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**FISCAL IMPACT REPORT**

SPONSOR:	SJC	DATE TYPED:	02/15/00	HB	
SHORT TITLE:	Interim Corrections Oversight Committee			SB	437+ 438/SJCS/aSF1
				ANALYST:	Trujillo

**APPROPRIATION**

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
\$ 1,518.5				Recurring	GF
\$ 100.0				Recurring	OSF

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to the General Appropriations Act vetoed by the governor and HB506/HJCS

**SOURCES OF INFORMATION**

LFC files

**SUMMARY**Synopsis of Senate Floor Amendment #1

Senate Floor Amendment #1 to SJCS for SB437 and SB438 makes the following changes:

- Strikes the language in the title regarding providing funds for the renovation of PNM South as a close-custody facility, and all specific references to such renovation.
- Provides \$90.7 in general fund for salaries and benefits for two full time employees to serve as compliance auditors who audit private contracts.
- Provides \$170.3 in general fund for salaries and benefits for three employees to support the criminal management system.
- Provides \$654.7 in general fund for a salary upgrade for correctional officers.
- Increases the corrections oversight committee from 6 to 8 members, with four members from the House and Senate. The amendment requires equal representation from the two major political parties. The committee may only use its subpoena power with the approval of a majority of its members.
- Appropriates \$100.0 from the cash balances of the Legislative Council Service for the operations and staffing of the corrections oversight committee of the legislative council.

The amendment includes an emergency clause.

Under the amendment, the total general fund appropriation in the bill is \$1,518.5 to the Corrections Department for expenditure in fiscal year 2000 and 2001.

Synopsis of SJCS

SB437+438/SJCS appropriates the following amounts from the general fund to the Corrections Department for expenditure in FY 2000 and FY 2001 for the following purposes;

1. \$50,000 to perform an inmate classification study and to implement changes to the inmate classification system;
2. \$66,600 to pay salaries and benefits for two additional full-time employees for the bureau of classification at the central New Mexico correctional facility;
3. \$486,200 to pay salaries and benefits four fourteen additional full-time employees to serve as security threat group officers;
4. \$200,000 to provide salaries and benefits and pay travel expenses for three additional full-time employees to serve as compliance auditors who audit private contracts entered into by the state for correctional services;
5. \$170,000 to provide salaries and benefits for three (3) additional full time employees to support the Criminal Management Information System;
6. \$100,000 to create an Inmate Gang Management Module in the Criminal Management Information System;
7. \$1,500,000 to provide salary upgrade for correctional officers;
8. 500,000 to match federal funds for the purpose of renovating the penitentiary of New Mexico south identically or substantially similar to its current design and security features for use as a close-custody facility that employs cognitive restructuring programming and progressive reintegration programming for the purpose of returning inmates housed at the penitentiary of New Mexico south to general populations at less restrictive facilities;

9. Creates a corrections oversight committee composed of six members; three members from the house of representatives appointed by the speaker of the house and three members of the senate appointed be appointed by the senate's committees' committee or, if the senate appointments are made in the interim, by the president pro tempore of the senate after consultation with and agreement of a majority of the members of the senate committees' committee;

10. Provides subpoena power to the interim committee and the power to conduct hearings and administer oaths;

11. Directs the oversight committee to develop a work plan;

12. \$100.0 from the general fund to the legislative council for expenditure in fiscal years 2000 and 2001 for the operation of and staffing of the corrections oversight committee; and

13. Any unexpended or unencumbered balance remaining at the end of fiscal year 2001 shall revert to the general fund.

## **FISCAL IMPLICATIONS**

SB437+438/SJCS appropriates \$3,072,800 to CD to implement the changes necessary to operate a safe and secure prison system as well as to implement the recommendations made by the Independent Board of Inquiry.

The bill also appropriates \$100,000 to the legislative council for expenditure in fiscal years 2000 and 2001 for the operation of and staffing of the corrections oversight committee.

LFC staff reports the funding in HB2 which was vetoed by the governor included \$6,582.3 for the purpose of operating the penitentiary of New Mexico -south for use as a close--custody facility that employs cognitive restructuring programming and progressive reintegration programming for the purpose of returning inmates housed at the penitentiary of New Mexico-south to general population at less restrictive facilities to address areas of concern raised by the panel of correction experts in the January 14, 200 report provided to the New Mexico legislature, secretary of corrections and attorney general.

In addition to the \$6,852.3 to open the penitentiary of New Mexico--south, \$1,518.5 was included to address concern raised by the panel of corrections in the January 14, 2000 report and \$500.0 was re-authorized from Laws 1999 for expenditure in fiscal year 2000 and 2001 to match federal funds for the purpose of renovating the penitentiary of New Mexico-south for use as a close custody facility, upgrade security at southern New Mexico correctional facility and upgrades at central New Mexico correctional facility.

Finally, the general appropriations act vetoed by the governor included an additional \$2,000.0 million from the general fund operating reserve to address agency shortfalls and unanticipated expenditures in fiscal year 2000 and expenditures for the purpose of renovating the penitentiary of New Mexico-south.

### **CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

This bill is similar to the general appropriations act vetoed by the governor. Many of the items in this bill were included in HB 2 (some at lower funding levels) with the exception of the Inmate Gang Management Module and the contract for correctional experts to monitor implementation of the recommendations set for in "The Consultants' Report On Prison Operations In New Mexico Correctional Institutions." The following are the items that were included in HB 2 from this bill:

- \$6,852,000 for close custody unit
- \$170,300 for three FTE to support the Criminal Management Information System.
- \$654,700 CO compensation increase
- \$50,000 to perform an inmate classification study.
- \$66,000 new classification staff
- \$486,200 for 14 additional FTE to serve as contract compliance auditing staff.
- \$90,700 for two additional FTE to serve as contract compliance auditing staff.

### **OTHER SUBSTANTIVE ISSUES**

CD reports in other legislation they will be unable to implement the recommendations of the Independent Board of Inquiry and will be unable to make the changes necessary to operate its prison system according to sound correctional practices if funding is not provided.

LAT/gm/njw