

HOUSE BILL NO. 462

INTRODUCED BY DONALDSON, MARKS, KOEHNKE, MAZUREK,
FULLER, CAMPBELL

IN THE HOUSE

January 24, 1985	Introduced and referred to Committee on Business and Labor.
February 5, 1985	Committee recommend bill do pass as amended. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass.
February 9, 1985	Considered correctly engrossed.
February 11, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Business and Industry.
March 28, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 30, 1985	Second reading, concurrred in.
April 1, 1985	Third reading, concurrred in. Ayes, 39; Noes, 8. Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 5, 1985

Second reading, amendments
concurrent in.

April 8, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 462
 2 INTRODUCED BY William H. Eakin
 3 Margaret Fuller Conwell
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE MARKETING
 5 OF FURNITURE MADE IN THE MONTANA STATE PRISON; AMENDING
 6 SECTION 53-1-301, MCA; AND PROVIDING AN EFFECTIVE DATE."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 53-1-301, MCA, is amended to read:
 10 "53-1-301. Permitted institutional industries, powers
 11 of department, and incentive pay to inmates. The (1) Except
 12 as provided in subsection (3), the department may:
 13 (1)(a) establish industries in institutions which will
 14 result in the production or manufacture of such products and
 15 the rendering of such services as may be needed by any
 16 department or agency of the state or any political
 17 subdivision thereof, by any agency of the federal
 18 government, by any other states or their political
 19 subdivisions, or by nonprofit organizations and that will
 20 assist in the rehabilitation of residents in institutions;
 21 (2)(b) contract with private industry for the sale of
 22 goods or components manufactured or produced in shops under
 23 its jurisdiction;
 24 (3)(c) print catalogs describing goods manufactured or
 25 produced by institutions and distribute the catalogs;

1 (4)(d) fix the sale price for goods produced or
 2 manufactured at institutions. Prices shall not exceed prices
 3 existing in the open market for goods of comparable quality.
 4 (5)(e) require institutions to purchase needed goods
 5 from other institutions;
 6 (6)(f) provide for the repair and maintenance of
 7 property and equipment of institutions by residents of
 8 institutions;
 9 (7)(g) provide for construction projects up to the
 10 aggregate sum of \$25,000 per project, by residents of
 11 institutions; provided, however, said construction work is
 12 not covered by a collective bargaining agreement;
 13 (8)(h) provide for the repair and maintenance at an
 14 institution of furniture and equipment of any state agency;
 15 (9)(i) provide for the manufacture at an institution
 16 of motor vehicle license plates and other related articles;
 17 (10)(j) with the approval of the department, sell
 18 manufactured or agricultural products and livestock on the
 19 open market;
 20 (11)(k) provide for the manufacture at an institution
 21 of highway, road, and street marking signs for the use of
 22 the state or any of its political subdivisions, except when
 23 the manufacture of the signs is in violation of a collective
 24 bargaining contract;
 25 (12)(l) pay an inmate or resident of an

1 institution from receipts from the sale of products produced
2 or manufactured or services rendered in a program in which
3 he is working.

4 ~~(b)~~(2) (a) Payment for the performance of work may be
5 based on the following criteria:

- 6 (i) knowledge and skill;
7 (ii) attitude toward authority;
8 (iii) physical effort;
9 (iv) responsibility for equipment and materials;
10 (v) regard for safety of others.

11 ~~(c)~~(b) The maximum rate of pay shall be determined by
12 the appropriation established for each program.

13 (3) Furniture made in the prison may be purchased by
14 state agencies in accordance with the procurement provisions
15 under Title 18, chapter 4. All other prison-made furniture
16 may be sold only through licensed wholesale furniture
17 outlets."

18 NEW SECTION. Section 2. Effective date. This act is
19 effective July 1, 1985.

-End-

APPROVED BY COMM. ON
BUSINESS AND LABOR

HOUSE BILL NO. 462

INTRODUCED BY DONALDSON, MARKS, KOEHNKE,
MAZUREK, FULLER, CAMPBELL

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE MARKETING
OF FURNITURE MADE IN THE MONTANA STATE PRISON; AMENDING
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of department, and incentive pay to inmates. The (1) Except
as provided in subsection (3), the department may:

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result in the production or manufacture of such products and
the rendering of such services as may be needed by any
department or agency of the state or any political
subdivision thereof, by any agency of the federal
government, by any other states or their political
subdivisions, or by nonprofit organizations and that will
assist in the rehabilitation of residents in institutions;

(2)(b) contract with private industry for the sale of
goods or components manufactured or produced in shops under
its jurisdiction;

(3)(c) print catalogs describing goods manufactured or

produced by institutions and distribute the catalogs;

(4)(d) 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.

(5)(e) require institutions to purchase needed goods
from other institutions;

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property and equipment of institutions by residents of
institutions;

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aggregate sum of \$25,000 per project, by residents of
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not covered by a collective bargaining agreement;

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

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

(10)(j) with the approval of the department, sell
manufactured or agricultural products and livestock on the
open market;

(11)(k) 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;

SECOND READING

1 ~~(12)~~ ~~(a)~~(1) pay an inmate or resident of an
2 institution from receipts from the sale of products produced
3 or manufactured or services rendered in a program in which
4 he is working.

