

ENROLLED HOUSE
BILL NO. 1267

BY: HAMILTON (James) and
STEIDLEY of the HOUSE

and

TAYLOR and HANEY of the
SENATE

AN ACT RELATING TO THE DEPARTMENT OF CORRECTIONS;
MAKING APPROPRIATIONS THERETO; STATING THE
PURPOSES; AUTHORIZING CERTAIN EXPENDITURES AND
STATING PURPOSE THEREFOR; PROVIDING RESTRICTION ON
CERTAIN EXPENDITURE; PROVIDING FOR DUTIES AND
COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF
THE DIRECTOR; PROVIDING BUDGETARY LIMITATIONS;
REAPPROPRIATING CERTAIN MONIES, WITH RESTRICTION
AND STATING PURPOSE THEREFOR; SPECIFYING MAXIMUM
NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES TO BE
EMPLOYED IN CERTAIN UNIT; AUTHORIZING THE
APPOINTMENT OF CERTAIN EMPLOYEES TO UNCLASSIFIED
POSITIONS; PROVIDING CERTAIN REQUIREMENTS FOR
BUDGET WORK PROGRAM; PROVIDING FOR CERTAIN
AGREEMENTS WITH OTHER STATE AGENCIES; AUTHORIZING
THE DEPARTMENT OF CORRECTIONS TO ESTABLISH CERTAIN
INMATE WORK CENTER IF FUNDING IS AVAILABLE;
PROVIDING FOR CERTAIN PILOT PROGRAM EMPLOYING
INMATES; AUTHORIZING THE CONSTRUCTION OF A
MANUFACTURING BUILDING; AMENDING SECTION 8, CHAPTER
310, O.S.L. 1988, AS LAST AMENDED BY SECTION 2,
CHAPTER 105, O.S.L. 1990 (57 O.S. SUPP. 1990,
SECTION 365), WHICH RELATES TO THE PREPAROLE
CONDITIONAL SUPERVISION PROGRAM; MODIFYING CERTAIN
TIME PERIOD REQUIREMENT; AMENDING 57 O.S. 1981,
SECTIONS 502, AS LAST AMENDED BY SECTION 10,
CHAPTER 303, O.S.L. 1989, 509, AS LAST AMENDED BY
SECTION 11, CHAPTER 303, O.S.L. 1989, AND 513.1, AS
LAST AMENDED BY SECTION 18, CHAPTER 258, O.S.L. 990
(57 O.S. SUPP. 1990, SECTIONS 502, 509 AND 513.1),
WHICH RELATE TO DEFINITIONS AND PENAL INSTITUTIONS;
MODIFYING NAMES FOR CERTAIN FACILITIES; MODIFYING
DEFINITION; AMENDING SECTION 4, CHAPTER 306, O.S.L.
1989 (57 O.S. SUPP. 1990, SECTION 574.1), WHICH
RELATES TO THE OKLAHOMA PRISON OVERCROWDING
EMERGENCY POWERS ACT; MODIFYING CERTAIN TIME PERIOD
REQUIREMENTS FOR QUALIFYING FOR EMERGENCY TIME
CREDITS; AMENDING SECTION 8, CHAPTER 338, O.S.L.
1982, AS LAST AMENDED BY SECTION 87, CHAPTER 264,
O.S.L. 1990 (74 O.S. SUPP. 1990, SECTION 840.8),
WHICH RELATES TO THE EXEMPT UNCLASSIFIED SERVICE;
MODIFYING LIST OF EXEMPT UNCLASSIFIED PERSONNEL;
AMENDING SECTIONS 1 AND 2 OF ENROLLED HOUSE BILL
NO. 1270 OF THE 1ST SESSION OF THE 43RD OKLAHOMA
LEGISLATURE, WHICH RELATE TO THE OFFICE OF THE
PARDON AND PAROLE BOARD; MODIFYING APPROPRIATION
THERETO; MODIFYING BUDGETARY LIMITATIONS; MODIFYING

