HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

ENGROSSED SENATE
BILL NO. 2126

By: Jolley and Justice of the Senate

and

Martin (Scott) and Sears of the House

An Act relating to the Department of Corrections; making an appropriation; stating purpose; amending 57 O.S. 2011, Section 541, as amended by Section 251, Chapter 304, O.S.L. 2012 (57 O.S. Supp. 2013, Section 541), which relates to the Department of Corrections Industries Revolving Fund; deleting spending restriction; adding requirement of Director's approval; making appropriation nonfiscal; and declaring an emergency.

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

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, 2013, the sum of Thirteen Million Dollars ($13,000,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Corrections by law.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

SECTION 2. AMENDATORY 57 O.S. 2011, Section 541, as amended by Section 251, Chapter 304, O.S.L. 2012 (57 O.S. Supp. 2013, Section 541), is amended to read as follows:

Section 541. A. There is hereby created in the State Treasury an Industries Revolving Fund for the Department of Corrections.

B. The revolving fund shall consist of earnings derived from prison industries operated by the Department of Corrections and from that portion of the prisoner's income apportioned and paid into the prison system to recover the cost of incarceration of the prisoners as provided by law. Funds derived from prisoner wages shall be maintained and accounted for separately in this fund. The Industries Revolving Fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the State Board of Corrections.

C. Expenditures from the Industries Revolving Fund shall be budgeted and expended pursuant to the laws of the state and the statutes relating to public finance and to the institution. The fund may be used to purchase, maintain and repair machinery, to purchase materials and supplies for the prison industries and to defray any other expenses necessary to operation of the industries, with first priority being given to repairs, replacement and modernization of industrial or agricultural machinery or equipment. These funds may also be used to support the overall operation of the Department of Corrections~~; provided however, no funds shall be used~~

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~~for purposes other than prison industries, except pursuant to legislative appropriation~~ subject to approval of the Director of the Department of Corrections. Expenditures from the fund derived from prisoner's income may be used for the maintenance of prisoners in prison institutions and all expenses related thereto under such rules as may be established by the State Board of Corrections. Warrants for expenditures from the Industries Revolving Fund shall be based on claims signed by an authorized employee or employees of the Department, and approved for payment by the Director of the Office of Management and Enterprise Services. The Department shall maintain a separate accounting of receipts and expenditures for each industry for periodic review by the Legislature. The fund may not be used to employ personnel in excess of those authorized by legislative action.

D. All funds in the Department of Corrections' Industries Revolving Funds not encumbered or obligated upon the operative date of this section shall be transferred to a single Industries Revolving Fund of the Department of Corrections.

E. The Administrator of Industrial Production will determine the prices of all goods produced through the state prison industries, and the Administrator of Agri-Services will determine the prices of all goods produced by Agri-Service units. These prices will be filed with the Budget Office.

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When industrial or agricultural items or products are furnished to the institutions of the Department, or sold to other governmental agencies, payment therefor shall be made within thirty (30) days for deposit in the revolving account to be used in purchasing expendable items, raw materials or other items needed to produce additional such products or items, and for such other purposes as are authorized by law. The Administrator of Industrial Production or Administrator of Agri-Services may establish higher prices for sale of products to governmental agencies, according to the current market value of each product.

F. The Department of Corrections is authorized to pay inmates for productive work in accordance with policies set by the State Board of Corrections. The State Board of Corrections shall certify the positions to be paid and the rate of pay in accordance with the responsibilities and skills required for the position. The Department of Corrections shall develop policies for payment of inmates in the Industries Program that promote productivity as well as compensate for responsibilities and skills. The Department shall file such policy statements with the ~~Chairmen~~ Chairs of the appropriate committees of both the Senate and the House of Representatives as designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Any change in this policy by the State Board of Corrections may be voided by legislative action to rescind such policy.

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SECTION 3. Appropriations made by this act, shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the date this act is approved.

SECTION 4. 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.

DIRECT TO CALENDAR.

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