5 ~~(b)~~(2) (a) Payment for the performance of work may be
6 based on the following criteria:

- 7 (i) knowledge and skill;
8 (ii) attitude toward authority;
9 (iii) physical effort;
10 (iv) responsibility for equipment and materials;
11 (v) regard for safety of others.

12 ~~(c)~~(b) The maximum rate of pay shall be determined by
13 the appropriation established for each program.

14 (3) Furniture made in the prison may be purchased by
15 state agencies in accordance with the procurement provisions
16 under Title 18, chapter 4. All other prison-made furniture
17 may be sold only through licensed wholesale OR RETAIL
18 furniture outlets OR THROUGH EXPORT FIRMS FOR SALE TO
19 INTERNATIONAL MARKETS.

20 (4) SUBSECTION (3) DOES NOT PREVENT THE SALE OF
21 PRISON-MADE FURNITURE TO ANY STATE INSTITUTION, FACILITY, OR
22 PROGRAM OPERATED BY THE DEPARTMENT."

23 NEW SECTION. Section 2. Effective date. This act is
24 effective July 1, 1985.

-End-

1 HOUSE BILL NO. 462

2 INTRODUCED BY DONALDSON, MARKS, KOEHNKE,

3 MAZUREK, FULLER, CAMPBELL

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16 the rendering of such services as may be needed by any
17 department or agency of the state or any political
18 subdivision thereof, by any agency of the federal
19 government, by any other states or their political
20 subdivisions, or by nonprofit organizations and that will
21 assist in the rehabilitation of residents in institutions;

22 (2)(b) contract with private industry for the sale of
23 goods or components manufactured or produced in shops under
24 its jurisdiction;

25 (3)(c) print catalogs describing goods manufactured or

1 produced by institutions and distribute the catalogs;

2 (4)(d) fix the sale price for goods produced or
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17 of motor vehicle license plates and other related articles;

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19 manufactured or agricultural products and livestock on the
20 open market;

21 (11)(k) provide for the manufacture at an institution
22 of highway, road, and street marking signs for the use of
23 the state or any of its political subdivisions, except when
24 the manufacture of the signs is in violation of a collective
25 bargaining contract;

THIRD READING

1 ~~(12)~~ ~~(a)~~(1) pay an inmate or resident of an
2 institution from receipts from the sale of products produced
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20 (4) SUBSECTION (3) DOES NOT PREVENT THE SALE OF
21 PRISON-MADE FURNITURE TO ANY STATE INSTITUTION, FACILITY, OR
22 PROGRAM OPERATED BY THE DEPARTMENT."

23 NEW SECTION. Section 2. Effective date. This act is
24 effective July 1, 1985.

-End-

SENATE

STANDING COMMITTEE REPORT

MARCH 28

19 85

MR. PRESIDENT

We, your committee on..... **BUSINESS & INDUSTRY**

having had under consideration..... **HOUSE BILL** No. **462**

third reading copy (blue)
color

LIMITING THE MARKETING OF INSTITUTIONAL INDUSTRY PRODUCTS (Fuller)

Respectfully report as follows: That..... **HOUSE BILL** No. **462**

be amended as follows:

1. Page 3, line 14.

Following: "(3)"

Strike: "Furniture"

Insert: "Except as provided in subsection (4), furniture"

2. Page 3, lines 20 and 21.

Following: "(4)"

Strike: remainder of line 20 through "ANY" on line 21

Insert: "Any"

3. Page 3, line 22.

Following: "DEPARTMENT"

Insert: "may purchase prison-made furniture without complying with the procurement provisions under Title 18, chapter 4"

AND AS AMENDED
BE CONCURRED IN

~~XXXXX~~

~~XXXXX~~

.....
Sen. Mike Halligan

Chairman.

HOUSE BILL NO. 462

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the rendering of such services as may be needed by any
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subdivision thereof, by any agency of the federal
government, by any other states or their political
subdivisions, or by nonprofit organizations and that will
assist in the rehabilitation of residents in institutions;

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the state or any of its political subdivisions, except when
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12 ~~{c}~~(b) The maximum rate of pay shall be determined by
 13 the appropriation established for each program.

14 (3) Furniture EXCEPT AS PROVIDED IN SUBSECTION (4),
 15 FURNITURE made in the prison may be purchased by state
 16 agencies in accordance with the procurement provisions under
 17 Title 18, chapter 4. All other prison-made furniture may be
 18 sold only through licensed wholesale OR RETAIL furniture
 19 outlets OR THROUGH EXPORT FIRMS FOR SALE TO INTERNATIONAL
 20 MARKETS.

21 (4) SUBSECTION--(3)--DOES--NOT--PREVENT--THE--SALE--OF
 22 PRISON-MADE--FURNITURE--TO--ANY ANY STATE INSTITUTION,
 23 FACILITY, OR PROGRAM OPERATED BY THE DEPARTMENT MAY PURCHASE
 24 PRISON-MADE FURNITURE WITHOUT COMPLYING WITH THE PROCUREMENT
 25 PROVISIONS UNDER TITLE 18, CHAPTER 4."

1 NEW SECTION. Section 2. Effective date. This act is
 2 effective July 1, 1985.

-End-