THE SALARY LIMIT FOR THE CHIEF ADMINISTRATIVE OFFICER; REAPPROPRIATING AND REDESIGNATING CERTAIN MONIES IN THE GENERAL REVENUE FUND FOR THE OFFICE OF THE PARDON AND PAROLE BOARD; REPEALING 57 O.S. 1981, SECTION 558, WHICH RELATES TO THE CONSTRUCTION AND RENOVATION REVOLVING FUND; PROVIDING LAPSE DATE; MAKING CERTAIN APPROPRIATION NONFISCAL; PROVIDING EFFECTIVE DATES; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

DEPARTMENT OF CORRECTIONS

SECTION 1. There is hereby appropriated to the Department of Corrections from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of Twelve Million Nine Hundred Ninety-one Thousand Four Hundred Forty-seven Dollars (\$12,991,447.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Corrections by law.

SECTION 2. The Department is authorized to expend a maximum of Two Hundred Fifty Thousand Dollars (\$250,000.00) or so much thereof as may be necessary or enter into lease-purchase agreements at a maximum of Seventy-five Thousand Dollars (\$75,000.00) per year for a four-year period for the purchase of computer hardware and software for inmate literacy programs.

SECTION 3. Of the amount appropriated by Section 1 of this act, the Department of Corrections is hereby authorized to expend a maximum of Six Hundred Twenty-five Thousand Dollars (\$625,000.00) or so much thereof as may be available to match any federal funds designated for the treatment of offenders convicted of drug or alcohol crimes.

SECTION 4. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Corrections by law shall be set by the Director. The salary of the Director shall not exceed Seventy Thousand Four Hundred Twenty Dollars (\$70,420.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Department of Corrections for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	4,443.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$102,756,000.00
Professional and Personal Services Contracts	\$4,800,000.00
Purchase of Equipment	\$5,900,000.00
Lease-Purchase Agreements	\$700,000.00
Expenditure of Federal Funds	\$3,800,000.00
Expenditure of Industries Revolving Fund	\$15,000,000.00
Expenditure of Department of Corrections Revolving Fund	\$5,600,000.00
Total Expenditures for Operations	\$190,748,080.00

SECTION 5. REAPPROPRIATION The amount of Three Million Eight Hundred Thousand Dollars (\$3,800,000.00) of the original appropriation of Three Million Eight Hundred Thousand Dollars (\$3,800,000.00) appropriated by Section 1, Chapter 308, O.S.L. 1989, to the Department of Corrections from any monies in the Constitutional Reserve Fund of the State Treasury, to construct inmate trusty units at the James Crabtree Correctional Center located at Helena, Oklahoma, and the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma, is hereby continued and reappropriated to the Department of Corrections for the original purpose. If on the date this act is approved any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the reappropriated and redesignated amount, that amount is reduced to the unencumbered balance.

SECTION 6. Of the number of full-time-equivalent employees authorized in Section 4 of this act, a maximum of twenty-five (25) full-time-equivalent employees shall be employed at the psychiatric unit of the Oklahoma State Penitentiary located at McAlester, Oklahoma.

SECTION 7. Of the full-time-equivalent employees authorized in Section 4 of this act, the Director may appoint a maximum of two hundred twenty (220.0) employees to the unclassified positions authorized in paragraph 29 of Section 840.8 of Title 74 of the Oklahoma Statutes. Of the full-time-equivalent employees authorized in Section 4 of this act, the Director may appoint a maximum of eleven (11.0) employees to the Oklahoma State Industries unclassified positions authorized in paragraph 30 of Section 840.8 of Title 74 of the Oklahoma Statutes.

SECTION 8. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Corrections shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Individual Institutions, Community Corrections Centers, Administration, Health Services, Programs and Services, Probation and Parole, Security and Internal Affairs, Information Services, Agriculture - OSI, Manufacturing - OSI, Rodeo and Special Events, and Federal Grants/Programs.

SECTION 9. The Department of Mental Health and Substance Abuse Services shall maintain an agreement with the Department of Corrections to provide public service work positions for a minimum of fifty (50) trustees pursuant to Section 215 et seq. of Title 57 of the Oklahoma Statutes.

