House Bill 1318 (AS PASSED HOUSE AND SENATE)

By: Representative Barnard of the 166th

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"42-2-15.

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

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

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

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

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

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

purpose of purchasing food or drink items. Vending services shall be for the provision of snack or food items or nonalcoholic beverages and shall not include any tobacco products or alcoholic beverages.

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

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

(d) The fund shall be administered by a committee of five representatives of the facility to be selected by the executive director of the facility. Funds from the account may be spent as determined by a majority vote of the committee. Funds may be expended on an individual employee of the facility for the purpose of recognizing a death, birth, marriage, or prolonged illness or to provide assistance in the event of a natural disaster or devastation adversely affecting an employee or an employee´s immediate family member. Funds may also be expended on an item or activity which shall benefit all employees of the facility equally for the purposes of developing camaraderie or otherwise fostering loyalty to the department or bringing together the employees of the facility for a meeting, training session, or similar gathering. Funds spent for an individual employee shall not exceed $250.00 per person per event and funds expended for employee gatherings or items shall not exceed $1,000.00 per event or single item; provided, however, that events conducted for the benefit of employees of an entire institution shall not exceed $4,500.00 per event.

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

(f) Nothing in this Code section shall prohibit a facility from purchasing vending machines or providing or maintaining vending services which do not generate a profit, provided that such services are of no cost to the department, nor shall this Code section be construed so as to prohibit a private provider of vending services from making or retaining a profit pursuant to any agreement for such services.″

SECTION 2.

This Act shall become effective on July 1, 2006.

SECTION 3.

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