

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1076

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to prisoner training; directing the  
8 Department of Corrections to pursue certain  
9 rehabilitation opportunities; providing for creation  
10 of the Oklahoma Cedar Control Project program;  
11 stating conditions of participation in the program;  
12 requiring certain selected persons to harvest cedar  
13 trees on certain lands; stating legislative intent  
14 for completion of the program; directing the  
15 Department to work cooperatively with educational  
16 institutions and certain officials; directing the  
17 Department to provide suitable candidates; requiring  
18 development of a screening and classification method;  
19 creating the Hope for Tomorrow Revolving Fund;  
20 stating source of funds; stating purpose of the fund;  
21 requiring expenditures to be on warrants; authorizing  
22 the Department to allow certain persons to be  
23 employed to remove cedar trees on certain lands;  
24 limiting removal to lands meeting certain conditions;  
requiring employment to be consistent with the  
Prisoners Public Works Act; allowing certain entities  
and private landowners to submit requests for inmate  
labor; making certain entities and landowners  
obligated for certain costs; providing process for  
making certain equipment available; allowing certain  
entities to utilize certain contracts and services to  
obtain certain equipment; providing for codification;  
and providing an effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
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1           SECTION 1.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 539.2 of Title 57, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The Department of Corrections shall pursue rehabilitation  
5 opportunities for persons in the custody of the Department who are  
6 candidates for work release and post-incarceration education and  
7 certification programs through implementation of a program to be  
8 known as the "Oklahoma Cedar Control Project". Selected inmates  
9 shall be eligible to participate in the Oklahoma Cedar Control  
10 Project and as a condition of their successful participation shall  
11 earn the right to access specific future educational and training  
12 certifications. Persons in the custody of the Department selected  
13 for the Project shall participate in the harvest of Juniperus  
14 Virginiana, commonly known as the Eastern Red Cedar, and other cedar  
15 species which have been deemed by the Oklahoma Department of  
16 Agriculture, Food, and Forestry as invasive or posing a potential  
17 threat to human health or community natural resources and are in  
18 need of control. It is the intent of the Oklahoma Legislature that  
19 the program will be available so that said education and training  
20 will reasonably be expected to be completed before parole or  
21 release.

22           B. The Department of Corrections shall work cooperatively with  
23 any educational institution willing to provide skills training or  
24 education in any recognized academic field and with city, county and

1 state officials with jurisdiction over the areas where the cedar  
2 trees are to be harvested. The Department shall work with the  
3 educational institutions and city, county or state officials to  
4 provide suitable candidates to allow reasonable cost-effectiveness  
5 in the operation of said education, rehabilitation and training  
6 program. This shall be accomplished through development of a method  
7 for screening and classification of persons in all facilities  
8 operated by the Department of Corrections, such screening and  
9 classification to be done cooperatively with the educational  
10 institutions and city, county or state officials.

11 C. There is hereby created in the State Treasury a revolving  
12 fund for the Department of Corrections to be designated the "Hope  
13 for Tomorrow Revolving Fund". The fund shall be a continuing fund,  
14 not subject to fiscal year limitations, and shall consist of all  
15 monies received by the Department of Corrections from donations made  
16 by private individuals and private and public entities which are  
17 specifically earmarked for the Oklahoma Cedar Control Project and  
18 which are for the purpose of reimbursement of harvesting or  
19 classroom or tuition expenses related to education and training of  
20 eligible inmates participating in the Oklahoma Cedar Control Project  
21 which are not covered by other sources. All monies accruing to the  
22 credit of said fund are hereby appropriated and may be budgeted and  
23 expended by the Department of Corrections for the purpose of the  
24 Oklahoma Cedar Control Project. Expenditures from said fund shall

1 be made upon warrants issued by the State Treasurer against claims  
2 filed as prescribed by law with the Director of the Office of  
3 Management and Enterprise Services for approval and payment.

4 D. 1. The Department of Corrections may allow persons in the  
5 custody of the Department who have been selected to participate in  
6 work release programs to be employed to remove cedar trees as  
7 authorized in Section 222 of Title 57 of the Oklahoma Statutes on  
8 public and private lands where cedar encroachment has occurred,  
9 including lands within the jurisdictional boundaries of  
10 municipalities. The means of removal by persons in the custody of  
11 the Department shall be limited to mechanical means.

12 2. Removal of cedar trees on public lands by persons in the  
13 custody of the Department shall be limited to lands where *Juniperus*  
14 *Virginiana*, commonly known as Eastern Red Cedar, or other cedar  
15 species trees are deemed by experts to be a threat to rivers,  
16 streams, ponds, lakes, public water supplies, surface water and  
17 potentially to groundwater, and also pose a potential fire hazard  
18 that can threaten adjacent real property, livestock, wildlife and  
19 human life. A board of county commissioners, the governing body of  
20 any municipality or any agency of the State of Oklahoma after  
21 providing public notification may submit requests to the Department  
22 of Corrections to provide inmate labor for cedar removal. Upon  
23 approval of the request by the Department, the board of county  
24 commissioners, the governing body of any municipality or the agency

1 of the State of Oklahoma shall be obligated to reimburse the  
2 Department for costs related to the prescribed cedar removal.

3 3. A private landowner may submit requests to the Department to  
4 provide inmate labor for cedar removal. Removal shall be limited to  
5 land where Juniperus Virginiana or other cedar trees are deemed to  
6 be a threat as described in paragraph 2 of this subsection. Upon  
7 approval of the request by the Department, the private landowner  
8 shall be obligated to reimburse the Department for costs related to  
9 the cedar removal.

10 4. The employment of a person in the custody of the Department  
11 pursuant to this subsection shall be consistent with the terms and  
12 conditions of the Prisoners Public Works Act.

13 5. If equipment for the cedar removal is not available to the  
14 municipality, the county or the state agency, adequate equipment  
15 shall be made available under the terms of The Oklahoma Central  
16 Purchasing Act, or the State Purchasing Director shall allow the  
17 municipality, county or state agency to acquire the equipment  
18 through any program contract, acquisition or expenditure that is not  
19 subject to the provisions of The Oklahoma Central Purchasing Act.  
20 In addition, the municipality, county or state agency may, unless  
21 otherwise prohibited pursuant to the contract, make use of statewide  
22 contracts and the services of the Purchasing Division and the State  
23 Purchasing Director to purchase the needed equipment. The  
24 municipality, county or state agency may designate the State

1 Purchasing Director as its agent for any acquisition from a  
2 statewide contract or contract otherwise available to the state.

3 SECTION 2. This act shall become effective November 1, 2015.

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