SECTION 10. The Department of Corrections is authorized to enter into an agreement with the Department of Human Services to utilize prison inmates for construction projects subject to written restrictions and conditions regarding security classification and other matters related to the control of inmates and public safety. Before utilizing inmates the Department of Corrections shall enter into a written agreement concerning, but not limited to, liability, funding, pay, public security and transportation. Provided, further, that prison inmates shall not be used to replace any current Department of Human Services employee.

SECTION 11. The Department of Corrections, upon availability of funding, is hereby authorized to establish an inmate work center in Walters, Oklahoma. Inmates placed in the work center shall be used in support of a landfill and recycling pilot program for the surrounding communities.

SECTION 12. The Department of Corrections is hereby authorized to construct a modular furniture manufacturing building at the Lexington Assessment and Reception Center located in Lexington, Oklahoma, in an amount not to exceed Six Hundred Fifty Thousand Dollars (\$650,000.00) or so much thereof as may be necessary, from the Industries Revolving Fund for the Department of Corrections.

SECTION 13. AMENDATORY Section 8, Chapter 310, O.S.L. 1988, as last amended by Section 2, Chapter 105, O.S.L. 1990 (57 O.S. Supp. 1990, Section 365), is amended to read as follows:

Section 365. A. Whenever the population of the prison system is certified by the State Board of Corrections as exceeding ninety-five percent (95%) of its capacity, as defined in Section 571 of Title 57 of the Oklahoma Statutes, the Department of Corrections and the Pardon and Parole Board shall implement a Preparole Conditional Supervision Program until such time as the population is reduced to ninety-two and one-half percent (92 1/2%) of capacity, for persons in the custody of the Department of Corrections who meet the following guidelines:

1. Only inmates who are otherwise eligible for parole, pursuant to Sections 332.7 and 332.8 of Title 57 of the Oklahoma Statutes, shall be eligible to participate in this program; and

2. An inmate shall serve at least fifteen percent (15%) of his sentence of incarceration and be within one (1) year of his regularly scheduled parole consideration date or be within ~~one (1) year~~ twenty-one (21) months of his projected release date, prior to being eligible for this program.

B. Upon an inmate becoming eligible for this program it shall be the duty of the Pardon and Parole Board, with or without application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of said inmate during his confinement in the custody of the Department of Corrections.

C. Upon favorable recommendation by the Pardon and Parole Board, notification shall be made to the Department of Corrections that said inmate has been recommended to be placed in this program.

D. Prior to the placement of an inmate on Preparole Conditional Supervision, the Department shall provide written notification to the sheriff and district attorney of the county in which any person on Preparole Conditional Supervision is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town. The Department also shall provide written notification of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Department of Corrections shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

E. Should an inmate violate any rule or condition during the period of community supervision, the inmate shall be subject to disciplinary proceedings as established by the Department of Corrections.

F. Any inmate who escapes from this program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

SECTION 14. AMENDATORY 57 O.S. 1981, Section 502, as last amended by Section 10, Chapter 303, O.S.L. 1989 (57 O.S. Supp. 1990, Section 502), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

- (a) "Board" means the State Board of Corrections;
- (b) "Department" means the Department of Corrections;
- (c) "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Ouachita Correctional Center located at Hodgens, Oklahoma; the Mabel Bassett Correctional Center located at Oklahoma City, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Oklahoma City, Clara Waters and Kate Barnard Community ~~Treatment~~ Corrections Centers located at Oklahoma City, Oklahoma; the Tulsa Community ~~Treatment~~ Corrections Center located at Tulsa, Oklahoma; the Community ~~Treatment~~ Corrections Centers located at Lawton, Enid, Muskogee and McAlester; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;
- (d) "Director" means the Director of the Department of Corrections;
- (e) "House arrest" means a program whereby persons committed to the Department of Corrections are authorized to be away from a correctional facility and are placed by the Department in a community for the purpose of reintegration of the person into society, pursuant to the provisions of Section 510.2 of this title; and
- (f) "Private prison contractor" means a nongovernmental entity which, pursuant to a contract with the Department of Corrections:
 - (1) operates an institution within the Department; or
 - (2) provides for the housing, care, and control of inmates and performs other functions related to said responsibilities within a minimum security level facility not owned by the Department but operated by the contractor.

