

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 Administration.
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 consideration.
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 SENATE

February 1, 1979	Introduced and referred to Committee on State Administration.
March 14, 1979	Committee recommend bill be concurred in. Report adopted.
March 15, 1979	Second reading, pass consideration.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

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IN THE HOUSE

March 20, 1979

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

Reported correctly enrolled.

1 HOUSE BILL NO. 208  
 2 INTRODUCED BY Brand  
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4  
 5 A BILL FOR AN ACT ENTITLED: "AN 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 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;

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;  
 2 (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) ~~in case of emergency and~~ with the approval of the  
 10 department, sell agricultural products and livestock on the  
 11 open market ~~(receipts from these sales 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;  
 16 (10) pay an inmate of the state prison, from receipts  
 17 from the sale of goods produced or manufactured at the  
 18 institution where the resident resides or from the program  
 19 that the inmate was working in, an amount not exceeding \$1  
 20 per day as an incentive for the performance of work, based  
 21 on the following criteria:  
 22 (a) knowledge and skill;  
 23 (b) attitude toward authority;  
 24 (c) physical effort;  
 25 (d) responsibility for equipment and materials;

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 ~~Except as provided in 53-1-301(8),~~ receipts Receipts from

5 the sale of goods produced or manufactured by an institution

6 shall be deposited in the ~~earmarked revenue fund~~ revolving

7 accounting entity for the use of the industries program of

8 the institution."

-End-

Approved by Committee  
on State Administration

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7 ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF  
8 MONEY FROM SALE OF AGRICULTURAL PRODUCTS."  
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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 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;  
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;  
2 (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) ~~in case of emergency and~~ with the approval of the  
10 department, sell agricultural products and livestock on the  
11 open market ~~(receipts from these sales 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, EXCEPT WHEN THE  
16 MANUFACTURE OF THE SIGNS IS IN VIOLATION OF A COLLECTIVE  
17 BARGAINING CONTRACT;  
18 (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 in, an amount not exceeding \$1  
22 per day as an incentive for the performance of work, based  
23 on the following criteria:  
24 (a) knowledge and skill;  
25 (b) attitude toward authority;

1 (c) physical effort;  
2 (d) responsibility for equipment and materials;  
3 (e) regard for safety of others."  
4 Section 2. Section 53-1-302, MCA, is amended to read:  
5 "53-1-302. Disposition of receipts from sale of goods.  
6 ~~Except--as--provided--in--53-1-301(8),~~ receipts ~~Receipts~~ from  
7 the sale of goods produced or manufactured by an institution  
8 shall be deposited in the ~~separated-revenue--fund~~ revolving  
9 accounting entity for the use of the industries program of  
10 the institution."

-End-

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 7 ACTIVITIES PERMITTED AT INSTITUTIONS AND TO THE DEPOSIT OF  
 8 MONEY FROM SALE OF AGRICULTURAL PRODUCTS."  
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 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 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;  
 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;  
 2 (5) provide for the repair and maintenance of property  
 3 and equipment of institutions by residents of institutions,  
 4 ~~and construction projects up to THE AGGREGATE SUM OF~~  
 5 ~~\$25,000; PROVIDED, HOWEVER, SAID CONSTRUCTION WORK IS NOT~~  
 6 ~~COVERED BY A COLLECTIVE 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 ~~(7)(1)~~ provide for the repair and maintenance at an  
 12 institution of furniture and equipment of any state agency;  
 13 ~~(7)(2)~~ provide for the manufacture at an institution  
 14 of motor vehicle license plates and other related articles;  
 15 ~~(8)(1)~~ ~~in case of emergency and~~ with the approval of  
 16 the department, sell agricultural products and livestock on  
 17 the open market ~~(receipts from these sales shall be~~  
 18 ~~deposited in a revolving account);~~  
 19 ~~(9)(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  
 22 THE MANUFACTURE OF THE SIGNS IS IN VIOLATION OF A COLLECTIVE  
 23 BARGAINING CONTRACT;  
 24 ~~(10)(11)~~ pay an inmate of the state prison, from  
 25 receipts from the sale of goods produced or manufactured at

1 the institution where the resident resides or from the  
 2 program that the inmate was working in, an amount not  
 3 exceeding \$1 per day as an incentive for the performance of  
 4 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), receipts~~ Receipts from  
 13 the sale of goods produced or manufactured by an institution  
 14 shall be deposited in the ~~earmarked revenue fund~~ revolving  
 15 ~~accounting entity~~ FUND ACCOUNT for the use of the industries  
 16 program of the institution. AT THE END OF EACH FISCAL YEAR,  
 17 NOT LESS THAN 75% OF THE UNOBLIGATED BALANCE IN THE  
 18 REVOLVING FUND ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL  
 19 FUND."

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 administrator of the industries program is  
 25 separate from the administration of any institution where

1 the program may be located.

-End-

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(1) establish industries in institutions which will result in the production or manufacture of goods that may be needed by institutions and other state agencies and that will assist in the rehabilitation of residents in institutions;

(2) print catalogs describing goods manufactured or 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 the aggregate sum of \$25,000; provided, however, said construction work is not covered by a collective bargaining agreement;~~

(6) provide for construction projects up to the aggregate sum of \$25,000 per project, by residents of institutions; provided, however, said construction work is not covered by a collective bargaining agreement;

~~(7) provide for the repair and maintenance at an institution of furniture and equipment of any state agency;~~

~~(8) provide for the manufacture at an institution of motor vehicle license plates and other related articles;~~

~~(9) in case of emergency and with the approval of the department, sell agricultural products and livestock on the open market (receipts from these sales shall be deposited in a revolving accounting entity);~~

(10) 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, except when the manufacture of the signs is in violation of a collective bargaining contract;

~~(11) pay an inmate of the state prison, from receipts from the sale of goods produced or manufactured at~~

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

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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(f),--receipts~~ Receipts from  
 13 the sale of goods produced or manufactured by an institution  
 14 shall be deposited in the ~~earmarked--revenue--fund~~ revolving  
 15 ~~accounting--entity~~ FUND ACCOUNT for the use of the industries  
 16 program of the institution. AT THE END OF EACH FISCAL YEAR,  
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 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

1 the program may be located.

-End-