

SB 1964

THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1964
As Amended

SENATE BILL NO. 1964 - By: CORN of the Senate and COOKSEY of the House.

[corrections - discharge of prisoners - maximum amounts of petty cash - canteen services - codification - effective date]

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 513, is amended to read as follows:

Section 513. A. When any prisoner shall be discharged from the institution, the Warden or superintendent shall furnish ~~him~~ the person with proper and necessary clothing and a railroad or bus ticket to ~~his~~ the person's home community within the State of Oklahoma, if it is not in the county in which the institution is located; and if ~~his~~ the person's home community is outside the State of Oklahoma, the warden or superintendent may furnish the necessary tickets to ~~his~~ such home community or the county in which the sentence was imposed; and if ~~he~~ the person's inmate trust account does not have at least a credit balance of Fifty Dollars (\$50.00) ~~to~~ ~~his credit~~, the Warden or superintendent may furnish such additional sum from the petty cash special account as will afford ~~him~~ the person Fifty Dollars (\$50.00).

1 B. Funds necessary to provide ~~said~~ the clothing, transportation
2 and Fifty Dollars (\$50.00) allowed in subsection A of this section
3 shall be drawn from a petty cash ~~fund to be~~ special account
4 established at ~~each institution of the Oklahoma Department of~~
5 ~~Corrections.~~ ~~Said Petty Cash Fund shall be governed by the rules~~
6 ~~and regulations established by the Oklahoma State Budget Office by~~
7 the Department of Corrections pursuant to Section 2 of this act.

8 SECTION 2. AMENDATORY 57 O.S. 2001, Section 513.1, as
9 amended by Section 6, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2007,
10 Section 513.1), is amended to read as follows:

11 Section 513.1 ~~Maximum amounts in petty cash funds.~~

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

	Maximum Amount
Department of Corrections	\$1,000.00
Jim E. Hamilton 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)	\$8,000.00
Oklahoma State Reformatory (Granite)	\$3,000.00
R.B. "Dick" Conner Correctional Center (Hominy)	\$3,000.00

1	Joe Harp Correctional Center (Lexington)	\$3,000.00
2	Jess Dunn Correctional Center (Taft)	\$3,500.00
3	James Crabtree Correctional Center (Helena)	\$2,000.00
4	Mabel Bassett Correctional Center (Oklahoma City)	\$2,000.00
5	John Lilley Correctional Center (Boley)	\$2,000.00
6	Oklahoma City Community Corrections Center	\$2,000.00
7	Clara Waters Community Corrections Center	
8	(Oklahoma City)	\$2,000.00
9	Kate Barnard Community Corrections Center	
10	(Oklahoma City)	\$2,000.00
11	Tulsa Community Corrections Center	\$2,000.00
12	Muskogee Community Corrections Center	\$2,000.00
13	Lawton Community Corrections Center	\$2,000.00
14	Enid Community Corrections Center	\$2,000.00
15	Union City Community Corrections Center	\$2,000.00
16	Jackie Brannon Correctional Center	\$3,000.00
17	William S. Key Correctional Center (Fort Supply)	\$3,000.00
18	Dr. Eddie Walter Warrior Correctional Center	
19	(Taft)	\$3,000.00
20	Northeast Oklahoma Correctional Center (Vinita)	\$3,000.00
21	Charles E. "Bill" Johnson Correctional Center	\$3,000.00
22	<u>To satisfy the requirements and responsibilities of subsections</u>	
23	<u>A and B of Section 513 of Title 57 of the Oklahoma Statutes, and to</u>	

