

ENROLLED HOUSE
BILL NO. 1556

By: Mass, Bonny, Cox and Hefner
of the House

and

Haney and Hobson of the
Senate

An Act relating to state corrections entities; making appropriations to the Department of Corrections; stating purposes; requiring budgeting of funds in certain categories; providing for duties and compensation of employees; limiting the salary of the Director; providing budgetary limitations; authorizing appointments to the unclassified service, with limitations; requiring certain agreement for public work positions; authorizing certain agreement for construction projects; authorizing construction of facilities at certain locations; authorizing purchase of certain real estate; authorizing the sale of certain real estate; authorizing the issuance of certain bonds for specific purposes; making an appropriation to the Pardon and Parole Board; stating purpose; requiring budgeting of funds in certain categories and amounts; providing for duties and compensation of employees; limiting the salary of the Chief Administrative Officer; providing budgetary limitations; amending 57 O.S. 1991, Section 332.4, as last amended by Section 16, Chapter 415, O.S.L. 2000 (57 O.S. Supp. 2000, Section 332.4), which relates to compensation of Pardon and Parole Board members; modifying compensation; establishing attendance requirements; making appropriations nonfiscal; providing lapse dates; requiring and prohibiting certain budget practices; 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, 2002, the sum of Twenty-one Million Three Hundred Eighty-two Thousand Seven Hundred Thirty-eight Dollars (\$21,382,738.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Corrections by law.

SECTION 2. From all monies appropriated to the Department of Corrections, at least Four Million Five Hundred Thousand Dollars (\$4,500,000.00) shall be expended for the purpose of funding

community sentencing activities authorized by Section 988.1 et seq. of Title 22 of the Oklahoma Statutes.

SECTION 3. For the fiscal year ending June 30, 2002, the Department of Corrections shall budget all funds in the following categories:

Category

Facilities

General Operations

Contracted Services

Health Services

Probation and Parole Services

Offender Programs

Prison Industries

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 Ninety Thousand Dollars (\$90,000.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Department of Corrections for the fiscal year ending June 30, 2002, shall be authorized to employ up to six percent (6%) of its total authorized full-time-equivalent employees in the unclassified service and shall be subject to the following budgetary limitations and 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	5,801.2
Lease-Purchase Agreements	\$4,800,000.00

SECTION 5. From all monies appropriated to the Department of Corrections, a maximum of Seventeen Million Eight Hundred Eighty-four Thousand Six Hundred Seventy-eight Dollars (\$17,884,678.00) shall be expended for the purpose of funding employee salary increases.

SECTION 6. 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 7. 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 employees.

SECTION 8. The Department of Corrections, subject to funds available, is authorized to build restrictive housing units for Jess Dunn Correctional Center, James Crabtree Correctional Center, Howard McLeod Correctional Center, Lexington Assessment and Reception Center, Joseph Harp Correctional Center, and Dick Conner Correctional Center; and an activities building at Bill Johnson Correctional Center.

SECTION 9. The Oklahoma Department of Corrections Agri-Services Division, subject to funds available in the Industries Revolving Fund, is authorized to expend One Hundred Ninety-five Thousand Dollars (\$195,000.00) to purchase one hundred sixty (160) acres of land contiguous with the Agricultural Unit at the James Crabtree Correctional Center.

SECTION 10. The Oklahoma Department of Corrections Agri-Services Division is authorized to sell a ten-acre tract of land located near the Oklahoma State Reformatory.

SECTION 11. The Oklahoma Department of Corrections, subject to funds available, is authorized to purchase property adjacent to their Classen building for the purpose of constructing a parking lot and fleet vehicle maintenance center.

SECTION 12. The Oklahoma Department of Corrections is authorized to issue up to Four Million Dollars (\$4,000,000.00) in bonds to support architectural fees and renovation associated with their Classen office building for the purpose of relocating administrative activities from several Oklahoma City sites to this central location.

PARDON AND PAROLE BOARD

SECTION 13. There is hereby appropriated to 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, 2002, the sum of Three Hundred Five Thousand Six Hundred Sixty-six Dollars (\$305,666.00) or so much thereof as may be necessary to perform the duties imposed upon the Pardon and Parole Board by law.

SECTION 14. For the fiscal year ending June 30, 2002, the Pardon and Parole Board shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative Services	\$2,377,711.00	\$2,458,711.00

SECTION 15. 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 Sixty-five Thousand Dollars

(\$65,000.00) per annum, payable monthly for the fiscal year ending June 30, 2002. The Office of the Pardon and Parole Board for the fiscal year ending June 30, 2002, 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	47.0

SECTION 16. From all monies appropriated to the Pardon and Parole Board, a maximum of Fifty-eight Thousand Five Hundred Dollars (\$58,500.00) shall be expended for the purpose of funding investigator salary increases.

SECTION 17. AMENDATORY 57 O.S. 1991, Section 332.4, as last amended by Section 16, Chapter 415, O.S.L. 2000 (57 O.S. Supp. 2000, Section 332.4), is amended to read as follows:

Section 332.4 A. The Chairman of the Pardon and Parole Board shall be selected by the Board. The Chairman of the Pardon and Parole Board shall receive Twenty-four Thousand Eight Hundred Dollars (\$24,800.00) per annum, payable monthly, in the following allotment:

1. Four Hundred Dollars (\$400.00) for preparation for said meeting; and

2. One Thousand Six Hundred Sixty-seven Dollars (\$1,667.00) for the regular monthly Board meeting.

B. The members of the Board shall receive ~~Sixteen Thousand Eight Hundred Dollars (\$16,800.00)~~ Twenty-two Thousand Eight Hundred Dollars (\$22,800.00) per annum, payable monthly; provided, that failure on the part of any member to attend Board meetings during any month will preclude his right to said month's compensation except in case of justifiable cause. In addition, the Chair and members of the Pardon and Parole Board shall receive expenses while attending and going to and from meetings of the Board and in performing their official duties, according to the State Travel Reimbursement Act. Such compensation shall be paid by the State Treasurer by state warrant drawn against funds appropriated for such purpose by the Legislature. Hours worked by Board members shall be exempt from full-time-equivalent employee limits in the following allotment:

1. Four Hundred Dollars (\$400.00) for preparation for said meeting; and

2. One Thousand Five Hundred Dollars (\$1,500.00) for the regular monthly Board meeting.

C. 1. Failure of any member to attend one Board meeting in any calendar year, except for justifiable excuse as determined by the Chairman pursuant to written policy established by the Board, shall preclude the right of the member to receive his or her monthly compensation established by subsection A of this section.

2. Failure of any member to attend two or more Board meetings in any calendar year except for extraordinary circumstances as determined by the Chairman pursuant to written policy established by the Board shall be deemed to have committed official misconduct as such term is defined by Section 93 of Title 51 of the Oklahoma Statutes and may be removed from office upon a resolution passed by a majority of the members of the Board. Such removal is subject to the provisions of Chapter 3 of Title 51 of the Oklahoma Statutes.

3. Failure to attend meetings of the Board shall constitute cause for removal pursuant to Section 10 of Article VI of the Oklahoma Constitution.

SECTION 18. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02) or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 19. 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 18th day of May, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 18th day of May, 2001.

Presiding Officer of the Senate