SECTION 15. AMENDATORY 57 O.S. 1981, Section 509, as last amended by Section 11, Chapter 303, O.S.L. 1989 (57 O.S. Supp. 1990, Section 509), is amended to read as follows:

Section 509. The Oklahoma State Penitentiary shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Oklahoma State Reformatory shall be located at Granite in Greer County, State of Oklahoma; and the Lexington Assessment and Reception Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Jackie Brannon Correctional Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Joseph Harp Correctional Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Howard C. McLeod Correctional Center shall be located at Farris in Atoka County, State of Oklahoma; and the Mack H. Alford Correctional Center shall be located at Stringtown in Atoka County, State of Oklahoma; and the Ouachita Correctional Center shall be located at Hodgens in LeFlore County, State of Oklahoma; and the Mabel Bassett Correctional Center shall be located at Oklahoma City in Oklahoma County, State of

Oklahoma; and the R.B. "Dick" Conner Correctional Center shall be located at Hominy in Osage County, State of Oklahoma; and the James Crabtree Correctional Center shall be located at Helena in Alfalfa County, State of Oklahoma; and the Jess Dunn Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the John Lilley Correctional Center shall be located at Boley in Okfuskee County, State of Oklahoma; and the William S. Key Correctional Center shall be located at Fort Supply in Woodward County, State of Oklahoma; and the Dr. Eddie Walter Warrior Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the Oklahoma City, Clara Waters and Kate Barnard Community ~~Treatment~~ Corrections Centers shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the Tulsa Community ~~Treatment~~ Corrections Center shall be located at Tulsa in Tulsa County, State of Oklahoma; and the Muskogee Community ~~Treatment~~ Corrections Center shall be located at Muskogee in Muskogee County, State of Oklahoma; and the Lawton Community ~~Treatment~~ Corrections Center shall be located at Lawton in Comanche County, State of Oklahoma; and the Enid Community ~~Treatment~~ Corrections Center shall be located at Enid in Garfield County, State of Oklahoma; and the McAlester Community ~~Treatment~~ Corrections Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and said institutions and community ~~treatment~~ corrections centers are hereby established within the Department. Said Department shall be the legal successor of and, except as otherwise provided in the Oklahoma Corrections Act of 1967, Section 501 et seq. of this title, shall have the powers and duties vested by law in the Office of Public Affairs in all matters relating to penal institutions, heretofore or hereafter established by the Department, which institutions and community ~~treatment~~ corrections centers shall be under the administrative direction and control of the Department.

SECTION 16. AMENDATORY 57 O.S. 1981, Section 513.1, as last amended by Section 18, Chapter 258, O.S.L. 1990 (57 O.S. Supp. 1990, Section 513.1), is amended to read as follows:

Section 513.1 The maximum amounts that may be maintained in petty cash funds, established in accordance with the provisions of Section 513 of this title, are as specified below:

Amount	Maximum
Department of Corrections	\$1,000.00
Ouachita Correctional Center (Hodgen)	\$2,000.00
Mack H. Alford Correctional Center	\$2,500.00
Howard C. McLeod Correctional Center (Farris)	\$2,000.00
Lexington Assessment and Reception Center	\$2,500.00
Oklahoma State Penitentiary (McAlester)	\$5,000.00
Oklahoma State Reformatory (Granite)	\$3,000.00
R.B. "Dick" Conner Correctional Center (Hominy)	\$3,000.00
Joe Harp Correctional Center (Lexington)	\$3,000.00
Jess Dunn Correctional Center (Taft)	\$3,500.00
James Crabtree Correctional Center (Helena)	\$2,000.00
Mabel Bassett Correctional Center (Oklahoma City)	\$2,000.00
John Lilley Correctional Center (Boley)	\$2,000.00
Oklahoma City Community Treatment <u>Corrections</u> Center	\$2,000.00
Clara Waters Community Treatment <u>Corrections</u> Center (Oklahoma City)	\$2,000.00