1 timely acquire goods and services that cannot appropriately be
2 secured through normal purchasing and invoice processes, the
3 Department of Corrections is authorized to utilize one agency
4 special account as a centralized petty cash fund, as authorized by
5 the State Agency Special Account Board. The Department shall
6 establish written rules, policies and procedures for the use of the
7 petty cash special account funds and the amounts authorized to be
8 maintained in such account. The rules, policy and procedures for
9 the petty cash special account shall be filed with the Office of
10 State Finance. By policy, the Director of the Department shall
11 specify the units, facilities and institutions of the Department of
12 Corrections that are authorized to make disbursements from the petty
13 cash special account. All authorized disbursements from the petty
14 cash special account shall be made by voucher, signed by a person
15 authorized and designated by the Chief Financial Officer of the
16 Department to make expenditures from the account, and filed with the
17 Office of the State Treasurer. The Department shall adhere to all
18 rules and accounting procedures established by the Office of State
19 Finance for state petty cash funds in administering the petty cash
20 special account.

21 SECTION 3. AMENDATORY 57 O.S. 2001, Section 537, is
22 amended to read as follows:

1 Section 537. A. There shall be established a Canteen System
2 Board of Directors for all canteen services operated within the
3 Department of Corrections. The members of the Canteen System Board
4 shall be appointed by the Director of the Department of Corrections.
5 All correctional facility canteen operations shall be under the
6 control of the Canteen System Board and shall operate pursuant to
7 written guidelines established by the Board. The overall canteen
8 operation composed of all correctional facility canteen operations
9 shall be collectively called the Canteen System and such System
10 shall be required to be self-supporting from sales receipts.

11 B. Each correctional facility may have a canteen operation.
12 ~~The directors of each~~ Each facility canteen when established shall
13 ~~be the facility head and two directors appointed by the facility~~
14 ~~head~~ require the warden of such facility, or a designee, to oversee
15 the day-to-day canteen operation according to the guidelines set by
16 the Canteen System Board. The ~~business manager~~ Chief Financial
17 Officer of the Department shall act as custodian of all canteen
18 funds and be responsible for all expenditures from the canteen
19 special account. The Chief Financial Officer of the Department
20 shall make daily deposits of ~~each~~ all sales receipts in ~~an agency~~
21 the canteen special account approved by the Special Agency Account
22 Board. Canteen ~~funds may~~ System profits shall be identified monthly
23 by the Chief Financial Officer and transferred periodically from ~~one~~

1 ~~the canteen fund special account to another canteen fund special~~
2 ~~account upon an affirmative vote by the Board of Directors the~~
3 ~~Department of Corrections Inmate and Staff Welfare Revolving Fund.~~
4 All disbursements made from the canteen special account shall be by
5 voucher ~~signed~~ approved by ~~two of the directors of the canteen the~~
6 Chief Financial Officer and payable through the State Treasurer.
7 Documentation of each disbursement shall be kept on ~~permanent~~ file
8 ~~at each institution~~ by the Department. Canteen records may be
9 disposed of in accordance with the records disposition schedule
10 approved by the State Archives and Records Commission. The
11 Department shall notify the State Records Administrator thirty (30)
12 days in advance of its intent to dispose of any canteen records.
13 ~~Accounting~~ The Department shall follow accounting procedures in
14 accordance with state fiscal accounting procedures ~~shall be followed~~
15 in administering canteen funds. ~~All profits from the canteen~~
16 ~~operations shall be used exclusively for the benefit of the inmates~~
17 ~~of the various institutions and personnel of the Department of~~
18 ~~Corrections as determined by the canteen Board of Directors pursuant~~
19 ~~to subsection A of this section.~~

20 C. Employees utilized in the operation of the canteen services
21 at each institution shall be state employees. Inmates may work in
22 the a correctional facility canteen operations. Reimbursement and

1 shall receive reimbursement for said such work shall be accomplished
2 through the institution incentive pay program.

3 D. ~~The operations of the~~ All correctional facility canteen
4 ~~service operations and the canteen special account~~ shall be the
5 subject ~~of~~ to an annual audit by the Office of the State Auditor and
6 Inspector. Reports of the audit shall be provided to the Governor,
7 the Speaker of the House of Representatives, the President Pro
8 Tempore of the Senate, the Legislative Service Bureau, the
9 Department of Corrections, and to the warden of the concerned
10 institution.

11 E. Merchandise and services to be purchased for resale
12 ~~purchased and sold through a correctional facilities' canteen as~~
13 ~~established in this section~~ the Canteen System, inmate telephone
14 equipment or services, and offender electronic mail equipment or
15 services shall be purchased by voucher drawn against the canteen
16 special account and all such purchases of goods and services shall
17 be exempted from the provisions of the Oklahoma Central Purchasing
18 Act. All profits from the Canteen System, any inmate telephone
19 system, and any offender electronic mail operation, shall be used
20 exclusively for the benefit of inmates of the various institutions
21 and personnel of the Department as determined by the Canteen System
22 Board of Directors.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 537.1 of Title 57, unless there
3 is created a duplication in numbering, reads as follows:
4 A. There is hereby created in the State Treasury a revolving
5 fund for the Department of Corrections to be designated the
6 "Department of Corrections Inmates and Staff Welfare Revolving
7 Fund". The fund shall be a continuing fund, not subject to fiscal
8 limitations, and shall consist of all profits generated from the
9 Canteen System, any inmate telephone system, any offender electronic
10 mail system, and all monies credited to any inmate trust account
11 which has been abandoned or unclaimed as provided by law. All
12 monies accruing to the credit of the fund are hereby appropriated
13 and may be budgeted and expended by the Department of Corrections
14 and the Canteen System Board for the benefit of inmates of the
15 various institutions and personnel of the Department according to
16 written Department policy, Welfare budget limitations, and upon
17 approval of the Canteen System Board. Expenditures from the fund
18 shall be made upon warrants issued by the State Treasurer against
19 claims filed as prescribed by law with the Director of State Finance
20 for approval and payment. All expenditures from this fund shall
21 comply with the applicable provisions of the Oklahoma Central
22 Purchasing Act, unless specifically exempt by law.

1 B. All cash balances credited to the various Department canteen
2 fund special accounts that were previously budgeted and approved for
3 inmate and staff welfare expenditures prior to the effective date of
4 this act, but are not encumbered or expended as of June 30, 2008,
5 shall be transferred to the Department of Corrections Inmate and
6 Staff Welfare Revolving Fund on the effective date of this act.
7 Beginning on the effective date of this act, profits generated from
8 the Canteen System, any inmate telephone systems, and any offender
9 electronic mail systems shall be identified and deposited in the
10 Department of Corrections Inmate and Staff Welfare Revolving Fund as
11 provided in Section 3 of this act.

12 SECTION 5. AMENDATORY 57 O.S. 2001, Section 549, as last
13 amended by Section 8, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2007,
14 Section 549), is amended to read as follows:

15 Section 549. A. The State Board of Corrections shall have the
16 following powers and duties with respect to the operation of prison
17 industries, the Construction Division, and administration of inmate
18 trust funds:

19 1. The power to make leases or other contracts consistent with
20 the operation of prison industries, and to set aside land or
21 facilities for the use of such industry;

22 2. The power to establish conditions for expenditures by the
23 Department of Corrections from the Industries Revolving Fund;

1 3. The power to negotiate wages and working conditions on
2 behalf of prisoners working in prison industries or prisoners
3 working in the Construction Division. Pay grades for the
4 Construction Division "on-the-job training" inmate crews shall be as
5 follows:

- 6 a. Pay Grade "A" - Inmate Worker,
- 7 b. Pay Grade "B" - Inmate Worker,
- 8 c. Pay Grade "C" - Apprentice,
- 9 d. Pay Grade "D" - Skilled Craft;

10 4. The power to collect wages and other receipted funds on
11 behalf of the inmate, to apportion inmate wages and funds in
12 accordance with the law; and the duty to preserve those wages and
13 funds reserved for the inmate in an account for his or her benefit,
14 and to establish procedures by which the inmate can draw funds from
15 this account under the conditions and limitations and for the
16 purposes allowed by law;

