

HOUSE BILL NO. 1

INTRODUCED BY THOFT

IN THE HOUSE

MAY 21, 1990

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

MAY 22, 1990

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON SECOND READING THIS DAY.

SECOND READING, DO PASS.

ENGROSSING REPORT.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.
AYES, 76; NOES, 23.

TRANSMITTED TO SENATE.

IN THE SENATE

MAY 23, 1990

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.
AYES, 40; NOES, 10.

RETURNED TO HOUSE.

IN THE HOUSE

MAY 24, 1990

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 1

INTRODUCED BY THOFT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF
INMATE LABOR FOR CONSTRUCTION PROJECTS AUTHORIZED BY THE
LEGISLATURE; SPECIFICALLY AUTHORIZING THE USE OF INMATE
LABOR FOR CERTAIN PROJECTS; AMENDING SECTION 53-1-301, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE
APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1. Section 53-1-301, MCA, is amended to read:

"53-1-301. Permitted institutional industries, powers
of department, and incentive pay to inmates. (1) Except as
provided in subsection (3), the department may:

(a) establish industries in institutions which will
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;

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

its jurisdiction;

(c) print catalogs describing goods manufactured or
produced by institutions and distribute the catalogs;

(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.

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

(f) provide for the repair and maintenance of property
and equipment of institutions by residents of institutions;

(g) 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;

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

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

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

(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

1 bargaining contract;

2 (1) pay an inmate or resident of an institution from

3 receipts from the sale of products produced or manufactured

4 or services rendered in a program in which he is working.

5 (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 (b) The maximum rate of pay shall be determined by the

13 appropriation established for each program.

14 (3) Except as provided in subsection (4), furniture

15 made in the prison may be purchased by state agencies in

16 accordance with the procurement provisions under Title 18,

17 chapter 4. All other prison-made furniture may be sold only

18 through licensed wholesale or retail furniture outlets or

19 through export firms for sale to international markets.

20 (4) Any state institution, facility, or program

21 operated by the department may purchase prison-made

22 furniture without complying with the procurement provisions

23 under Title 18, chapter 4.

24 (5) The department may provide for construction of

25 projects authorized in [section 2] by inmates at the Montana

1 state prison."

2 NEW SECTION. Section 2. Authorization of inmate labor

3 for designated construction projects -- exemptions. (1) The

4 department of institutions may use inmate labor for purposes

5 of constructing the low security housing unit at Montana

6 state prison authorized in section 6 of House Bill No. 777,

7 Laws of 1989; constructing the ranch housing units and the

8 irrigation system at Montana state prison authorized in

9 section 7 of House Bill No. 777, Laws of 1989; and

10 inspecting, studying, and renovating dams at Montana state

11 prison authorized in section 10(2) of House Bill No. 777,

12 Laws of 1989.

13 (2) The department of administration may exempt the

14 projects authorized in subsection (1) from the provisions of

15 any applicable Montana law relating to public bidding,

16 bonding, workers' compensation coverage, or labor and wage

17 requirements.

18 NEW SECTION. Section 3. Severability. If a part of

19 [this act] is invalid, all valid parts that are severable

20 from the invalid part remain in effect. If a part of [this

21 act] is invalid in one or more of its applications, the part

22 remains in effect in all valid applications that are

23 severable from the invalid applications.

24 NEW SECTION. Section 4. Retroactive applicability.

25 [This act] applies retroactively, within the meaning of

1 1-2-109, to May 16, 1989.

2 NEW SECTION. Section 5. Effective date -- termination.

3 (1) [This act] is effective on passage and approval.

4 (2) [Section 1] terminates July 1, 1991.

5 -End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB001, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act allowing the use of inmate labor for construction projects authorized by the legislature; specifically authorizing the use of inmate labor for certain projects; amending section 53-1-301, MCA; and providing an immediate effective date, a retroactive applicability date, and a termination date.

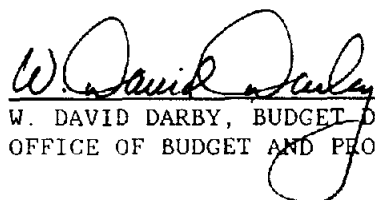
ASSUMPTIONS:

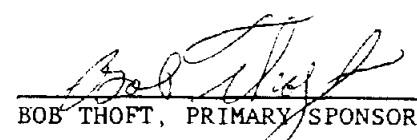
1. Cost of inmate labor is included in the FY90 and FY91 appropriations for the construction projects.

