

HOUSE BILL NO. 271

Introduced: 01/17/83

Referred to Committee on Labor & Employment Relations: 01/17/83

Hearing: 1/25/83

Report: 02/01/82, Do Not Pass

Bill Killed: 2/2/83

1 *House* BILL NO. *271*
2 INTRODUCED BY *Thrift*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MANUFACTURE
5 OF CERTAIN SIGNS IN INSTITUTIONS; FORBIDDING ANY FUTURE
6 COLLECTIVE BARGAINING CONTRACT FROM RESTRICTING SIGN
7 MANUFACTURE; REQUIRING STATE AGENCIES TO PROCURE SIGNS FROM
8 INSTITUTIONS, WITH CERTAIN EXCEPTIONS; TRANSFERRING ALL SIGN
9 MANUFACTURING EQUIPMENT TO THE DEPARTMENT OF INSTITUTIONS;
10 AMENDING SECTION 53-1-301, MCA; AND PROVIDING EFFECTIVE
11 DATES."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 53-1-301, MCA, is amended to read:
15 "53-1-301. Permitted institutional industries, powers
16 of department, and incentive pay to inmates. The department
17 may:
18 (1) establish industries in institutions which will
19 result in the production or manufacture of such products and
20 the rendering of such services as may be needed by any
21 department or agency of the state or any political
22 subdivision thereof, by any agency of the federal
23 government, by any other states or their political
24 subdivisions, or by nonprofit organizations and that will
25 assist in the rehabilitation of residents in institutions;

1 (2) contract with private industry for the sale of
2 goods or components manufactured or produced in shops under
3 its jurisdiction;
4 (3) print catalogs describing goods manufactured or
5 produced by institutions and distribute the catalogs;
6 (4) fix the sale price for goods produced or
7 manufactured at institutions. Prices shall not exceed prices
8 existing in the open market for goods of comparable quality.
9 (5) require institutions to purchase needed goods from
10 other institutions;
11 (6) provide for the repair and maintenance of property
12 and equipment of institutions by residents of institutions;
13 (7) provide for construction projects up to the
14 aggregate sum of \$25,000 per project, by residents of
15 institutions; provided, however, said construction work is
16 not covered by a collective bargaining agreement;
17 (8) provide for the repair and maintenance at an
18 institution of furniture and equipment of any state agency;
19 (9) provide for the manufacture at an institution of
20 motor vehicle license plates and other related articles;
21 (10) with the approval of the department, sell
22 manufactured or agricultural products and livestock on the
23 open market;
24 (11) provide for the manufacture at an institution of
25 highway, road, and street marking, ~~parks, recreation, hunting~~

1 ~~and fishing access, and historical point or monument signs~~
 2 ~~and other signs for the use of the state or any of its~~
 3 ~~political subdivisions, except when the manufacture of the~~
 4 ~~signs is in violation of a collective bargaining contract;~~
 5 ~~that was in effect prior to [the effective date of this~~
 6 ~~act]. No collective bargaining contract entered into on or~~
 7 ~~after [the effective date of this act] may prohibit or~~
 8 ~~restrict the transfer of the manufacture of signs from any~~
 9 ~~state agency to an institution.~~

10 (12) (a) pay an inmate or resident of an institution
 11 from receipts from the sale of products produced or
 12 manufactured or services rendered in a program in which he
 13 is working.

14 (b) Payment for the performance of work may be based
 15 on the following criteria:

- 16 (i) knowledge and skill;
- 17 (ii) attitude toward authority;
- 18 (iii) physical effort;
- 19 (iv) responsibility for equipment and materials;
- 20 (v) regard for safety of others.

21 (c) The maximum rate of pay shall be determined by the
 22 appropriation established for each program."

23 NEW SECTION. Section 2. Signs procurement. Subject to
 24 Title 18, chapter 4, state agencies shall procure all signs
 25 specified in 53-1-301(11) from the department unless:

1 (1) the ordering agency can show that similar signs of
 2 comparable or better material, workmanship, and value are
 3 obtainable from another source for not more than 90% of the
 4 department's charge;

5 (2) the department cannot provide the signs within 30
 6 days after receipt of the order; or

7 (3) immediate procurement and display of the signs,
 8 which are immediately available elsewhere, are necessary
 9 because of an emergency condition that threatens damage to
 10 property, persons, or the environment.

11 NEW SECTION. Section 3. Transfer of equipment. The
 12 department of institutions shall obtain all sign
 13 manufacturing equipment owned by state agencies and transfer
 14 that equipment to one or more institutions for the purposes
 15 stated in 53-1-301(11). An institution receiving such
 16 equipment succeeds to the rights therein as provided in
 17 2-15-132.

18 NEW SECTION. Section 4. Codification instruction.
 19 Section 2 is intended to be codified as an integral part of
 20 Title 53, chapter 1, part 3, and the provisions of Title 53,
 21 chapter 1, part 3, apply to section 2.

22 NEW SECTION. Section 5. Effective date. (1) This act,
 23 except section 2, is effective on passage and approval.

24 (2) Section 2 is effective on July 1, 1985.

-End-

STATE OF MONTANA

REQUEST NO. 148-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 83, there is hereby submitted a Fiscal Note for House Bill 271 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 271 authorizes manufacture of certain signs by the Prison Industries program; forbids any future collective bargaining contract from restricting sign manufacture; requires state agencies to procure signs from institutions; and transfers all sign manufacturing equipment to the Department of Institutions.

ASSUMPTIONS:

- 1) Equipment currently in use will be transferred to the prison at no cost.
- 2) Cost of materials will remain the same; annual production will remain the same.

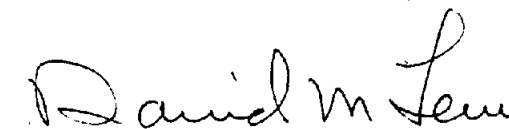
FISCAL IMPACT:

State fund expenditures would decrease by at least \$60,000. Additional cost savings would be realized by allocating overhead costs, which are currently included in the Industries Program, to the sign manufacturing program.

TECHNICAL NOTES:

The Department of Highways and also Fish and Game would be billed for sign manufacture. The money would be transferred out of their account and into the Prison Industries account. The net savings includes the costs incurred by Highways and Fish, Wildlife and Parks.

FISCAL NOTE 6:B/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-24-83