Kate Barnard Community Treatment <u>Corrections</u> Center (Oklahoma City)	\$2,000.00
Tulsa Community Treatment <u>Corrections</u> Center	\$2,000.00
Muskogee Community Treatment <u>Corrections</u> Center	\$2,000.00
Lawton Community Treatment <u>Corrections</u> Center	\$2,000.00
Enid Community Treatment <u>Corrections</u> Center	\$2,000.00
McAlester Community Treatment <u>Corrections</u> Center	\$2,000.00
Jackie Brannon Correctional Center	\$3,000.00
William S. Key Correctional Center (Fort Supply)	\$3,000.00
Dr. Eddie Walter Warrior Correctional Center (Taft)	\$3,000.00

SECTION 17. AMENDATORY Section 4, Chapter 306, O.S.L. 1989 (57 O.S. Supp. 1990, Section 574.1), is amended to read as follows:

Section 574.1 The Pardon and Parole Board, with or without application being made, shall begin assessing the conduct and record of an inmate during confinement, who qualifies for emergency time credits, as follows:

1. If the inmate has been sentenced to a maximum term of confinement of five (5) years or more, within ~~fifteen (15)~~ twenty-one (21) months of his projected release date;

2. If the inmate has been sentenced to a maximum term of confinement of three (3) years or more, but less than five (5) years, within ~~twelve (12)~~ eighteen (18) months of his projected release date; and

3. If the inmate has been sentenced to a maximum term of confinement of one (1) year or more, but less than three (3) years, within ~~nine (9)~~ fifteen (15) months of his projected release date. The Board shall determine whether or not the inmate shall qualify for either parole or the Preparole Conditional Supervision Program. The assessment and determination by the Board shall be completed within three (3) months. Any inmate who, upon consideration by the Board, is not recommended for either parole or the Preparole Conditional Supervision Program, or who refuses consideration for either parole or the Preparole Conditional Supervision Program, shall not be eligible for further emergency time credits provided for in the Oklahoma Prison Overcrowding Emergency Powers Act.

SECTION 18. AMENDATORY Section 8, Chapter 338, O.S.L. 1982, as last amended by Section 87, Chapter 264, O.S.L. 1990 (74 O.S. Supp. 1990, Section 840.8), is amended to read as follows:

Section 840.8 The following offices, positions, and personnel comprise the exempt unclassified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Federally funded time-limited employees hired for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and State Department of Vocational and Technical Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period. This category of employees shall include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Temporary lake patrol officers, regardless of the number of hours worked, who are employed by the Department of Public Safety during the period March 16 through October 31 in any calendar year; provided, the hours worked shall be considered in determining the temporary employee's eligibility for subsequent employment in any other unclassified temporary employment category;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in (a) an institution of higher learning within The Oklahoma State System of Higher Education (b) an institution of higher learning qualified to become coordinated with said State System of Higher Education (c) for purposes of this act a student shall be considered a regularly enrolled student if he is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, and regularly attending classes during that semester of employment or (d) high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. Bellhops, busboys, housemen, kitchen helpers, laundry helpers, lifeguards, maids, waiters, waitresses, curators of historical facilities, and the spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's Full-Time-Equivalent Employee Limit;

14. Employees of State Capitol cafeterias;

15. Employees of either the House of Representatives or the State Senate;

16. Grand River Dam Authority personnel occupying the following offices and positions:

- a. The general manager, assistant general managers, secretaries to the general manager, and assistant general managers,
- b. The chief engineer and the engineers, superintendents, and assistant superintendents,
- c. The general counsel and the attorneys on the general counsel's staff,
- d. The secretary,
- e. The treasurer,
- f. Rate analysts, and
- g. Unclassified employees hired prior to May 1, 1989, who hold engineering job titles but who are not registered engineers, provided said persons are reassigned nonengineering job titles. At such time as the positions occupied by said unclassified employees are vacated, the positions shall revert to the classified service;

