

By: Mitchell, Bonny and
Pettigrew of the House

and

Morgan and Robinson of the
Senate

An Act relating to Department of Corrections;
requiring budgeting of funds in certain categories;
providing for duties and compensation of employees;
limiting the salary of the Director; authorizing
employment of certain percentage of employees in the
unclassified service; providing budgetary
limitations; authorizing expenditure of certain
funds; requiring certain agreement for public work
positions; authorizing certain agreement for
construction projects; providing lapse dates;
providing an effective date; and declaring an
emergency.

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

SECTION 1. For the fiscal year ending June 30, 2005, the
Department of Corrections shall budget all funds in the following
categories:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Operations	\$ 16,466,138.00	\$ 21,066,138.00
Central Office Operations	19,115,429.00	19,323,389.00
Regional Office Operations	5,998,082.00	6,198,082.00
Medical Services	46,379,034.00	46,579,034.00
Prison Operations	160,259,507.00	173,720,056.00
Contracted Services	97,506,186.00	100,006,186.00
Community Corrections	15,305,656.00	23,549,250.00
Community Sentencing	11,015,046.00	11,664,343.00
Probation and Parole Services	14,685,030.00	21,838,230.00
Offender Programs	10,564,039.00	20,333,039.00
Prison Industries	<u>1,715,626.00</u>	<u>25,233,498.00</u>

TOTAL \$399,009,773.00 \$469,511,245.00

SECTION 2. 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 One Hundred Ten Thousand Dollars (\$110,000.00) per annum, payable monthly for the fiscal year ending June 30, 2005. The Department of Corrections for the fiscal year ending June 30, 2005, 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 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	5,844.6
Lease-Purchase Agreements	\$8,500,000.00

SECTION 3. Of the monies appropriated to the Department of Corrections, Six Million Dollars (\$6,000,000.00) 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 4. The Department of Corrections is hereby authorized to expend from the Industries Revolving Fund, created pursuant to Section 541 of Title 57 of the Oklahoma Statutes, the sum of One Million Dollars (\$1,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Corrections by law.

SECTION 5. 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 50 trustees pursuant to Section 215 et seq. of Title 57 of the Oklahoma Statutes.

SECTION 6. 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 7. Appropriations made by Sections 108 and 149 of Enrolled House Bill No. 2007 of the 2nd Session of the 49th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2005 (hereafter FY-05) or may be budgeted for the fiscal year ending June 30, 2006 (hereafter FY-06). Funds budgeted for FY-05 may be encumbered only through June 30, 2005, and must be expended by November 15, 2005. Any funds remaining after November 15, 2005, and not budgeted for FY-06, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-06 may be encumbered only through June 30, 2006. Any funds remaining after November 15, 2006, 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-05, and not required to pay obligations for that fiscal year, may be budgeted for FY-06, 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-05 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 8. This act shall become effective July 1, 2004.

SECTION 9. 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 9th day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate