

(2ND EXTRAORDINARY SESSION
OF THE 50TH LEGISLATURE)
ENGROSSED SENATE
BILL NO. 65XX

By: Crutchfield and Rabon of
the Senate

and

Benge and Newport of the
House

An Act relating to the Department of Corrections; requiring budgeting of funds in certain categories and amounts; requiring certain performance measures; providing for duties and compensation of employees; limiting salary of the Director; authorizing employment of certain percentage of employees in the unclassified service; providing budgetary limitations; authorizing certain agreement for construction projects; authorizing performance-based per diem increase for certain contractors; providing percentage limit; providing contract period; authorizing the purchase of certain real property; authorizing the exchange of real property; authorizing the Department to enter into pilot program; setting conditions of pilot program contract; amending 57 O.S. 2001, Section 38, which relates to jail reimbursement rate; modifying reimbursement rate; providing lapse dates; and requiring and prohibiting certain budget practices.

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

SECTION 1. For the fiscal year ending June 30, 2007, the Department of Corrections shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Operations	\$ 19,438,970.00	\$ 21,813,970.00
Central Office Operations	22,156,303.00	24,065,163.00
Regional Office Operations	9,154,057.00	10,298,057.00
Medical Services	64,144,749.00	67,030,949.00
Prison Operations	191,118,294.00	204,478,843.00
Contracted Services	76,683,487.00	79,683,487.00
Community Corrections	46,548,110.00	57,094,004.00
Community Sentencing	11,097,876.00	11,747,173.00

Offender Programs	13,947,404.00	25,547,404.00
Prison Industries	<u>1,715,626.00</u>	<u>30,233,498.00</u>
TOTAL	\$456,004,876.00	\$531,992,548.00

The agency shall develop outcome-based performance measures for each budget category.

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 Twenty-six Thousand Nine Dollars (\$126,009.00) per annum, payable monthly for the fiscal year ending June 30, 2007. The Department of Corrections for the fiscal year ending June 30, 2007, 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	5,894.6
Lease-Purchase Agreements	\$10,400,000.00

SECTION 3. The Department of Corrections is hereby authorized to enter into an agreement with the state agencies 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 state agency employees.

SECTION 4. The Department of Corrections is hereby authorized to apply a performance-based per diem increase not to exceed five percent (5%) for private prison contractors for the contract period beginning October 1, 2006, and ending June 30, 2007. The performance evaluation shall be based upon the FY 2006 contract performance.

SECTION 5. The Department of Corrections, subject to funds available, is authorized to purchase 3.1 acres of real property, described as Lot 1, Block 1 of the Woods County Industrial Park, adjacent to the Charles E. Johnson Correctional Center for a sum not to exceed One Hundred Twenty Thousand Dollars (\$120,000.00) for the purchase price of said property.

SECTION 6. To remedy a defect in the title to property, the Department of Corrections is authorized to exchange parcels of real property in Pittsburg County, with the Pittsburg County Board of Commissioners, as it has been determined that the Department of Corrections is actively using property owned by Pittsburg County.

SECTION 7. The Department of Corrections is authorized to enter into a pilot acquisition program for offender canteen, trust fund and restitution accounting system services that will allow the Department to centralize offender accounting operations. The contract will not be subject to provisions of the Oklahoma Central Purchasing Act. The contract will be for a maximum of five (5) years and at completion will require the vendor to give the Department, without charge, ownership of the accounting system to include operating system source code. The Department will only enter into this agreement after it has determined, through a reasonable review of available vendor offerings, that the vendor's accounting services product will meet all operational needs.

SECTION 8. AMENDATORY 57 O.S. 2001, Section 38, is amended to read as follows:

Section 38. ~~The~~ Until January 1, 2007, the Department of
Corrections shall reimburse any county, which is required to retain
an inmate pursuant to paragraph 2 of Section 37 of this title, in an
amount not to exceed Twenty-four Dollars (\$24.00) per day for each
inmate during such period of retention. The proceeds of this
reimbursement shall be used to defray expenses of equipping and
maintaining the jail and payment of personnel. The Department of
Corrections shall reimburse the county for the emergency medical
care for physical injury or illness of the inmate retained under
this ~~resolution~~ act if the injury or illness is directly related to
the incarceration and the county is required by law to provide such
care for inmates in the jail. The Department shall not pay fees for
medical care in excess of the rates established for Medicaid
providers. The state shall not be liable for medical charges in
excess of the Medicaid scheduled rate. The Director may accept any
inmate required to have extended medical care upon application of
the county. Effective January 1, 2007, the Department of
Corrections shall reimburse any county, which is required to retain
an inmate pursuant to paragraph 2 of Section 37 of this title, in an
amount not to exceed Twenty-seven Dollars (\$27.00) per day for each
inmate during such period of retention. The proceeds of this
reimbursement shall be used to defray expenses of equipping and
maintaining the jail and payment of personnel. The Department of
Corrections shall reimburse the county for the emergency medical
care for physical injury or illness of the inmate retained under
this act if the injury or illness is directly related to the
incarceration and the county is required by law to provide such care
for inmates in the jail. The Department shall not pay fees for
medical care in excess of the rates established for Medicaid
providers. The state shall not be liable for medical charges in
excess of the Medicaid scheduled rate. The Director may accept any

inmate required to have extended medical care upon application of the county.

SECTION 9. Appropriations made by Section 69 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07), or may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-08). Funds budgeted for FY-07 may be encumbered only through June 30, 2007, and must be expended by November 15, 2007. Any funds remaining after November 15, 2007, and not budgeted for FY-08, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-08 may be encumbered only through June 30, 2008. Any funds remaining after November 15, 2008, 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-07, and not required to pay obligations for that fiscal year, may be budgeted for FY-08, 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-07 budget work program and after such revision has been approved by the Office of State Finance.

Passed the Senate the 21st day of June, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives