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FISCAL IMPACT REPORT

ORIGINAL DATE 3/10/15

SPONSOR Alcon **LAST UPDATED** _____ **HM** 118

SHORT TITLE Study 1980 Prison Riot Guard Compensation **SB** _____

ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

HB 435 would provide compensation for NMCD officers who were involved in the 1980 riot and would provide \$1.5 million for such compensation.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Military Affairs (DMA)

New Mexico Corrections Department (NMCD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Memorial 118 requests that a taskforce be formed with members from NMCD, DPS, the New Mexico National Guard, the Attorney General's Office, and three professionals with knowledge of correctional employee wellness. The taskforce is requested to identify persons who responded to the 1980 riot and may be eligible for compensation. Furthermore, the taskforce is asked to establish policies and procedures for administering the compensation, correctional facility occupational stressors, and propose policies and programs to mitigate occupational stressors. Findings are to be presented to the New Mexico Legislative Council and the LFC.

FISCAL IMPLICATIONS

This memorial would require staff time and possibly require contractors, imposing a minimal fiscal impact.

SIGNIFICANT ISSUES

NMCD provided the following:

The 1980 riot at the Penitentiary of New Mexico, regarded as one of the worst riots in American history, had a deep impact on those involved, NMCD and our New Mexican communities. From the inmates in NMCD custody at PNM, to the Correctional Officers, and Penitentiary staff that remained locked up and doing their best to keep themselves and others safe in the facility throughout these horrific days, and finally to the national guard members and other law enforcement who stepped forward and responded to the call for support in this crisis--many of those that were present at the penitentiary during the riots have expressed how the events shook them, and left memories they will carry throughout a lifetime.

To meet the intentions of this memorial, NMCD will need to identify and recruit agency and professional experts to serve on the task force. It may be difficult for NMCD and the task force, even with these additional experts or contractors, to identify the potential class of persons present during the riot and to provide its findings and recommendation to the designated legislative entities by the November 30, 2015 deadline. If necessary, NMCD and its task force will request additional time identify the class members and to develop a more reasonable and effective compensation and work stressor mitigation policy and procedure.

The Memorial, effectively carrying the same intention as HB 435, will give NMCD a the opportunity to determine how best to compensate personnel and emergency responders who had a role in the 1980 riot, and to determine who would be the best entity to review, process and resolve the claims for compensation. The task force will likely recommend that an outside entity (not the NMCD) review and process the compensation claims, as there is an inherent conflict if NMCD were obligated to allow or disallow claims for compensation submitted by its former employees present during the riot.

By giving the task force the opportunity to also focus on studying and mitigating current occupational stressors relating to work in NMCD's prisons, the task force can provide findings and recommendations which are likely to improve or enhance the morale, safety and well being of current NMCD correctional staff.

DMA notes that 11 NM National Guard members who served during the riot were compensated under a Worker's Compensation settlement agreement in 2006. Since 2006, DMA has received approximately 5-6 additional claims from Guard members. DMA has instructed these individuals to submit Worker's Compensation claims through the Risk Management Division.

EC/je/aml