CHAPTER NO. 433

HOUSE BILL NO. 208

INTRODUCED BY BRAND

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on State Adminis- tration.
January 25, 1979	Committee recommend bill do pass as amended. Report adopted.
January 26, 1979	Printed and placed on members' desks.
January 27, 1979	Second reading, pass con- sideration.
January 29, 1979	Second reading, do pass as amended.
January 30, 1979	Correctly engrossed.
January 31, 1979	Third reading, passed. Transmitted to second house.
IN THE SEN	АТЕ
February 1, 1979	Introduced and referred to Committee on State Adminis- tration.
March 14, 1979	Committee recommend bill be concurred in. Report adopted.
March 15, 1979	Second reading, pass con- sideration.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE HOUSE

March 20, 1979

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Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

LC 0452/01

HOLA E BILL NO. 208 1 INTRODUCED BY Brand 2 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE SECTIONS 5 6 53-1-301 AND 53-1-302. HCA. RELATING TO INDUSTRIAL 7 ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF 8 HONEY FROM SALE OF AGRICULTURAL PRODUCTS." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 53-1-301, HCA, is amended to read: *53-1-301. Permitted institutional industries, powers 12 of department, and incentive pay to inmates. The department 13 14 may: 15 (1) establish industries in institutions which will 16 result in the production or manufacture of goods that may be 17 needed by institutions and other state agencies and that 18 will assist in the rehabilitation of residents in 19 institutions: 20 (2) print catalogs describing goods manufactured or 21 produced by institutions and distribute the catalogs;

(3) fix the sale price for goods produced or
manufactured at institutions. Prices shall not exceed prices
existing in the open market for goods of comparable quality.
(4) require institutions to purchase needed goods from

other institutions; (5) provide for the repair and maintenance of property and equipment of institutions by residents of institutions. and construction projects up to \$25+000; (6) provide for the repair and maintenance at an institution of furniture and equipment of any state agency; (7) provide for the manufacture at an institution of motor vehicle license plates and other related articles: (8) in-cose-of-emergency-and with the approval of the department, sell agricultural products and livestock on the open market treceipts-from-these-sales-shall-be-deposited-in a-revolving-accounting-entity;; (9) provide for the manufacture at an institution of highway. road, and street marking signs for the use of the state or any of its political subdivisions; (10) pay an inmate of the state prison, from receipts from the sale of goods produced or manufactured at the institution where the resident resides or from the program that the inmate was working in, an amount not exceeding \$1

20 per day as an incentive for the performance of worky based

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21 on the following criteria:

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- 22 (a) knowledge and skill;
- 23 (b) attitude toward authority;
- 24 (c) physical effort;
- 25 (d) responsibility for equipment and materials;

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LC 0452/01

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1	(e) regard for safety of others."
2	Section 2. Section 53-1-302, MCA, is amended to read:
3	. "53-1-302. Disposition of receipts from sale of goods.
4	Exceptasprovidedin-53-1-301(8)y-receipts <u>Receipts</u> from
5	the sale of goods produced or manufactured by an institution
6	shall be deposited in the eermarked-revenuefund revolving
7	accounting entity for the use of the industries program of
8	the institution."

-End-

HB 0208/02

Approved by Committee on State AdminAstration

1	HOUSE BILL NO. 208
2	INTRODUCED BY BRAND
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT TO REVISE SECTIONS
6	53-1-301 AND 53-1-302, MCA, RELATING TO INDUSTRIAL
7	ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF
8	MONEY FROM SALE OF AGRICULTURAL PRODUCTS."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 53-1-301. MCA. is amended to read:
12	*53-1-301. Permitted institutional industries, powers
13	of department, and incentive pay to inmates. The department
14	wa a :
15	(1) establish industries in institutions which will
16	result in the production or manufacture of goods that may be
17	needed by institutions and other state agencies and that
18	will assist in the rehabilitation of residents in
19	institutions;
20	(2) print catalogs describing goods manufactured or
21	produced by institutions and distribute the catalogs;
22	(3) fix the sale price for goods produced or
23	manufactured at institutions. Prices shall not exceed prices
24	existing in the open market for goods of comparable quality.
25	(4) require institutions to purchase needed goods from