FISCAL IMPACT:

The passage of this bill will have no fiscal impact. However, if the bill is not passed and the state were to be prevented from using inmate labor to complete the projects, the impact of a delay in the completion of the projects could be substantial. If inmate work were to be stopped and construction bid to a private contractor, the estimated cost to complete the project would be an additional \$1,036,000.

In addition, if the prison population continued to rise and the department were to contract for detention services, detention costs could increase by almost \$26 per inmate per day. Contract costs could run up to \$60 per day per inmate. Current per day costs at the state prison are \$34.08 per inmate.

 DATE 5/21/90
W. DAVID DARBY, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

 DATE 5/21/90
BOB THOFT, PRIMARY SPONSOR
Fiscal Note for HB001, as introduced
HB 1

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS AS AMENDED

HOUSE BILL NO. 1

INTRODUCED BY THOPT

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INMATE LABOR FOR CONSTRUCTION PROJECTS AUTHORIZED BY THE
LEGISLATURE, SPECIFICALLY AUTHORIZING THE USE OF INMATE
LABOR FOR CERTAIN PROJECTS OF A LOW SECURITY HOUSING UNIT AT
MONTANA STATE PRISON AS AUTHORIZED IN SECTION 6, HOUSE BILL
NO. 777, LAWS OF 1989; AMENDING SECTION 53-1-301, MCA AND
SECTION 22, HOUSE BILL NO. 777, LAWS OF 1989; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY
DATE, AND A TERMINATION DATE."

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

Section 1. Section 53-1-301, MCA, is amended to read:

"53-1-301. Permitted institutional industries, powers
of department, and incentive pay to inmates. (1) Except as
provided in subsection (3), the department may:

(a) establish industries in institutions which will
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;

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

(c) print catalogs describing goods manufactured or
produced by institutions and distribute the catalogs;

(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.

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

(f) provide for the repair and maintenance of property
and equipment of institutions by residents of institutions;

(g) 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;

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

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

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

(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;

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

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

(i) knowledge and skill;

(ii) attitude toward authority;

(iii) physical effort;

(iv) responsibility for equipment and materials;

(v) regard for safety of others.

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

(3) Except as provided in subsection (4), furniture made in the prison may be purchased by state agencies in accordance with the procurement provisions under Title 18, chapter 4. All other prison-made furniture may be sold only through licensed wholesale or retail furniture outlets or through export firms for sale to international markets.

(4) Any state institution, facility, or program operated by the department may purchase prison-made furniture without complying with the procurement provisions.

under Title 18, chapter 4.

(5) The department may provide for construction of projects THE PROJECT authorized in [section 2] by inmates at the Montana state prison.

NEW SECTION. Section 2. Authorization of inmate labor for designated-construction-projects PRISON CONSTRUCTION -- exemptions. (1) The department of institutions may use inmate labor for purposes of constructing the low security housing unit at Montana state prison authorized in section 6 of House Bill No. 777, Laws of 1989;--constructing-the--ranch housing--units--and--the--irrigation-system-at-Montana-state prison-authorized-in-section-7-of-House-Bill-No---777--Laws of--1989;--and--inspecting,--studying,--and--renovating--dams-at Montana-state-prison-authorized-in-section--10(2)--of--House Bill-No:-777-Laws-of-1989.

(2) The department of administration may exempt the projects PROJECT authorized in subsection (1) from the provisions of any applicable Montana law relating to public bidding, bonding, workers' compensation coverage, or labor and wage requirements.

SECTION 3. SECTION 22, HOUSE BILL NO. 777, LAWS OF 1989, IS AMENDED TO READ:

Section 22. Authorizing inmate labor for construction of--prison-projects prison construction. For-the-purposes-of constructing-a-96-man-housing-unit--authorized--in--[section

1 ~~6}--the--ranch--housing--units--and--the--irrigation--system--at~~
 2 ~~Montana--state--prison--authorized--in--{section--7}}--and--the~~
 3 ~~inspection,--study,--and--renovation--of--dams--at--Montana--state~~
 4 ~~prison--authorized--in--{section--10(2)}}--the~~ The department of
 5 institutions may use inmate labor ~~to--construct--the--projects~~
 6 for purposes of constructing the low security housing unit
 7 authorized in [section 6] and is exempt, for the purposes of
 8 completing ~~these--projects~~ such project, from the provisions
 9 of 53-1-301(1)(g). The department of administration may
 10 exempt ~~these--projects~~ the project authorized in [section 6]
 11 from any provisions of Montana law relating to public
 12 bidding, bonding, workers' compensation coverage, or labor
 13 and wage requirements."

