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## FISCAL IMPACT REPORT

SPONSOR Papen DATE TYPED 2/3/05 HB \_\_\_\_\_

SHORT TITLE Change Corrections Commission Composition SB 68/aSJC

ANALYST Woods

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Section 33-8-6 NMSA 1978.

#### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Corrections Department

#### SUMMARY

##### Synopsis of SJC Amendment

Senate Judiciary Committee amendment clarifies the language in the title, as well as the body of the bill so as to accurately reflect the organizational structure of the Corrections Department as follows.

On page 1 lines 11 and 13:

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

On page 1 line 19:

"[NEW MATERIAL] CORRECTIONS INDUSTRIES COMMISSION.--The "corrections in-  
dustries

On page 2, between lines 8 and 9 a section on the procurement code is inserted that clarifies the following reference to corrections industries:

Section 13-1-98 NMSA 1978. Exemptions from the Procurement Code – The provisions of the Procurement Code shall not apply to:

I. procurement of tangible personal property or services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978, by the corrections industries division of the corrections department pursuant to regulations adopted by the corrections industries commission, which shall be reviewed by the purchasing division of the general services department prior to adoption;

In Section 33-1-2 NMSA 1978. Definitions – As used in the Corrections Act, clarification of the Parole Board Act is addressed:

C. (2) The existing language: “the state board of probation and parole, except to the extent delegated to the parole board by the Parole Board Act;” is amended to read “the parole board to the extent delegated by the Parole Board Act;.”

Senate Judiciary Committee Amendment to SB68 adds no appropriation to the bill.

### Original Synopsis of Bill

Senate Bill 68, 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, redefines the role of the Corrections Commission. The bill seeks to clarify the advisory authority of the Corrections Commission with respect to the Corrections Industries Division, rather than to the Corrections Department as a whole.

### Significant Issues

The Corrections Department notes that the bill amends an outdated statute creating the Corrections Division of the Criminal Justice Department, neither of which continues to exist. At that time, the Corrections Commission was given the duty to “advise” the Director of the Corrections Division [now the Secretary of the Corrections Department] in the management and control of the entire Corrections Division [now the Corrections Department]. A subsequent statute, Section 33-8-6 NMSA 1978, granted the Corrections Commission broad and virtually complete policy making power with regard to the Corrections Industries Division of the Corrections Department. This is the division of the Corrections Department that employs inmates in such industries as telemarketing, and the manufacture of furniture, clothing and inmate uniforms.

The Corrections Department further suggests that with the creation of the Corrections Oversight Committee, the Corrections Population Control Commission and the New Mexico Sentencing Commission to oversee the Department’s management and programs, it is no longer requisite for the Corrections Commission to advise the cabinet secretary with respect to each and every department program. Accordingly, this bill clarifies the Correction Commission’s responsibilities in light of the department’s

present organizational structure, and delineates its oversight responsibilities with respect to the Corrections Industries Division as defined in Section 33-8-6 NMSA 1978.

**PERFORMANCE IMPLICATIONS**

The department anticipates minimal impact on programs.

**FISCAL IMPLICATIONS**

While there is no appropriation attached to this bill, the department suggests the bill could result in very minimal cost savings since the Corrections Commission would not need to meet or request information from the department personnel regarding overall department operations. This could result in minimal yearly savings for per diem, photocopying, and related general expense items.

**ADMINISTRATIVE IMPLICATIONS**

The department indicates that minimal administrative cost savings might be achieved as department staff realize a reduction in the number of administrative and informational requests originated by the Corrections Commission.

BFW/yr