1	other institutions;
z	(5) provide for the repair and maintenance of property
3	and equipment of institutions by residents of institutions.
4	and construction projects up to \$25+000:
5	(6) provide for the repair and maintenance at an
6	institution of furniture and equipment of any state agency;
7	(7) provide for the manufacture at an institution of
8	motor vehicle license plates and other related articles;
9	(8) +ncase-of-emergency-and with the approval of the
10	department, sell agricultural products and livestock on the
11	open market {receipts-from-these-soles-shall-be-deposited-in
12	a-revolving-accounting-entity);
13	(9) provide for the manufacture at an institution of
14	highway, road, and street marking signs for the use of the
15	state or any of its political subdivisions <u>s_EXCEPT_WHEN_IHE</u>
16	MANUFACTURE OF THE SIGNS IS IN VIOLATION OF A COLLECTIVE
17	BARGAINING_CONIRACI;
16	(10) pay an inmate of the state prison, from receipts
19	from the sale of goods produced or manufactured at the
20	institution where the resident resides or from the program
21	that the inmate was working ing an amount not exceeding \$1
22	per day as an incentive for the performance of worky based
23	on the following criteria:
24	(a) knowledge and skill;
25	(b) attitude toward authority;

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1	(c) physical effort;
Z	(d) responsibility for equipment and materials;
3	<pre>{e} regard for safety of others."</pre>
4	Section 2. Section 53-1-302, MCA, is amended to read:
5	*53-1-302。 Disposition of receipts from sale of goods.
6	Exceptasprovidedin-53-1-301t07+-receipts <u>Receipts</u> from
7	the sale of goods produced or manufactured by an institution
8	shall be deposited in the cormarked-revenuefund <u>revolving</u>
9	accounting_entity for the use of the industries program of
10	the institution."

-End-

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HOUSE BILL NO. 208 1 2 INTRODUCED BY BRAND BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE SECTIONS 5 HCA, RELATING TO INDUSTRIAL 53-1-301 AND 53-1-302+ 6 ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF 7 MONEY FROM SALE OF AGRICULTURAL PRODUCTS." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 53-1-301, MCA, is amended to read: 11 12 #53-1-301. Permitted institutional industries, powers of department, and incentive pay to inmates. The department 13 14 mav: 15 (1) establish industries in institutions which will 16 result in the production or manufacture of goods that may be 17 needed by institutions and other state agencies and that 18 will assist in the rehabilitation of residents in institutions; 19 20 (2) print catalogs describing goods manufactured or produced by institutions and distribute the catalogs; 21 22 (3) fix the sale price for goods produced or 23 manufactured at institutions. Prices shall not exceed prices

25 (4) require institutions to purchase needed goods from

existing in the open market for goods of comparable quality.

1 other institutions; z (5) provide for the repair and maintenance of property 3 and equipment of institutions by residents of institutionsy 4 and--construction--projects--up--to THE--AGGREGATE--SUM--OF 5 \$25+000+--PROVIDED--HOWEVER--SAID-CONSTRUCTION-WORK-IS-NOT 6 EBYERED-BY-A-EOLLEETIVE-BARGAINING-AGREEMENT; 7 (6) PROVIDE FOR CONSTRUCTION PROJECTS UP TO THE 8 AGGREGATE SUM OF \$25+000 PER PROJECT. BY RESIDENTS OF 9 INSTITUTIONS: PROVIDED. HOWEVER. SAID CONSTRUCTION WORK IS 10 NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT: 11 +6+(7) provide for the repair and maintenance at an 12 institution of furniture and equipment of any state agency; 13 (7)(8) provide for the manufacture at an institution of motor vehicle license plates and other related articles; 14 +8+(9) in--cose-of-emergency-and with the approval of 15 the department, sell agricultural products and livestock on 16 17 open market treceipts--from--these--sales--shall--be the deposited-in-a-revolving-accounting-antity); 18 19 19)(10) provide for the manufacture at an institution 20 of highway, road, and street marking signs for the use of 21 the state or any of its political subdivisions. EXCEPT. WHEN THE MANUFACTURE OF THE SIGNS IS IN VIOLATION OF A COLLECTIVE 22 23 BARGAINING CONTRACT: 24 the state prison+ from receipts from the sale of goods produced or manufactured at 25

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THIRD READING

the institution where the resident resides or from the
program that the inmate was working in, an amount not
exceeding \$1 per day as an incentive for the performance of
work, based on the following criteria:

- 5 (a) knowledge and skill;
- 6 (b) attitude toward authority;
- 7 (c) physical effort;
- 8 (d) responsibility for equipment and materials;
- 9 (e) regard for safety of others."

10 Section 2. Section 53-1-302. MCA. is amended to read: 11 *53-1-302. Disposition of receipts from sale of goods. 12 Except--as--provided--in-53-1-301(8)v-receipts Receipts from 13 the sale of goods produced or manufactured by an institution 14 shall be deposited in the earsarked-revenue--fund revolving accounting-entity FUND ACCOUNT for the use of the industries 15 16 program of the institution. AT THE END DE EACH FISCAL YEARs 17 NOT LESS THAN 75% OF THE UNOBLIGATED BALANCE IN THE REVOLVING FUND ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL 18 EUND. 19

- 20 SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

21 Supervision of industries program. The industries 22 program shall be supervised by the director of the 23 department of institutions or his designated representative, 24 provided the administration of the industries program is 25 separate from the administration of any institution where

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1 the program may be located.

