

House Joint Resolution 15

Sponsored by Representative RICHARDSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to remove auditing function from office of Secretary of State and create Oregon Audits Office. Requires appointment of Director of Oregon Audits Office to be approved by three-fifths of members serving in each house of Legislative Assembly. Allows removal of director from office for misconduct if removal is approved by three-fifths of members serving in each house of Legislative Assembly.

Refers proposed amendment to people for their approval or rejection at next general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 11 to be added to and made a part of Article VI, and by amending section 2, Article VI, and section 41, Article I, such sections to read:

Sec. 2. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Department of the State; and shall when required lay the same, and all matters relative thereto, before either branch of the Legislative Assembly. [*He*] **The Secretary of State** shall [*be by virtue of his office, Auditor of public Accounts, and shall*] perform such other duties as shall be assigned [*him*] **to the Secretary of State** by law.[—]

SECTION 11. (1) The Oregon Audits Office is created. The office shall conduct:

(a) Financial audits of all public accounts.

(b) Performance audits of local government and state government programs, departments, agencies and institutions.

(c) Special auditing projects as directed by a joint committee composed of members of both houses of the Legislative Assembly that has subject matter jurisdiction over audits. The Governor may submit requests for such auditing projects to the committee.

(2) Appointment of the Director of the Oregon Audits Office must be approved by three-fifths of the members serving in each house of the Legislative Assembly. The Governor shall submit three to five nominees to a joint committee composed of members of both houses of the Legislative Assembly that has subject matter jurisdiction over audits. The joint committee shall then, by majority vote, forward one of the nominees to both houses of the Legislative Assembly for approval. The decision of the Legislative Assembly is final.

(3) The director shall serve for a four-year term and is eligible for reappointment.

(4) Removal of the director from office for reasons of misconduct must be approved by three-fifths of the members serving in each house of the Legislative Assembly.

(5) The Legislative Assembly shall enact laws as may be necessary to carry out this section.

Sec. 41. (1) Whereas the people of the state of Oregon find and declare that inmates who are

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 confined in corrections institutions should work as hard as the taxpayers who provide for their up-
2 keep; and whereas the people also find and declare that inmates confined within corrections insti-
3 tutions must be fully engaged in productive activity if they are to successfully re-enter society with
4 practical skills and a viable work ethic; now, therefore, the people declare:

5 (2) All inmates of state corrections institutions shall be actively engaged full-time in work or
6 on-the-job training. The work or on-the-job training programs shall be established and overseen by
7 the corrections director, who shall ensure that such programs are cost-effective and are designed
8 to develop inmate motivation, work capabilities and cooperation. Such programs may include boot
9 camp prison programs. Education may be provided to inmates as part of work or on-the-job training
10 so long as each inmate is engaged at least half-time in hands-on training or work activity.

11 (3) Each inmate shall begin full-time work or on-the-job training immediately upon admission to
12 a corrections institution, allowing for a short time for administrative intake and processing. The
13 specific quantity of hours per day to be spent in work or on-the-job training shall be determined by
14 the corrections director, but the overall time spent in work or training shall be full-time. However,
15 no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job
16 training or educational programs or to compensation for work or labor performed while an inmate
17 of any state, county or city corrections facility or institution. The corrections director may reduce
18 or exempt participation in work or training programs by those inmates deemed by corrections offi-
19 cials as physically or mentally disabled, or as too dangerous to society to engage in such programs.

20 (4) There shall be sufficient work and training programs to ensure that every eligible inmate is
21 productively involved in one or more programs. Where an inmate is drug and alcohol addicted so
22 as to prevent the inmate from effectively participating in work or training programs, corrections
23 officials shall provide appropriate drug or alcohol treatment.

24 (5) The intent of the people is that taxpayer-supported institutions and programs shall be free
25 to benefit from inmate work. Prison work programs shall be designed and carried out so as to
26 achieve savings in government operations, so as to achieve a net profit in private sector activities
27 or so as to benefit the community.

28 (6) The provisions of this section are mandatory for all state corrections institutions. The pro-
29 visions of this section are permissive for county or city corrections facilities. No law, ordinance or
30 charter shall prevent or restrict a county or city governing body from implementing all or part of
31 the provisions of this section. Compensation, if any, shall be determined and established by the
32 governing body of the county or city which chooses to engage in prison work programs, and the
33 governing body may choose to adopt any power or exemption allowed in this section.

