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HOUSE BILL 170

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

GERALD E. WEEKS

AN ACT

RELATING TO CORRECTIONS; CREATING AN INMATE FORESTRY WORK CAMP PROGRAM FOR MINIMUM SECURITY INMATES; PROVIDING POWERS AND DUTIES; CREATING A FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Inmate Forestry Work Camp Act".

Section 2. DEFINITIONS.--As used in the Inmate Forestry Work Camp Act:

- A. "department" means the corrections department;
- B. "forestry division" means the forestry division of the energy, minerals and natural resources department;
- C. "program" means the inmate forestry work camp program; and
- D. "work camp" means a minimum security facility

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1 operated by the department that houses inmates training or
2 working in the program.

3 Section 3. INMATE FORESTRY WORK CAMP PROGRAM - PURPOSE -
4 LIMITATION. - -

5 A. The department and the forestry division shall
6 jointly establish the "inmate forestry work camp program" to
7 provide inmate labor for natural resource work planned by the
8 forestry division. The purpose of the program is to use
9 minimum security male and female inmates to work on natural
10 resource projects on public lands, fire suppression and
11 emergency response activities as directed in an emergency
12 declaration issued by the governor.

13 B. The program is not an inmate-release program
14 pursuant to the provisions of Sections 33-2-43 through 33-2-47
15 NMSA 1978.

16 Section 4. INMATE ELIGIBILITY. - -The department shall
17 screen and classify applicants for the program. To be
18 eligible, an applicant must meet all of the standards provided
19 in Section 33-2-44 NMSA 1978 and not be serving a sentence for
20 first or second degree murder.

21 Section 5. WORK CAMPS. - -The department may establish
22 work camps as needed for the custody of inmates participating
23 in the program.

24 Section 6. INMATES NOT EMPLOYEES. - -An inmate
25 participating in the program shall not be considered an

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1 employee of the state or of any other person deriving benefits
2 from inmate services pursuant to the program. An inmate
3 participating in the program shall not be covered by the
4 provisions of the Workers' Compensation Act or be entitled to
5 benefits pursuant to that act, whether on behalf of himself or
6 another person. Inmates participating in the program may be
7 compensated as provided in Section 33-2-26 NMSA 1978.

8 Section 7. FORESTRY DIVISION--INTERAGENCY COOPERATION--
9 PROGRAM PARTICIPATION.--The forestry division shall cooperate
10 with the department in the development and implementation of
11 the program and shall:

12 A. plan and develop natural resource projects and
13 provide technical direction and supervision for activities
14 carried out by inmates participating in the program;

15 B. provide instruction in forestry and natural
16 resource issues to inmates participating in the program; and

17 C. provide direction and instruction in the use of
18 tools and equipment and conduct safety training for inmates
19 participating in the program.

20 Section 8. INMATE FORESTRY WORK CAMP FUND.--The "inmate
21 forestry work camp fund" is created in the state treasury. All
22 money received by the department or the forestry division from
23 public land management agencies for work performed by inmates
24 in the program shall be deposited in the fund. Money in the
25 fund shall not revert at the end of a fiscal year. Money in

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1 the fund is appropriated to the forestry division to administer
2 the program, including acquisition of tools and equipment and
3 expenses incurred by the forestry division or the department in
4 planning and supervising program projects. Disbursements from
5 the fund shall be made upon warrants drawn by the secretary of
6 finance and administration pursuant to vouchers signed by the
7 director of the forestry division or his authorized
8 representative.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 2, 1998
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8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 170
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 3, line 23, strike "land management".,
17

18 and thence referred to the APPROPRIATIONS AND FINANCE
19 COMMITTEE.
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HJC/ HB 170

Page 6

4 Respectfully submitted,

8 _____
9 Thomas P. Foy, Chairman

11 Adopted _____

12 (Chief Clerk)

11 Not Adopted _____

12 (Chief Clerk)

14 Date _____

15
16 The roll call vote was 9 For 0 Against

17 Yes: 9

18 Excused: King, Larranaga, Pederson, Vaughn

19 Absent: None

20
21
22 G:\BILLTEXT\BILLW_98\H0170

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 10, 1998

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6
7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 170, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

- 15
16 1. Strike House Judiciary Committee Amendment 1.
17
18 2. On pages 3 and 4, strike Section 8 in its entirety.

19 Respectfully submitted,

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23 _____
24 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 8

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 13 For 0 Against

10 Yes: 13

11 Excused: Buffett, Saavedra, Salazar, Varela, Vigil

12 Absent: None

13
14
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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

HB 170/a

February 16, 1998

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 170, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike House Appropriations and Finance Committee
Amendment 2.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Davis, Kysar, Macias, Payne

Absent: None

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