

HOUSE BILL 675

Introduced by Bergsagel

3/11	Introduced
3/11	Referred to Appropriations
3/11	First Reading
3/15	Hearing
3/17	Committee Report--Bill Passed
3/23	2nd Reading Passed
3/24	3rd Reading Failed

1 House BILL NO. 675
 2 INTRODUCED BY Burgess
 3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON LONG RANGE PLANNING
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING
 6 CONSTRUCTION PROJECTS OF UP TO \$25,000 TO BE PERFORMED BY
 7 INMATES; AUTHORIZING INMATE LABOR FOR CONSTRUCTION PROJECTS
 8 IN EXCESS OF \$25,000 UPON APPROVAL BY THE LEGISLATURE;
 9 EXEMPTING LEGISLATIVELY AUTHORIZED INMATE LABOR PROJECTS
 10 FROM PUBLIC BIDDING, BONDING, WORKERS' COMPENSATION, AND
 11 WAGE LAWS; AND AMENDING SECTION 53-1-301, MCA."

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. (1) Except as
 17 provided in subsection (3), the department may:

18 (a) establish industries in institutions which that
 19 will result in the production or manufacture of such
 20 products and the rendering of such services as that may be
 21 needed by any department or agency of the state or any
 22 political subdivision thereof of the state, by any agency of
 23 the federal government, by any other states or their
 24 political subdivisions, or by nonprofit organizations and
 25 that will assist in the rehabilitation of residents in

1 institutions;

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

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

7 (d) fix the sale price for goods produced or
 8 manufactured at institutions. Prices ~~shall~~ may not exceed
 9 prices existing in the open market for goods of comparable
 10 quality.

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

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

15 (g) provide for construction projects to be performed
 16 by inmates in an amount:

17 (i) up to the aggregate sum of \$25,000 per project--by
 18 residents--of--institutions;--provided;--however;--said if the
 19 specific construction work project is not covered by a
 20 collective bargaining agreement; or

21 (ii) in excess of \$25,000 when authorized by the
 22 legislature;

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

25 (i) provide for the manufacture at an institution of

1 motor vehicle license plates and other related articles;

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

5 (k) provide for the manufacture at an institution of
6 highway, road, and street marking signs for the use of the
7 state or any of its political subdivisions, except when the
8 manufacture of the signs is in violation of a collective
9 bargaining contract;

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

14 (2) (a) Payment for the performance of work may be
15 based 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 (b) The maximum rate of pay ~~shall~~ must be determined by
22 the appropriation established for each program.

23 (3) Except as provided in subsection (4), furniture
24 made in the prison may be purchased by state agencies in
25 accordance with the procurement provisions under Title 18,

1 chapter 4. All other prison-made furniture may be sold only
2 through licensed wholesale or retail furniture outlets or
3 through export firms for sale to international markets.

4 (4) Any state institution, facility, or program
5 operated by the department may purchase prison-made
6 furniture without complying with the procurement provisions
7 under Title 18, chapter 4.

8 (5) A project authorized or funded under subsection
9 (1)(g)(ii) is exempt from public bidding, bonding, workers'
10 compensation, and wage laws."

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

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