

House Bill 1318

By: Representative Barnard of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the  
2 Board and Department of Corrections, so as to provide authority to place vending machines  
3 on the premises of department facilities for the benefit of employees; to provide for employee  
4 benefit funds; to change certain provisions relating to the Board and Department of  
5 Corrections; to provide definitions; to provide a statement of legislative intent; to provide for  
6 related matters; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and  
11 Department of Corrections, is amended by adding a new Code section immediately following  
12 Code Section 42-2-14 to read as follows:

13 "42-2-15.

14 (a) As used in this Code section, the term:

15 (1) 'Employee' means a full-time or part-time employee of the department or an  
16 employee serving under contract with the department.

17 (2) 'Employee benefit fund' means an account containing the profits generated from  
18 vending services maintained by a local facility.

19 (3) 'Executive director of the facility' means the warden, superintendent, chief probation  
20 official, or such other head of a facility.

21 (4) 'Facility' means a prison, institution, detention center, diversion center, probation  
22 office, or such other similar property under the jurisdiction or operation of the  
23 department.

24 (5) 'Vending services' means one or more vending machines in a location easily  
25 accessible by employees, which services may also be accessible by members of the  
26 general public, but which vending machines do not require a manager or attendant for the

1 purpose of purchasing food or drink items. Vending services shall also mean the  
2 provision of snack or food items or nonalcoholic beverages and shall not include any  
3 tobacco products or alcoholic beverages.

4 (b) It is the intent of the General Assembly to provide an employee benefit as set forth in  
5 this Code section which benefit shall be of de minimis cost to the state and which shall in  
6 turn benefit the state through the retention of dedicated and experienced employees.

7 (c) Any other provision of the law notwithstanding, the department is authorized to enter  
8 into vending service agreements by sublease or license for the purpose of providing  
9 vending services to each facility under the jurisdiction of the department. Vending services  
10 shall be provided in any facility where the operation of such vending services is capable  
11 of generating a profit. The profits generated from the vending services shall be maintained  
12 by the local facility under the authority of the executive director of the facility in an  
13 interest-bearing account and the account shall be designated the 'employee benefit fund.'

14 (d) The fund shall be administered by a committee of five representatives of the facility  
15 to be selected by the executive director of the facility. Funds from the account may be  
16 spent as determined by a majority vote of the committee. Funds may be provided to an  
17 individual employee of the facility for the purpose of recognizing a death, birth, marriage,  
18 or prolonged illness or to provide assistance in the event of a natural disaster or devastation  
19 adversely affecting an employee or an employee's immediate family member. Funds may  
20 also be expended on an item or activity which shall benefit all employees of the facility  
21 equally for the purposes of developing camaraderie or otherwise fostering loyalty to the  
22 department or bringing together the employees of the facility for a meeting, training  
23 session, or similar gathering. Funds spent for an individual employee shall not exceed  
24 \$250.00 per person per event and funds expended for employee gatherings or items shall  
25 not exceed \$1,000.00 per event or single item.

26 (e) The employee benefit fund account of each facility shall be reviewed and audited by  
27 the administrative office of the local facility and by the department in accordance with  
28 standards and procedures established by the department. No account shall maintain funds  
29 in excess of \$5,000.00. Any funds collected which cause the fund balance to exceed  
30 \$5,000.00 shall be remitted to the department's general operating budget."

## 31 SECTION 2.

32 This Act shall become effective on July 1, 2006.

## 33 SECTION 3.

34 All laws and parts of laws in conflict with this Act are repealed.