34 (7) The corrections director shall contact public and private enterprises in this state and seek
35 proposals to use inmate work. The corrections director may: (a) install and equip plants in any state
36 corrections institution, or any other location, for the employment or training of any of the inmates
37 therein; or (b) purchase, acquire, install, maintain and operate materials, machinery and appliances
38 necessary to the conduct and operation of such plants. The corrections director shall use every ef-
39 fort to enter into contracts or agreements with private business concerns or government agencies
40 to accomplish the production or marketing of products or services produced or performed by in-
41 mates. The corrections director may carry out the director's powers and duties under this section
42 by delegation to others.

43 (8) Compensation, if any, for inmates who engage in prison work programs shall be determined
44 and established by the corrections director. Such compensation shall not be subject to existing
45 public or private sector minimum or prevailing wage laws, except where required to comply with

1 federal law. Inmate compensation from enterprises entering into agreements with the state shall be
2 exempt from unemployment compensation taxes to the extent allowed under federal law. Inmate in-
3 jury or disease attributable to any inmate work shall be covered by a corrections system inmate
4 injury fund rather than the workers compensation law. Except as otherwise required by federal law
5 to permit transportation in interstate commerce of goods, wares or merchandise manufactured,
6 produced or mined, wholly or in part by inmates or except as otherwise required by state law, any
7 compensation earned through prison work programs shall only be used for the following purposes:
8 (a) reimbursement for all or a portion of the costs of the inmate's rehabilitation, housing, health
9 care, and living costs; (b) restitution or compensation to the victims of the particular inmate's crime;
10 (c) restitution or compensation to the victims of crime generally through a fund designed for that
11 purpose; (d) financial support for immediate family of the inmate outside the corrections institution;
12 and (e) payment of fines, court costs, and applicable taxes.

13 (9) All income generated from prison work programs shall be kept separate from general fund
14 accounts and shall only be used for implementing, maintaining and developing prison work programs.
15 Prison industry work programs shall be exempt from statutory competitive bid and purchase re-
16 quirements. Expenditures for prison work programs shall be exempt from the legislative appropri-
17 ations process to the extent the programs rely on income sources other than state taxes and fees.
18 Where state taxes or fees are the source of capital or operating expenditures, the appropriations
19 shall be made by the legislative assembly. The state programs shall be run in a businesslike fashion
20 and shall be subject to regulation by the corrections director. Expenditures from income generated
21 by state prison work programs must be approved by the corrections director. Agreements with pri-
22 vate enterprise as to state prison work programs must be approved by the corrections director. The
23 corrections director shall make all state records available for public scrutiny and the records shall
24 be subject to audit by the [*Secretary of State*] **Oregon Audits Office**.

25 (10) Prison work products or services shall be available to any public agency and to any private
26 enterprise of any state, any nation or any American Indian or Alaskan Native tribe without re-
27 striction imposed by any state or local law, ordinance or regulation as to competition with other
28 public or private sector enterprises. The products and services of corrections work programs shall
29 be provided on such terms as are set by the corrections director. To the extent determined possible
30 by the corrections director, the corrections director shall avoid establishing or expanding for-profit
31 prison work programs that produce goods or services offered for sale in the private sector if the
32 establishment or expansion would displace or significantly reduce preexisting private enterprise. To
33 the extent determined possible by the corrections director, the corrections director shall avoid es-
34 tablishing or expanding prison work programs if the establishment or expansion would displace or
35 significantly reduce government or nonprofit programs that employ persons with developmental dis-
36 abilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work
37 program remains in the sole discretion of the corrections director.

38 (11) Inmate work shall be used as much as possible to help operate the corrections institutions
39 themselves, to support other government operations and to support community charitable organiza-
40 tions. This work includes, but is not limited to, institutional food production; maintenance and repair
41 of buildings, grounds, and equipment; office support services, including printing; prison clothing
42 production and maintenance; prison medical services; training other inmates; agricultural and
43 forestry work, especially in parks and public forest lands; and environmental clean-up projects. Ev-
44 ery state agency shall cooperate with the corrections director in establishing inmate work programs.

45 (12) As used throughout this section, unless the context requires otherwise: "full-time" means

1 the equivalent of at least forty hours per seven day week, specifically including time spent by in-
2 mates as required by the Department of Corrections, while the inmate is participating in work or
3 on-the-job training, to provide for the safety and security of the public, correctional staff and in-
4 mates; "corrections director" means the person in charge of the state corrections system.

5 (13) This section is self-implementing and supersedes all existing inconsistent statutes. This
6 section shall become effective April 1, 1995. If any part of this section or its application to any
7 person or circumstance is held to be invalid for any reason, then the remaining parts or applications
8 to any persons or circumstances shall not be affected but shall remain in full force and effect.

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10 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
11 **people for their approval or rejection at the next regular general election held throughout**
12 **this state.**

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