14 NEW SECTION. Section 4. Severability. If a part of
 15 [this act] is invalid, all valid parts that are severable
 16 from the invalid part remain in effect. If a part of [this
 17 act] is invalid in one or more of its applications, the part
 18 remains in effect in all valid applications that are
 19 severable from the invalid applications.

20 NEW SECTION. Section 5. Retroactive applicability.
 21 [This act] applies retroactively, within the meaning of
 22 1-2-109, to May 16, 1989.

23 NEW SECTION. Section 6. Effective date -- termination.
 24 (1) [This act] is effective on passage and approval.

25 (2) [Section 1] terminates July 1, 1991.

-End-

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INTRODUCED BY THOFT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF
INMATE LABOR FOR CONSTRUCTION PROJECTS-AUTHORIZED-BY-THE
LEGISLATURE--SPECIFICALLY--AUTHORIZING--THE--USE--OF--INMATE
LABOR-FOR-CERTAIN-PROJECTS OF A LOW SECURITY HOUSING UNIT AT
MONTANA STATE PRISON AS AUTHORIZED IN SECTION 6, HOUSE BILL
NO. 777, LAWS OF 1989; AMENDING SECTION 53-1-301, MCA AND
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government, by any other states or their political
subdivisions, or by nonprofit organizations and that will

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(b) contract with private industry for the sale of
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(j) with the approval of the department, sell
manufactured or agricultural products and livestock on the
open market;

(k) provide for the manufacture at an institution of

1 highway, road, and street marking signs for the use of the
2 state or any of its political subdivisions, except when the
3 manufacture of the signs is in violation of a collective
4 bargaining contract;

5 (1) pay an inmate or resident of an institution from
6 receipts from the sale of products produced or manufactured
7 or services rendered in a program in which he is working.

8 (2) (a) Payment for the performance of work may be
9 based on the following criteria:

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12 (iii) physical effort;

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15 (b) The maximum rate of pay shall be determined by the
16 appropriation established for each program.

17 (3) Except as provided in subsection (4), furniture
18 made in the prison may be purchased by state agencies in
19 accordance with the procurement provisions under Title 18,
20 chapter 4. All other prison-made furniture may be sold only
21 through licensed wholesale or retail furniture outlets or
22 through export firms for sale to international markets.

23 (4) Any state institution, facility, or program
24 operated by the department may purchase prison-made
25 furniture without complying with the procurement provisions

1 under Title 18, chapter 4.

2 (5) The department may provide for construction of
3 projects THE PROJECT authorized in [section 2] by inmates at
4 the Montana state prison."

5 NEW SECTION. Section 2. Authorization of inmate labor
6 for designated-construction-projects PRISON CONSTRUCTION --
7 exemptions. (1) The department of institutions may use
8 inmate labor for purposes of constructing the low security
9 housing unit at Montana state prison authorized in section 6
10 of House Bill No. 777, Laws of 1989;--constructing-the--ranch
11 housing--units--and--the--irrigation-system-at-Montana-state
12 prison-authorized-in-section-7-of-House-Bill-No-777--baws
13 of--1989;--and--inspecting, studying, and renovating dams at
14 Montana-state-prison-authorized-in-section--10{2}--of--House
15 Bill-No-777, Laws-of-1989.

16 (2) The department of administration may exempt the
17 projects PROJECT authorized in subsection (1) from the
18 provisions of any applicable Montana law relating to public
19 bidding, bonding, workers' compensation coverage, or labor
20 and wage requirements.

21 SECTION 3. SECTION 22, HOUSE BILL NO. 777, LAWS OF
22 1989, IS AMENDED TO READ:

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24 of--prison-projects prison construction. For-the-purposes-of
25 constructing-a-96-man-housing-unit--authorized--in--{section

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 [this act] is invalid, all valid parts that are severable
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 [This act] applies retroactively, within the meaning of
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14 Montana state prison authorized in section--10(2)--of--House
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21 SECTION 3. SECTION 22, HOUSE BILL NO. 777, LAWS OF
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23 Section 22. Authorizing inmate labor for construction
24 of--prison-projects prison construction. For-the-purposes-of
25 constructing-a-96-man-housing-unit--authorized--in--[section

6};--the--ranch--housing--units-and-the-irrigation-system-at
 Montana-state-prison-authorized--in--{section--7};--and--the
 inspection,--study,--and-renovation-of-dams-at-Montana-state
 prison-authorized-in-{section-10(2)};--the The department of
 institutions may use inmate labor to-construct-the-projects
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