

HOUSE BILL NO. 17

(Second Special Session)

INTRODUCED BY WINSLOW, IVERSON, BURNETT, KOLSTAD,
KEYSER, FABREGA, HOLLIDAY, FAGG, RAMIREZ, STOBIE,
J. RYAN, CONROY, ASAY, ROUSH, UNDERDAL, VINGER

IN THE HOUSE

June 23, 1982

Introduced and referred to
Committee on Business and
Industry.

June 25, 1982

Committee recommend bill do
pass as amended. Report
adopted.

Bill printed and placed on
members' desks.

Second reading, do pass.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, passed.
Ayes, 66; Noes, 32. Trans-
mitted to Senate.

IN THE SENATE

June 26, 1982

Introduced and referred to
Committee on Business and
Industry.

Committee recommend bill be
concurrent in. Report
adopted.

On motion rules suspended.
Bill referred to second
reading this day.

Second reading, concurred
in.

On motion rules suspended.
Bill placed on third reading
this day.

Third reading, concurred in.
Ayes, 30; Noes 19.

IN THE HOUSE

June 26, 1982

Returned from Senate.
Concurred in.

Sent to enrolling.

Reported correctly enrolled.

Special Session #2

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INTRODUCED BY *HB* *Bill No. 17*
Roberts *Conroy* *Ramirez* *Rovisi* *Stacie J. Brown*
A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE USE

OF INMATE LABOR IN THE MAINTENANCE AND REPAIR OF STATE INSTITUTIONS; PROVIDING THAT SUCH INMATES ARE NOT EMPLOYEES FOR PURPOSES OF EMPLOYEE RIGHTS; PREVENTING FUTURE PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS FROM PROHIBITING SUCH USE OF INMATE LABOR; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Institution maintenance by inmates. An inmate of the Montana state prison may be required to:

- (1) keep his own living quarters clean and orderly;
- (2) perform general maintenance and repair work on prison grounds and facilities and assist in providing services essential to the administration of the prison, including but not limited to food and laundry services; and
- (3) perform general maintenance and repair work on the grounds and facilities at any state institution.

Section 2. Inmates not to be employees. An inmate working pursuant to [section 1] is not an employee, either public or private, and employment rights accorded other classes of workers do not apply to such inmates.

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Section 3. Nonnegotiable items for state institutions. Collective bargaining agreements entered after [the effective date of this act] may not contain provisions prohibiting or restricting the use of inmate labor as provided for in [section 1].

Section 4. Applicability. Section 3 of this act is not intended to impair any existing collective bargaining agreement and is applicable only to those collective bargaining agreements entered after the effective date of this act. Inmate labor restricted by a collective bargaining agreement subject to 53-1-301(7), MCA, shall continue until such agreement expires.

Section 5. Codification instruction. Section 3 is intended to be codified as an integral part of Title 39, chapter 31, part 3, and the provisions of Title 39, chapter 31, part 3, apply to section 3.

Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. This act is effective on passage and approval.

-End-

Approved by Committee
on Business and Industry

1 HOUSE BILL NO. 17 (2nd SS)

2 INTRODUCED BY WINSLOW, IVERSON, BURNETT, KOLSTAD,
3 KEYSER, FABREGA, HOLLIDAY, FAGG, RAMIREZ, STOBIE,
4 J. RYAN, CONROY, ASAY, ROUSH, UNDERDAL, VINGER
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE USE
7 OF INMATE LABOR IN THE MAINTENANCE AND REPAIR OF THE STATE
8 INSTITUTIONS PRISON; PROVIDING THAT SUCH INMATES ARE NOT
9 EMPLOYEES FOR PURPOSES OF EMPLOYEE RIGHTS; PREVENTING FUTURE
10 PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS FROM
11 PROHIBITING SUCH USE OF INMATE LABOR; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. ~~Institution~~ Prison maintenance by inmates.

16 An inmate of the Montana state prison may be required to:

17 (1) keep his own living quarters clean and orderly;

18 (2) perform general maintenance and repair work on
19 prison grounds and facilities and assist in providing
20 services essential to the administration of the prison,
21 including but not limited to food and laundry services; and

22 ~~(3) perform general maintenance and repair work on the
23 grounds and facilities at any state institution~~

24 Section 2. Inmates not to be employees. An inmate
25 working pursuant to [section 1] is not an employee, either

1 public or private, and employment rights accorded other
2 classes of workers do not apply to such inmates.

3 Section 3. Nonnegotiable items for state institutions
4 prison. Collective bargaining agreements entered after [the
5 effective date of this act] may not contain provisions
6 prohibiting or restricting the use of inmate labor as
7 provided for in [section 1].

8 Section 4. Applicability. Section 3 of this act is not
9 intended to impair any existing collective bargaining
10 agreement and is applicable only to those collective
11 bargaining agreements entered after the effective date of
12 this act. Inmate labor restricted by a collective bargaining
13 agreement subject to 53-1-301(7), MCA, shall continue until
14 such agreement expires.

15 Section 5. Codification instruction. Section 3 is
16 intended to be codified as an integral part of Title 39,
17 chapter 31, part 3, and the provisions of Title 39, chapter
18 31, part 3, apply to section 3.

19 Section 6. Severability. If a part of this act is
20 invalid, all valid parts that are severable from the invalid
21 part remain in effect. If a part of this act is invalid in
22 one or more of its applications, the part remains in effect
23 in all valid applications that are severable from the
24 invalid applications.

