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SENATE BILL 124

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

INTRODUCED BY

BILLY J. McKIBBEN

AN ACT

RELATING TO CORRECTIONS; AUTHORIZING THE CORRECTIONS DEPARTMENT TO CONTRACT WITH LEA COUNTY AND GUADALUPE COUNTY TO ACQUIRE CORRECTIONAL FACILITIES CURRENTLY UNDER CONSTRUCTION IN THOSE COUNTIES; AUTHORIZING THE CORRECTIONS DEPARTMENT TO ASSUME BY ASSIGNMENT FROM LEA COUNTY AND GUADALUPE COUNTY THE OPERATIONS CONTRACTS FOR THE CORRECTIONAL FACILITIES IN THOSE COUNTIES; DECLARING AN EMERGENCY.

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

Section 1. A new section of Chapter 33, Article 1 NMSA 1978 is enacted to read:

"NEW MATERIAL AUTHORITY TO ACQUIRE CORRECTIONAL FACILITIES IN LEA COUNTY AND GUADALUPE COUNTY--ASSUMPTION OF OPERATIONS CONTRACTS--TERMS AND CONDITIONS. --

A. The corrections department is authorized to

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1 contract with Lea county and Guadalupe county to acquire
2 correctional facilities currently under construction in those
3 counties pursuant to a contract between the counties and an
4 independent contractor. The acquisition of the correctional
5 facilities shall be contingent upon the following:

6 (1) completion of the construction of the
7 correctional facilities;

8 (2) certification by the corrections
9 department that the correctional facilities satisfy all
10 applicable physical and operational correctional design
11 standards, including all applicable physical and operational
12 correctional design standards set forth in the Duran consent
13 decree;

14 (3) inclusion of a corrections industries
15 building that is an appropriate size at each correctional
16 facility; and

17 (4) inclusion of a conjugal visitation unit
18 that is an appropriate size at each correctional facility.

19 B. The state's cost of acquiring the
20 correctional facilities currently under construction in Lea
21 county and Guadalupe county shall not exceed sixty-nine
22 million five hundred thousand dollars (\$69,500,000) and shall
23 include:

24 (1) all development and construction costs
25 for the correctional facilities, including the capital costs

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1 of corrections industries buildings and conjugal visitation
2 units;

3 (2) the independent contractor's capitalized
4 interest on scheduled construction draw payments, calculated
5 at nine and one-half percent; and

6 (3) county revenue bond transactions costs
7 for the correctional facilities, including the cost of issuing
8 the bonds, the cost of an underwriting takedown and the cost
9 of a forward delivery termination option premium.

10 C. The corrections department is authorized to
11 assume by assignment from Lea county and Guadalupe county the
12 operations contracts for the correctional facilities entered
13 into by the counties and an independent contractor, subject to
14 appropriate amendments or modifications to the operations
15 contracts. The operations contracts between the corrections
16 department and the independent contractor shall be for an
17 initial term of five years. The corrections department shall
18 have the option, to be exercised solely by the corrections
19 department, to renew the operations contracts for two-year
20 terms following the initial term of five years. The
21 operations contracts between the corrections department and
22 the independent contractor shall be subject to annual
23 legislative appropriations. "

24 Section 2. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect

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immediately.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 28, 1998
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8 Mr. President:
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10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 124
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 JUDICIARY COMMITTEE.
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19 Respectfully submitted,
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25 _____
Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0124CC1

February 16, 1998

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 124

has had it under consideration and reports same with recommendation that it DO NOT PASS, but that

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

SENATE BILL 124

DO PASS, amended as follows:

1. On page 2, line 3, before the semicolon insert ", to include adequate medical space".

2. On page 2, line 4, after "acquisition" insert "at no cost".

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Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Payne, Sanchez, Vernon

Absent: None

S0124JU1

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 124

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

AN ACT

RELATING TO CORRECTIONS; ESTABLISHING THE TERMS AND CONDITIONS
FOR THE ACQUISITION OF CORRECTIONAL FACILITIES CURRENTLY UNDER
CONSTRUCTION IN LEA COUNTY AND GUADALUPE COUNTY; AUTHORIZING
NEW MEXICO FINANCE AUTHORITY BONDS; DECLARING AN EMERGENCY.

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

Section 1. TERMS AND CONDITIONS FOR ACQUIRING
CORRECTIONAL FACILITIES. --

A. The state's acquisition of correctional
facilities in Lea and Guadalupe counties shall be contingent
upon the following:

(1) continuing inspections during construction
of the correctional facilities by the construction industries
division of the regulation and licensing department and
issuance of a certificate of occupancy for the correctional

. 123429. 2

1 facilities by that division;

2 (2) completion of the construction of the
3 correctional facilities;

4 (3) acquisition by the state of title to the
5 land on which the Lea county correctional facility and the
6 Guadalupe county correctional facility are located;

7 (4) certification by the general services
8 department that the correctional facilities satisfy all
9 applicable physical and operational correctional design
10 standards;

11 (5) inclusion of a corrections industries
12 building at the Lea county facility that can accommodate one
13 hundred twenty inmates;

14 (6) inclusion of a corrections industries
15 building at the Guadalupe county facility that can accommodate
16 sixty inmates;

17 (7) inclusion of appropriate family visitation
18 units at each correctional facility; and

19 (8) all housing unit fixtures and cell
20 fixtures in the correctional facilities shall be stainless
21 steel, except for fixtures in the three-hundred-bed
22 therapeutic community treatment unit located at the Lea county
23 facility.