17 5. The duty to establish the percentages of such wages ~~and~~
18 ~~other receipted funds~~ which shall be available for apportionment to
19 inmate savings; to the inmate for his or her personal use; to the
20 lawful dependents of the inmate, if any; to the victim of the
21 inmate's crime; for payment of creditors; for payment of costs and
22 expenses for criminal actions against such inmate; and to the
23 Department of Corrections for costs of incarceration. Provided,

1 that not less than twenty percent (20%) of such wages ~~and funds~~
2 shall be placed in an account, and shall be payable to the prisoner
3 upon his or her discharge. Funds from this account may be used by
4 the inmate for fees or costs in filing a civil or criminal action as
5 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
6 or for federal action as defined in Section 1911 et seq. of Title 28
7 of the United States Code, 28 U.S.C., Section 1911 et seq.; and

8 6. The power to invest funds held by the Department of
9 Corrections on behalf of each inmate in an interest-bearing account
10 with the interest accruing and payable to the Crime Victims
11 Compensation Fund, as provided in Section 142.17 of Title 21 of the
12 Oklahoma Statutes. The interest from each inmate's savings account
13 shall be payable to the Crime Victims Compensation Fund, at such
14 intervals as may be determined by the Board, in addition to any
15 other payments to such fund required by the inmate's sentence or
16 otherwise by law. An inmate shall not have the right, use or
17 control of any interest derived from any funds placed in a mandatory
18 savings account.

19 B. The State Board of Corrections shall cause to be placed in
20 an account income from the inmate's employment and any other income
21 or benefits accruing to or payable to and for the benefit of said
22 inmate, including any workers' compensation or Social Security
23 benefits.

1 1. From this account the State Board of Corrections may charge
2 for costs of incarceration any inmate working in private prison
3 industries or any other inmate for costs of incarceration not to
4 exceed fifty percent (50%) of any deposits made to said account,
5 unless said deposits were from a workers' compensation benefit.

6 2. From this account, the State Board of Corrections may charge
7 any inmate for costs of incarceration, an amount equivalent to one
8 hundred percent (100%) of any deposits from a workers' compensation
9 benefit to said account.

10 3. The Department of Corrections shall pay into the Crime
11 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
12 the Oklahoma Statutes, an amount equal to five percent (5%) of the
13 gross wages earned by inmates working in a private prison industries
14 program, said amount to be paid from the amount deducted for cost of
15 incarceration.

16 4. Withdrawals and deposits shall be made according to rules
17 and regulations established by the State Board of Corrections.

18 C. The Department of Corrections may assess costs of
19 incarceration against all inmates beginning on September 1, 1992.
20 Such costs shall be a debt of the inmate owed to the Department of
21 Corrections and may be collected as provided by law for collection
22 of any other civil debt. In addition to the provisions of this
23 section authorizing expenditure of inmate trust funds for costs of

1 incarceration, any monies received for costs of incarceration shall
2 be deposited in the Department of Corrections Revolving Fund.

3 D. On and after the effective date of this act, the entire
4 balance of any inmate trust fund having an aggregate balance of
5 Fifty Dollars (\$50.00) or less that is abandoned and unclaimed for a
6 period of at least twelve (12) months, as determined by the State
7 Board of Corrections upon notice of abandonment by the Chief
8 Financial Officer of the Department of Corrections, shall be
9 transferred to the Department of Corrections Inmate and Staff
10 Welfare Revolving Fund. All such abandoned and unclaimed inmate
11 trust funds shall be exempt from inclusion in the State Unclaimed
12 Property Fund. Upon transfer of the abandoned and unclaimed inmate
13 trust funds as provided in this subsection, such inmate account
14 shall be permanently closed.

15 SECTION 6. This act shall become effective November 1, 2008.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
17 PASS, As Amended and Coauthored.