

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3209

By: Lepak and McDugle of the
House

and

Treat of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to the Board of Corrections; amending
12 57 O.S. 2011, Sections 503, 504 and 506, as last
13 amended by Section 2, Chapter 386, O.S.L. 2016 (57
14 O.S. Supp. 2017, Section 506), which relate to the
15 State Board of Corrections; making Board an advisory
16 body; transferring duties to the Executive Director;
17 modifying powers and duties of the Board; authorizing
18 Governor to appoint Director; providing for
19 determination of compensation; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 57 O.S. 2011, Section 503, is
23 amended to read as follows:

24 Section 503. There is hereby created the State Board of
Corrections which shall be ~~the governing board of the Department an~~
advisory body to the Director of Corrections ~~herein created~~.

1 Effective January 14, 2019, all duties and powers of the Board shall
2 be transferred to the Director. Any provision in statute that
3 provides to the Board authority that is not advisory in nature shall
4 be deemed to grant the duty or power to the Director. The Board
5 shall consist of seven (7) members who shall be appointed by the
6 Governor with the advice and consent of the Senate. One member
7 shall be appointed from each congressional district and any
8 remaining members shall be appointed from the state at large.
9 However, when congressional districts are redrawn each member
10 appointed prior to July 1 of the year in which such modification
11 becomes effective shall complete the current term of office and
12 appointments made after July 1 of the year in which such
13 modification becomes effective shall be based on the redrawn
14 districts. Appointments made after July 1 of the year in which such
15 modification becomes effective shall be from any redrawn districts
16 which are not represented by a board member until such time as each
17 of the modified congressional districts are represented by a board
18 member. No appointments may be made after July 1 of the year in
19 which such modification becomes effective if such appointment would
20 result in more than two members serving from the same modified
21 district. The terms of office of two members shall expire on March
22 15, 1969, and each six (6) years thereafter; the terms of two
23 members shall expire on March 15, 1971, and each six (6) years
24 thereafter; and the terms of three members shall expire on March 15,

1 1973, and each six (6) years thereafter. Not more than four members
2 of the Board shall be of the same political party. Any member of
3 the Board may be removed from office in the manner provided by law
4 for the removal of officers not subject to impeachment. Vacancies
5 on the Board shall be filled for the unexpired term.

6 SECTION 2. AMENDATORY 57 O.S. 2011, Section 504, is
7 amended to read as follows:

8 Section 504. ~~(a) A.~~ The ~~Board shall elect from its members a~~
9 ~~chairman, vice chairman and a secretary.~~ It Director of Corrections
10 shall adopt rules and regulations ~~for its government~~ and may adopt
11 an official seal for the Department. ~~Members shall be reimbursed~~
12 ~~for travel expenses, as provided in the State Travel Reimbursement~~
13 ~~Act while attending meetings of the Board or while performing other~~
14 ~~official duties.~~

15 ~~(b) B.~~ The ~~Board~~ Director shall have the following powers and
16 duties:

17 ~~(1) 1.~~ To establish policies for the operation of the
18 Department;

19 ~~(2) 2.~~ To establish and maintain such institutions as are
20 necessary or convenient for the operation of programs for the
21 education, training, vocational education and rehabilitation of
22 prisoners under the jurisdiction of the Department;

23 ~~(3) 3.~~ To lease, from time to time, without restriction as to
24 terms, any property which said ~~Board~~ Director shall determine

1 advisable to more fully carry into effect the operation of prison
2 industries;

3 ~~(4)~~ 4. To acquire, construct, extend, improve, maintain and
4 operate any and all facilities of all kinds which in the judgment of
5 the ~~Board~~ Director shall be necessary or convenient to foster the
6 prison industries program;

7 ~~(5) To require the Director and any other personnel of the~~
8 ~~Department, when deemed necessary by the Board, to give bond for the~~
9 ~~faithful performance of their duties;~~

10 ~~(6) To appoint and fix the salary of the Director;~~

11 ~~(7)~~ 5. To enter into contracts with private prison contractors;
12 and

13 ~~(8)~~ 6. To provide training to employees of private prison
14 contractors and other governmental entities on a fee basis.

15 SECTION 3. AMENDATORY 57 O.S. 2011, Section 506, as last
16 amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2017,
17 Section 506), is amended to read as follows:

18 Section 506. There is hereby created the position of Director
19 of Corrections. The Director shall be qualified for such position
20 by character, knowledge, skill, ability, education, training and
21 successful administrative experience and shall have five (5) years
22 of professional level work. The Director of Corrections shall be
23 appointed by the ~~Board of Corrections, with the advice and consent~~
24 ~~of the Senate and shall be subject to removal by a vote of the~~

1 ~~majority of the entire Board or in the manner provided by law for~~
2 ~~the removal of officers not subject to impeachment~~ Governor, with
3 the advice and consent of the Senate, and shall serve at the
4 pleasure of the Governor and may be removed or replaced without
5 cause. Compensation for the Director shall be determined pursuant
6 to Section 3601.2 of Title 74 of the Oklahoma Statutes.

7 SECTION 4. This act shall become effective January 14, 2019.

8

9 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS,
10 As Amended and Coauthored.

11

12

13

14

15

16

17

18

19

20

21

22

23

24