17. Oklahoma Tax Commission personnel occupying the following offices and positions:

- a. All revenue administrators, the budget officer and the comptroller of the Tax Commission,
- b. All administrators and unit managers in the Management Information Services Division,
- c. All Computer Programming Systems Specialist positions,
- d. All Data Processing Programmer Analyst Supervisor and Data Processing Programmer Analyst III positions,
- e. All Public Affairs Officer and Assistant Public Affairs Officer positions,
- f. Public Information Officer, and
- g. All Tax Economist positions;

18. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative assistant, administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, and
- c. General Counsel;

19. State Department of Education personnel occupying the following offices and positions:

- a. Administrative Assistants,
- b. Informational Representatives III,
- c. Driver Educational Electronics Technician,
- d. Media Technical Assistants,
- e. Executive Secretaries,
- f. Accounting Supervisor,
- g. Supervisor of Records,
- h. Supervisor of Printing Services,
- i. Migrant Records Transfer System Representative,
- j. Financial Managers, and
- k. In addition to the State Department of Education offices and positions listed in this paragraph, any and all offices and positions within the State Department of Education for which the annual salary is Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall also be in the unclassified service of this state.

Nothing in this paragraph is intended to change the status, whether classified or unclassified, of any person employed by the Department of Education prior to May 1, 1989. No position shall become

unclassified while it is occupied by a classified employee because of any change in salary or grade. Hereafter, any position paid an annual salary of Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall be in the unclassified service upon being vacated;

20. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

21. Bill Willis Community Mental Health Center personnel occupying the following offices and positions:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director, and
- d. Executive Secretary to Director;

22. The State Comptroller, Office of the Director of State Finance;

23. Employees of the Oklahoma Development Finance Authority;

24. Those positions so specified in the annual business plan of the Department of Commerce;

25. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

26. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in Section 840.10 of this title;

27. State Insurance Fund personnel occupying the following offices and positions:

- a. Commissioner,
- b. Deputy Commissioner,
- c. Administrative Assistants to the Commissioner,
- d. Executive Secretaries to the Commissioner and Deputy Commissioner,
- e. Law Clerks and Legal Assistants,
- f. Special Counsel,
- g. General Counsel,
- h. Medical Analysts Supervisor,
- i. Medical Analysts,
- j. Field Adjusters,
- k. Investment Officer, and
- l. Collections Attorneys;

28. The Carl Albert Internship Program Coordinator within the Office of Personnel Management;

29. Department of Corrections personnel occupying the following offices and positions:

- a. Associate Director,
- b. Executive Secretary,
- c. General Counsel,
- d. Assistant General Counsel,
- e. Deputy Director,
- f. Public Information Officer,

- g. Personnel Manager,
- h. Administrator of Planning and Research,
- i. Administrator of Finance and Accounting,
- j. Executive Assistant,
- k. Administrator of Information Services,
- l. Affirmative Action Officer,
- m. System Development Manager,
- n. Computer Operations Manager,
- o. Training Director,
- p. Assistant Training Director,
- q. Administrator of Construction and Maintenance,
- r. Administrative Assistant,
- s. Secretary,
- t. Administrator of Classification and Programs,
- u. Coordinator of Facility Classification,
- v. Mediation Coordinator,
- w. Inspector General,
- x. Medical Director,
- y. Psychiatrist,
- z. Physician,
- aa. Optometrist,
- ab. Dental Services Supervisor,
- ac. Dentist,
- ad. Psychologist,
- ae. Administrator of Dietary Services,
- af. Warden I,
- ag. Warden II,
- ah. Warden III,
- ai. Deputy Warden I,
- aj. Deputy Warden II,
- ak. Deputy Warden III,
- al. Community Treatment Center Superintendent,
- am. Community Treatment Center Assistant Superintendent,
- an. Probation and Parole District Supervisor,
- ao. Probation and Parole Assistant District Supervisor,
- ap. Administrator of Human Resources, ~~and~~
- aq. Facility Staffing Pattern Analyst, ~~and~~
- ar. Correctional School Superintendent;

30. Department of Corrections personnel occupying the following offices and positions as representatives of the Oklahoma State Industries:

- a. Administrator of Industrial Production,
- b. Administrator of Agriculture Production,
- c. OSI Sales Representative,
- d. OSI Sales Manager, and
- e. Marketing Manager.

