

CHAPTER 24

CORRECTIONS

HOUSE BILL 02-1171

BY REPRESENTATIVE(S) Spradley, Jahn, Boyd, Mace, Stafford, Stengel, and Young;
also SENATOR(S) Phillips and Hernandez.

AN ACT**CONCERNING THE DESIGNATION OF ENTERPRISE STATUS FOR THE CANTEEN FUND FOR THE INMATES OF STATE CORRECTIONAL FACILITIES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-24-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-24-106. General powers of the division. (1) In addition to any other powers granted to the division by this article, the division shall have the following powers:

(t) TO ESTABLISH AND OPERATE A CANTEEN FOR THE USE AND BENEFIT OF THE INMATES OF STATE CORRECTIONAL FACILITIES AND TO OPERATE VENDING MACHINES FOR THE USE OF VISITORS TO SUCH FACILITIES.

SECTION 2. 17-24-113 (3) and (4), Colorado Revised Statutes, are amended to read:

17-24-113. Business operations and budget. (3) EXCEPT AS PROVIDED IN SECTION 17-24-126, all revenues collected by the division from the sale of industry goods and services and from the transfer, sale, lease, or disposal of excess or surplus equipment and supplies shall be transmitted to the state treasurer, who shall credit the same to a special revolving enterprise account designated as the correctional industries account. All interest derived from the deposit and investment of moneys in the correctional industries account shall be credited to said account. All moneys in said account shall be used for the purchase of requirements necessary for the production of industry goods and services, for the responsibilities set forth in section 17-24-106.6, and for all necessary personnel, in accordance with the annual appropriation by the general assembly; but such account shall not exceed the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

requirements of activities authorized by this article, as determined necessary by the director, and any excess, upon order of the director, shall be transferred to the general fund by the state treasurer.

(4) EXCEPT AS PROVIDED IN SECTION 17-24-126, all acquisitions, purchases, and loan repayments of the division shall be payable out of the revenues derived from the sale of correctional industry goods and services authorized in this article and from the transfer, sale, lease, or disposal of excess or surplus equipment and supplies under section 17-24-106.6.

SECTION 3. Article 24 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-24-126. Canteen, vending machine, and library fund created - receipts - disbursements. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY A SPECIAL REVOLVING ENTERPRISE ACCOUNT TO BE KNOWN AS THE CANTEEN, VENDING MACHINE, AND LIBRARY ACCOUNT. THE ACCOUNT SHALL BE USED BY THE DIVISION TO ESTABLISH AND OPERATE A CANTEEN FOR THE USE AND BENEFIT OF THE INMATES OF STATE CORRECTIONAL FACILITIES AND TO OPERATE VENDING MACHINES FOR THE USE OF VISITORS TO STATE CORRECTIONAL FACILITIES. THE MONEYS IN THE ACCOUNT SHALL BE CONTINUOUSLY AVAILABLE TO THE DIVISION AND ARE APPROPRIATED FOR THE PURPOSES SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) THE CANTEEN AND VENDING MACHINES SHALL BE MANAGED BY THE DIVISION, AND THEY SHALL NOT BE OPERATED IN ANY MANNER FOR THE PERSONAL PROFIT OF ANY EMPLOYEES OF THE DIVISION OR ANY INMATES OF STATE CORRECTIONAL FACILITIES.

(3) ITEMS IN THE CANTEEN SHALL BE SOLD TO INMATES, AND ITEMS IN VENDING MACHINES SHALL BE SOLD TO VISITORS, AT PRICES SET SO THAT REVENUES FROM THE SALE ARE SUFFICIENT TO FUND ALL EXPENSES OF THE CANTEEN AND VENDING MACHINES, INCLUDING THE COST OF SERVICES OF EMPLOYEES OF THE CANTEEN AND THE COST OF SERVICING THE VENDING MACHINES, AND TO PRODUCE A REASONABLE PROFIT. ALL REVENUES DERIVED FROM THE CANTEEN AND VENDING MACHINES AND INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CANTEEN, VENDING MACHINE, AND LIBRARY ACCOUNT SHALL BE CREDITED TO SUCH ACCOUNT. ANY PROFITS ARISING FROM THE OPERATION OF THE CANTEEN AND VENDING MACHINES SHALL BE EXPENDED FOR THE EDUCATIONAL, RECREATIONAL, AND SOCIAL BENEFIT OF THE INMATES AND TO SUPPLEMENT DIRECT INMATE NEEDS.

(4) ARTICLE 8.5 OF TITLE 26, C.R.S., REGARDING VENDING FACILITIES IN STATE BUILDINGS, SHALL NOT APPLY TO VENDING MACHINES OPERATED IN VISITING AREAS OF ANY DEPARTMENT FACILITY.

(5) ON THE EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER ANY MONEYS IN THE CANTEEN, VENDING MACHINE, AND LIBRARY FUND CREATED IN SECTION 17-20-127 TO THE CANTEEN, VENDING MACHINE, AND LIBRARY ACCOUNT.

SECTION 4. Repeal. 17-20-127, Colorado Revised Statutes, is repealed.

SECTION 5. Effective date. This act shall take effect July 1, 2002.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 21, 2002