

1 **SENATE FLOOR VERSION**

2 April 11, 2018

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 3209

6 By: Lepak, McDugle and Cockroft
7 of the House

8 and

9 Treat of the Senate

10 **[Board of Corrections - advisory body - powers and
11 duties - Governor to appoint Director - effective
12 date]**

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

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

16 Section 503. There is hereby created the State Board of

17 Corrections which shall be ~~the governing board of the Department an~~
18 advisory body to the Director of Corrections herein created.

19 Effective January 14, 2019, all duties and powers of the Board shall

20 be transferred to the Director. Any provision in statute that

21 provides to the Board authority that is not advisory in nature shall

22 be deemed to grant the duty or power to the Director. The Board

23 shall consist of seven (7) members who shall be appointed by the

24 Governor with the advice and consent of the Senate. One member

1 shall be appointed from each congressional district and any
2 remaining members shall be appointed from the state at large.
3 However, when congressional districts are redrawn each member
4 appointed prior to July 1 of the year in which such modification
5 becomes effective shall complete the current term of office and
6 appointments made after July 1 of the year in which such
7 modification becomes effective shall be based on the redrawn
8 districts. Appointments made after July 1 of the year in which such
9 modification becomes effective shall be from any redrawn districts
10 which are not represented by a board member until such time as each
11 of the modified congressional districts are represented by a board
12 member. No appointments may be made after July 1 of the year in
13 which such modification becomes effective if such appointment would
14 result in more than two members serving from the same modified
15 district. The terms of office of two members shall expire on March
16 15, 1969, and each six (6) years thereafter; the terms of two
17 members shall expire on March 15, 1971, and each six (6) years
18 thereafter; and the terms of three members shall expire on March 15,
19 1973, and each six (6) years thereafter. Not more than four members
20 of the Board shall be of the same political party. Any member of
21 the Board may be removed from office in the manner provided by law
22 for the removal of officers not subject to impeachment. Vacancies
23 on the Board shall be filled for the unexpired term.

24

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

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

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

12 ~~(1) 1.~~ To establish policies for the operation of the
13 Department;

14 ~~(2) 2.~~ To establish and maintain such institutions as are
15 necessary or convenient for the operation of programs for the
16 education, training, vocational education and rehabilitation of
17 prisoners under the jurisdiction of the Department;

18 ~~(3) 3.~~ To lease, from time to time, without restriction as to
19 terms, any property which said ~~Board~~ Director shall determine
20 advisable to more fully carry into effect the operation of prison
21 industries;

22 ~~(4) 4.~~ To acquire, construct, extend, improve, maintain and
23 operate any and all facilities of all kinds which in the judgment of
24

1 the ~~Board~~ Director shall be necessary or convenient to foster the
2 prison industries program;

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

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

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

8 and

9 ~~(8)~~ 6. To provide training to employees of private prison
10 contractors and other governmental entities on a fee basis.

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

14 Section 506. There is hereby created the position of Director
15 of Corrections. The Director shall be qualified for such position
16 by character, knowledge, skill, ability, education, training and
17 successful administrative experience and shall have five (5) years
18 of professional level work. The Director of Corrections shall be
19 appointed by the ~~Board of Corrections, with the advice and consent~~
20 ~~of the Senate and shall be subject to removal by a vote of the~~
21 ~~majority of the entire Board or in the manner provided by law for~~
22 ~~the removal of officers not subject to impeachment~~ Governor, with
23 the advice and consent of the Senate, and shall serve at the
24 pleasure of the Governor and may be removed or replaced without

1 cause. Compensation for the Director shall be determined pursuant
2 to Section 3601.2 of Title 74 of the Oklahoma Statutes.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 April 11, 2018 - DO PASS AS AMENDED
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