24 B. The corrections department is authorized to
25 assume by assignment from Lea county and Guadalupe county the

underscored material = new
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1 operations contracts for the correctional facilities entered into
 2 by the counties and an independent contractor, subject to
 3 appropriate amendments or modifications to the operations
 4 contracts. The operations contracts between the corrections
 5 department and the independent contractor shall be for an initial
 6 term of five years. The corrections department shall have the
 7 option, to be exercised solely by the corrections department, to
 8 renew the operations contracts for two-year terms following the
 9 initial term of five years. The operations contracts between the
 10 corrections department and the independent contractor shall be
 11 subject to annual legislative appropriations.

12 C. Inmate programs provided at the Lea county and
 13 Guadalupe county correctional facilities shall include the
 14 following programs, which shall be equal to or shall exceed
 15 programs provided in state-run correctional facilities:

- 16 (1) adult basic education;
- 17 (2) pre-general-equivalency-diploma;
- 18 (3) general equivalency diploma;
- 19 (4) English as a second language;
- 20 (5) special education;
- 21 (6) post-secondary education;
- 22 (7) vocational education;
- 23 (8) anger management;
- 24 (9) life skills;
- 25 (10) basic substance abuse education;

- 1 (11) pre-release counseling;
- 2 (12) mental health counseling;
- 3 (13) work;
- 4 (14) religion;
- 5 (15) therapeutic community treatment provided at a
- 6 three-hundred-bed therapeutic community chemical dependency
- 7 treatment program located at the Lea county facility;
- 8 (16) family therapy; and
- 9 (17) prison industries.

Section 2. NEW MEXICO FINANCE AUTHORITY BONDS AUTHORIZED. --

The New Mexico finance authority is authorized to finance the acquisition of the correctional facilities in Lea county and Guadalupe county pursuant to the procedures for the financing provided by act of the second session of the forty-third legislature.

Section 3. EMERGENCY.--It is necessary for the public peace,

health and safety that this act take effect immediately.

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[bracketed material] = delete

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 124

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

AN ACT

RELATING TO CORRECTIONS; ESTABLISHING THE TERMS AND CONDITIONS
FOR THE ACQUISITION OF CORRECTIONAL FACILITIES CURRENTLY UNDER
CONSTRUCTION IN LEA COUNTY AND GUADALUPE COUNTY; AUTHORIZING
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. 123429. 2

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1 facilities by that division;

2 (2) completion of the construction of the
3 correctional facilities;

4 (3) acquisition by the state of title to the
5 land on which the Lea county correctional facility and the
6 Guadalupe county correctional facility are located;

7 (4) certification by the general services
8 department that the correctional facilities satisfy all
9 applicable physical and operational correctional design
10 standards;

11 (5) inclusion of a corrections industries
12 building at the Lea county facility that can accommodate one
13 hundred twenty inmates;

14 (6) inclusion of a corrections industries
15 building at the Guadalupe county facility that can accommodate
16 sixty inmates;

17 (7) inclusion of appropriate family visitation
18 units at each correctional facility; and

19 (8) all housing unit fixtures and cell
20 fixtures in the correctional facilities shall be stainless
21 steel, except for fixtures in the three-hundred-bed
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- 20 (5) special education;
- 21 (6) post-secondary education;
- 22 (7) vocational education;
- 23 (8) anger management;
- 24 (9) life skills;
- 25 (10) basic substance abuse education;

- 1 (11) pre-release counseling;
- 2 (12) mental health counseling;
- 3 (13) work;
- 4 (14) religion;
- 5 (15) therapeutic community treatment provided at a
- 6 three-hundred-bed therapeutic community chemical dependency
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Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 124

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

AN ACT

RELATING TO CORRECTIONS; ESTABLISHING THE TERMS AND CONDITIONS
FOR THE ACQUISITION OF CORRECTIONAL FACILITIES CURRENTLY UNDER
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- 3 (13) work;
- 4 (14) religion;
- 5 (15) therapeutic community treatment provided at a
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- 7 treatment program located at the Lea county facility;
- 8 (16) family therapy; and
- 9 (17) prison industries.

Section 2. NEW MEXICO FINANCE AUTHORITY BONDS AUTHORIZED. --

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SB 124/a

February 16, 1998

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 124

has had it under consideration and reports same with recommendation
that it DO NOT PASS, but that

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

SENATE BILL 124

DO PASS, amended as follows:

1. On page 2, line 3, before the semicolon insert ", to include adequate medical space".

underscored material = new
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SJC/SB 124

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2. On page 2, line 4, after "acquisition" insert "at no cost".

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Payne, Sanchez, Vernon

Absent: None

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