions in obtaining employment and pursuing career paths.

FISCAL IMPLICATIONS

The appropriation of one hundred seventy thousand (\$170,000) contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2009 shall revert to the general fund.

This bill appropriates \$170,000 to the Department of Workforce Solutions; however, the bill does not mention if the funds would be available to task force participants from other agencies for staff time and travel expenses.

The department of workforce solutions has estimated the use of the funds as follows:

1. Review current “clearance regulations” for ALL state agencies. Either a staff member would conduct this review or a consultant hired to conduct the review.

Estimated Cost: 480 hours
\$30.00/hour
PS/PB \$19,420
2. Develop a survey from local public bodies, community colleges and state-funded universities on hiring practices. It is recommended that a company that specializes in this type of survey be contracted with to conduct the survey.

Estimated Cost: **\$35,000**
3. Review admission requirements. This could be conducted by in-house staff.

Estimated Cost: 160 hours
\$30.00/hour
PS/PB \$6,480
4. Develop a proposal that would provide that would provide full-time opportunities for people transitioning out of prison. It would be recommended that a company be solicited that has developed this type of proposal in other states.

Estimated Cost: **\$49,000**
5. Study the effectiveness of establishing an independent office of advocacy. A staff member could research this issue – determine what other states have implemented.

Estimated Cost: 160 hours
\$30.00/hour
PS/PB \$6,480

6. Host a public sector job fair.

Estimated Cost: **\$10,000**

7. Clerical Support

Estimated Cost: 400 hours
\$20.00/hour
PS/PB **\$10,800**

8. Indirect Costs

Approved Indirect Cost Rate 24.59% applied to direct PS/PB
\$10,618

Total “estimated” costs above	\$136,998
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Balance to be used to support the Task Force/Commission	\$22,202
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Total	\$170,000
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SIGNIFICANT ISSUES

According to the United States Department of Justice, about one in every 37 U.S. adults will serve time in a state or federal prison. In 2006, almost 4,000 New Mexicans were incarcerated. Nationally, about 65% of individuals who are released from prison are rearrested within three years. The cost to society for re-confinement is significant.

Research has shown that obtaining gainful employment for an individual who has been released from prison is a key factor in reducing recidivism and ensuring the safety and security of the citizens of New Mexico.

Finding employment is quite difficult for individuals with criminal convictions.

Rehabilitated criminals are provided a broad range of protection in state employment and licensing by the Criminal Offender Employment Act, §28-2-1 N.M.S.A. et. seq. Courts might use the existing laws to provide greater protection.

New Mexico’s public postsecondary institutions do not discriminate against persons with criminal convictions from attending, taking classes, and selecting career paths. However, due to the shooting rampage at Virginia Tech last spring, colleges are increasingly concerned about particular applicants who have had troubled pasts, including criminal convictions. This proposal would allow the Task Force on Employment Barriers to participate in a review process to ensure that heightened concern over college campus shootings was not being used as a barrier to keep certain students from attending New Mexico colleges.

PERFORMANCE IMPLICATIONS

The full appropriation is granted to the Department of Workforce solutions. The State Personnel Office and other public employers identified in this bill may not have extra funding or staff resources to effectively carry out the critical initiatives outlined in this bill.

ADMINISTRATIVE IMPLICATIONS

This bill appropriates \$170,000 to the Department of Workforce Solutions; however, the bill does not mention if the funds would be available to task force participants from other agencies for staff time and travel expenses.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to: HJM 13 “Criminal Offender Employment Act Cooperation”

OTHER SUBSTANTIVE ISSUES

During the 2007 legislative session, House Memorial 41 was passed. House Memorial 41 directed the Secretary of the New Mexico department of workforce solutions to convene a task force to examine the barriers that individuals with criminal convictions face upon seeking employment in the public sector.

The membership of this task force included the following: the New Mexico Federation of Labor, the New Mexico District Attorney’s Association, PB&J Family Services, New Mexico Department of workforce solutions, the Mid Region Council of Governments, the state personnel office, the New Mexico regulation and licensing department, the Association of Commerce and Industry, the New Mexico Women’s Justice Project, the New Mexico children, youth and families Department, and the New Mexico corrections department.

Members of the task force engaged in the following activities: developed and distributed an on-line survey tool focusing on hiring policies and practices to each cabinet secretary or agency head who serves on the Governor’s cabinet, the executive directors of state boards and commissions that have the ability to hire staff, the New Mexico State Legislature, the office of the New Mexico District Attorneys, and the New Mexico courts. Additionally, members of the task force visited Project SOAR (Success for Offenders After Release) at the New Mexico State Penitentiary in Santa Fe; visited Crossroads (a program that provides a wide array of transitional services to individuals recently released from prison or jail) in Albuquerque, heard a presentation of research on background checks conducted by state agencies in other states; hosted a public forum at a community center in Albuquerque and conducted in-person interviews with individuals with criminal convictions. The task force further reviewed current literature, research and reports from national organizations and others states on barriers individuals with criminal convictions face and what steps can be taken to address these barriers.

In November 2007, members of the task force reported their findings and recommendations to the members of the Courts, Corrections & Justice Committee.

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