-End-

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2	INTRODUCED BY BRAND	
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	
4		
5	A BILL FOR AN ACT ENTITLED: MAN ACT TO REVISE SECTIONS	
6	53-1-301 AND 53-1-302, MCA, RELATING TO INDUSTRIAL	
7	ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF	
Ŗ	MUNEY FROM SALE OF AGRICULTURAL PRODUCTS."	
n 9	MUNET FRUM SALE OF AUKILULIURAL FRUDULISS"	
	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
10		
11	Section 1. Section 53-1-301, MCA, is amended to read:	
12	*53-1-301. Permitted institutional industries. powers	1
13	of department, and incentive pay to inmates. The department	!
14	may:	i
15	(1) establish industries in institutions which will	1
16	result in the production or manufacture of goods that may be	1
17	needed by institutions and other state agencies and that	1
18	will assist in the rehabilitation of residents in	1
19	institutions;	1
20	(2) print catalogs describing goods manufactured or	i
21	produced by institutions and distribute the catalogs;	ž
22	(3) fix the sale price for goods produced or	ä
23	manufactured at institutions. Prices shall not exceed prices	i
24	existing in the open market for goods of comparable quality.	i
25	(4) require institutions to purchase needed goods from	i

1	other institutions;
Z	(5) provide for the repair and maintenance of property
3	and equipment of institutions by residents of institutions ${f x}$
4	and==construction==projecta==up==to
5	\$25x8801==PR8Y10EBx==H8WEYERx==5A18=68N5IRWEII0N=W8RK=15-N8I
6	EBYERED-BY_A_EGELEEEIIYE_BARGAINING_AGREEMENI;
7	161_PROVIDE_EOR_CONSIRUCTION_PROJECTS_UP_IOINE
8	AGGREGATESUM_QE\$25,000_PER_PROJECT, BYRESIDENTS_QE
9	INSTITUTIONS: PROVIDED: HOWEVER: SAID CONSTRUCTION MORE IS
10	NOI_COVERED_BY_A_COLLECIIVE_BARGAINING_AGREEMENT:
11	<pre>f6f[] provide for the repair and maintenance at an</pre>
12	institution of furniture and equipment of any state agency;
13	<u>t77[8]</u> provide for the manufacture at an institution
14	of motor vehicle license plates and other related articles;
15	<pre>t01121 incoseof-emergency-and with the approval of</pre>
16	the department, sell agricultural products and livestock on
17	the open market (receiptsfromthesesalesshallbe
18	deposited-in-a-revolving-accounting-entity;;
19	<pre>f9til01 provide for the manufacture at an institution</pre>
20	of highway, road, and street marking signs for the use of
21	the state or any of its political subdivisions <u>, EXCEPIWHEN</u>
22	THE MANUFACTURE OF THE SIGNS IS IN VIOLATION OF A COLLECTIVE
23	BARGAINING_CONIBACI;
24	<code>t10)[11] pay an inmate of the state prison. from</code>
25	receipts from the sale of goods produced or manufactured at

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REFERENCE BILL

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the institution where the resident resides or from the
program that the inmate was working in, an amount not
exceeding \$1 per day as an incentive for the performance of
work, based on the following criteria:

- 5 (a) knowledge and skill;
- 6 (b) attitude toward authority;
- 7 (c) physical effort;
- 8 (d) responsibility for equipment and materials;
- 9 (e) regard for safety of others.

10 Section 2. Section 53-1-302, MCA, is amended to read: #53-1-302. Disposition of receipts from sale of goods. 11 12 Except--os--provided--in-53-1-301(0)v-receipts Receipts from 13 the sale of goods produced or manufactured by an institution shall be deposited in the cormorked-revenue--fund revolving 14 15 accounting-entity EUND_ACCOUNT for the use of the industries 16 program of the institution. AT THE END OF EACH FISCAL YEAR. 17 NOT_LESS_INAN_752_OF_IHE_UNDALIGATED_BALANCE_IN_IHE 18 REVOLVING __EUND__ACCOUNT_SHALL_BE_IRANSEEBBED_ID_IME_GENERAL 19 EUND."

- 20
- SECTION_3.__THERE_IS_A_NEW_MCA_SECTION_THAT_BEADS:

Supervision of industries program. The industries program shall be supervised by the director of the department of institutions or his designated representative. provided the administration of the industries program is separate from the administration of any institution where

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1 the program may be located.

-End-

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