The positions listed in this paragraph shall be funded from the Department of Corrections Industries' Revolving Fund only. In addition to the regular salary, any unclassified sales representative of the Oklahoma State Industries of the Department of Corrections who is responsible for obtaining a contract for products manufactured or services provided by prison industries may, at the discretion of the Director of the Department of Corrections, be awarded additional compensation of not more than five percent (5%) of the total amount of said contracts but not more than Five Thousand Dollars (\$5,000.00) per year. This compensation may be in addition to the salary of the employee and may be paid in one lump-sum from any funds available to the Department of Corrections. No such compensation shall be made unless funds are available. Funds

for payment of any compensation awards shall be encumbered to the extent of the awards.

Incumbents in positions listed in paragraph 29 of this section and in this paragraph that are classified under the Merit System of Personnel Administration on the effective date of this act shall have the option of remaining in their classified status under the Merit System of Personnel Administration. Incumbents that choose to accept unclassified appointments shall so signify in writing. All future appointees to these positions shall be unclassified. Incumbents that choose to remain in the classified service under the Merit System of Personnel Administration shall be subject to all rules and procedures of the Merit System of Personnel Administration. By the end of the first full work week of each month, the Director of the Department of Corrections shall submit to the Director of State Finance a report listing the total number of part-time employees employed during the preceding month, the positions for which they were employed, and the number of hours worked for each part-time position;

31. Department of Labor personnel occupying the following offices and positions:

- a. Deputy Commissioner,
- b. Executive Secretary to the Commissioner,
- c. Chief of Staff, and
- d. Administrative Assistant, Legal; and

32. The State Bond Advisor and his employees.

OFFICE OF THE PARDON AND PAROLE BOARD

SECTION 19. AMENDATORY Section 1 of Enrolled House Bill No. 1270 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1. There is hereby appropriated to the Office of the Pardon and Parole Board from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Office of the Pardon and Parole Board by law:

Personal Services	\$1,274,029.00
	<u>\$1,324,277.00</u>

Other Operating Expenses
171,901.00

TOTAL OPERATIONS	\$1,389,004.00
	<u>\$1,496,178.00</u>

SECTION 20. REAPPROPRIATION The amount of Thirty-two Thousand Dollars (\$32,000.00) of the original appropriation of One Million Two Hundred Sixty-three Dollars (\$1,000,263.00) appropriated for personal services by Section 1, Chapter 56, O.S.L. 1990, as amended by Section 52, Chapter 258, O.S.L. 1990, to the Office of the Pardon and Parole Board from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1991, to perform the duties imposed upon the Office of the Pardon and Parole Board by law, is hereby reappropriated for the performance of duties imposed upon the Board by law. If on the date this act is approved any of the amount originally appropriated as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, then that redesignated amount is reduced to the unencumbered balance.

SECTION 21. AMENDATORY Section 2 of Enrolled House Bill No. 1270 of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of the Pardon and Parole Board shall be set by the Chief Administrative Officer. The salary of the Chief Administrative Officer shall not exceed ~~Forty-three Thousand Four Hundred Dollars (\$43,400.00)~~ Forty-three Thousand Eight Hundred Twenty Dollars (\$43,820.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Office of the Pardon and Parole Board for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	<u>39.0</u> <u>41.0</u>
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$990,586.00 <u>\$1,045,670.00</u>
Professional and Personal Services Contracts	\$7,500.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$2,629.00 <u>\$21,202.00</u>
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$1,389,004.00 <u>\$1,528,178.00</u>

SECTION 22. REPEALER 57 O.S. 1981, Section 558, is hereby repealed.

SECTION 23. The appropriations made by Sections 1 and 19 of this act and the reappropriations made by Sections 5 and 20 of this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 24. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21 and 22 of this act shall become effective July 1, 1991.

SECTION 25. Sections 13 and 17 of this act shall become effective September 1, 1991.

SECTION 26. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of May, 1991.

Speaker of the House of
Representatives

Passed the Senate the 23rd day of May, 1991.

President of the Senate