25 Section 7. Effective date. This act is effective on

passage and approval.

-End-

Special Session #2

BILL NO. 11

INTRODUCED BY

A BILL FOR AN ACT ENTITLED:

HB
Winters *Burgett* *Richard* *Reeder*
Holliday *Felix Ramirez* *Stacie J. Kipon*
Conroy *Alan* *ROUSH* *Blinded*
Amoy

"AN ACT PROVIDING FOR THE USE

OF INMATE LABOR IN THE MAINTENANCE AND REPAIR OF STATE INSTITUTIONS; PROVIDING THAT SUCH INMATES ARE NOT EMPLOYEES FOR PURPOSES OF EMPLOYEE RIGHTS; PREVENTING FUTURE PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS FROM PROHIBITING SUCH USE OF INMATE LABOR; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Institution maintenance by inmates. An inmate of the Montana state prison may be required to:

(1) keep his own living quarters clean and orderly;

(2) perform general maintenance and repair work on prison grounds and facilities and assist in providing services essential to the administration of the prison, including but not limited to food and laundry services; and

(3) perform general maintenance and repair work on the grounds and facilities at any state institution.

Section 2. Inmates not to be employees. An inmate working pursuant to [section 1] is not an employee, either public or private, and employment rights accorded other classes of workers do not apply to such inmates.

Section 3. Nonnegotiable items for state institutions. Collective bargaining agreements entered after [the effective date of this act] may not contain provisions prohibiting or restricting the use of inmate labor as provided for in [section 1].

Section 4. Applicability. Section 3 of this act is not intended to impair any existing collective bargaining agreement and is applicable only to those collective bargaining agreements entered after the effective date of this act. Inmate labor restricted by a collective bargaining agreement subject to 53-1-301(7), MCA, shall continue until such agreement expires.

Section 5. Codification instruction. Section 3 is intended to be codified as an integral part of Title 39, chapter 31, part 3, and the provisions of Title 39, chapter 31, part 3, apply to section 3.

Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. This act is effective on passage and approval.

-End-

1 HOUSE BILL NO. 17 (2nd SS)

2 INTRODUCED BY WINSLOW, IVERSON, BURNETT, KOLSTAD,
3 KEYSER, FABREGA, HOLLIDAY, FAGG, RAMIREZ, STOBIE,
4 J. RYAN, CONROY, ASAY, ROUSH, UNDERDAL, VINGER
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6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE USE
7 OF INMATE LABOR IN THE MAINTENANCE AND REPAIR OF THE STATE
8 INSTITUTIONS PRISON; PROVIDING THAT SUCH INMATES ARE NOT
9 EMPLOYEES FOR PURPOSES OF EMPLOYEE RIGHTS; PREVENTING FUTURE
10 PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS FROM
11 PROHIBITING SUCH USE OF INMATE LABOR; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Institution Prison maintenance by inmates.
16 An inmate of the Montana state prison may be required to:

17 (1) keep his own living quarters clean and orderly;

18 (2) perform general maintenance and repair work on
19 prison grounds and facilities and assist in providing
20 services essential to the administration of the prison,
21 including but not limited to food and laundry services; and

22 ~~(3) --perform general maintenance and repair work on the
23 grounds and facilities at any state institution~~

24 Section 2. Inmates not to be employees. An inmate
25 working pursuant to [section 1] is not an employee, either

1 public or private, and employment rights accorded other
2 classes of workers do not apply to such inmates.

3 Section 3. Nonnegotiable items for state institutions
4 prison. Collective bargaining agreements entered after [the
5 effective date of this act] may not contain provisions
6 prohibiting or restricting the use of inmate labor as
7 provided for in [section 1].

8 Section 4. Applicability. Section 3 of this act is not
9 intended to impair any existing collective bargaining
10 agreement and is applicable only to those collective
11 bargaining agreements entered after the effective date of
12 this act. Inmate labor restricted by a collective bargaining
13 agreement subject to 53-1-301(7), MCA, shall continue until
14 such agreement expires.

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22 one or more of its applications, the part remains in effect
23 in all valid applications that are severable from the
24 invalid applications.

25 Section 7. Effective date. This act is effective on

THIRD READING
HB 17

1 passage and approval.

-End-

1 HOUSE BILL NO. 17 (2nd SS)

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12 IMMEDIATE EFFECTIVE DATE."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15 Section 1. ~~Institution~~ Prison maintenance by inmates.

16 An inmate of the Montana state prison may be required to:

17 (1) keep his own living quarters clean and orderly;

18 (2) perform general maintenance and repair work on
19 prison grounds and facilities and assist in providing
20 services essential to the administration of the prison,
21 including but not limited to food and laundry services; and

22 ~~(3)--perform-general-maintenance-and-repair-work-on-the~~
23 ~~grounds-and-facilities-at-any-state-institution.~~

24 Section 2. Inmates not to be employees. An inmate
25 working pursuant to [section 1] is not an employee, either

1 public or private, and employment rights accorded other
2 classes of workers do not apply to such inmates.

3 Section 3. Nonnegotiable items for state institutions
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5 effective date of this act] may not contain provisions
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23 in all valid applications that are severable from the
24 invalid applications.

25 Section 7. Effective date. This act is effective on

1 passage and approval.

-End-