Montana Correctional Enterprise
Senate Bill 84 Testimony
Gayle Lambert, MCE Administrator

SB84 Page Reference	Original MCA Sections	Notes on changes proposed to MCA through Senate Bill 84
Page 1	**39-71-118 Employee, worker, volunteer and volunteer firefighter defined**	Correction to DOC reference in MCAs, page 2, line 16
Page 6	**53-30-202 Department of Corrections**	Adds Montana Correctional Enterprises under adult corrections services, page 6, line13
Page 6	**53-30-131. Prison industries training program -- purpose and scope.** (1) In addition to any correctional facility industry operated at the Montana state prison, the department of corrections shall conduct a prison industries training program. (2) The purpose of the prison industries training program is to: (a) provide innovative and progressive inmate reformation and rehabilitation possibilities by exposing inmates to worthwhile training; (b) prepare inmates for release by providing industries at the prison that utilize their skills, thus providing experience beyond mere training, inculcating inmates with good production and work habits, and providing them with a means to earn money that will be available to them upon release. (3) The prison industries training program consists of vocational training, on-the-job training, and production experience. The department may contract with public and private vocational education entities to provide this training.	Clean up – Including name change and remove redundancy
Page 7	(4) The program may provide training and experience involving cultivation, production, repair, construction, refurbishment, service, and related processes involving personal property, including but not limited to such items as crops, livestock, furniture, office and electrical equipment, and motor vehicles. The products and services, with the exception of livestock and agricultural products produced from the Montana state prison ranch and products or services of a federally certified prison industries program, may be provided only to state agencies, local government units, school districts, authorities, and other governmental entities. (5) The department may donate surplus food grown or produced at the prison to local food banks, nonprofit organizations, and low-income persons.	Specifically adds authority for operation of the animal training and boarding, wild land fire suppression, and community work programs. Pg. 7 lines 16 – 19. Cleanup, moved to page 8, lines 3 through 5, new subsection (4), same MCA Clean up

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Page 8	**53-30-132. Inmate participation and status in prison work programs -- prison industries and vocational training program -- wages and benefits.** (1) The department of corrections may:	
	(a) establish prison industries that will result in the production or manufacture of products and the rendering of services that may be needed by any department or agency of the state or any political subdivision of the state, 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 inmates in institutions;	Clean up, moved to previous MCA, page 7, lines 1 – 7
	(b) obtain federal certification of specific prison industries programs in order to gain access to interstate markets for prison industries products;	Clean up, deleted, redundant with previous subsection (b)
	(c) contract with private industry for the sale of goods or components manufactured or produced in shops under its jurisdiction and for the employment of inmates in federally certified prison industries programs;	
Page 9	(d) print catalogs describing goods manufactured or produced by prison industries and distribute the catalogs;	
	(e) fix the sale price for goods produced or manufactured by prison industries. Prices may not exceed prices existing in the open market for goods of comparable quality.	Clean up, moved to previous MCA (53-30-131), page 7, lines 23 through 30 and page 8, lines 1 and 2
	(f) require a correctional facility to purchase needed goods from other correctional facilities;	
	(g) provide for the repair and maintenance of property and equipment of institutions by inmates;	
	(h) provide for the removal of graffiti from property and equipment of institutions and the removal of litter from the property of institutions, public roads, and public parks by inmates;	
	(i) provide for construction projects, up to the aggregate sum of $200,000 for each project, performed by inmates. The department of administration may:	***Not new language, Has been included in MCA since 1997. Moved to page 7 lines 25 & 26***
	(i) exempt projects authorized by this subsection from the provisions of Title 18, chapter 2, relating to construction, public bidding, bonding, or contracts; and	
	(ii) exempt inmates who provide labor for those projects from the labor and wage requirements of Title 18, chapter 2, part 4. Inmates providing labor for projects under this subsection must be paid a rate of pay as provided in subsection (5).	

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	(j) provide for the repair and maintenance by prison industries of furniture and equipment of any state agency;	
leave in (removed in error)	(k) provide for the manufacture by prison industries of motor vehicle license plates and other related articles;	Removed by error during bill draft, will be added back through an amendment
	(l) sell manufactured or agricultural products and livestock on the open market;	
	(m) provide for the manufacture by prison industries 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;	Moved to Page 8, line 12 under MCA 53-30-131
	(n) pay an inmate from receipts from the sale of products produced or manufactured or services rendered in a program in which the inmate is working;	
Page 10	(o) collect 15% of the gross wages paid to an inmate employed in a federally certified prison industries program, to be deposited in a department reclamation fund and used to satisfy any unpaid restitution obligation of the inmate or, if the obligation has been fully paid or no restitution was ordered, for transfer quarterly to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund as provided in Title 53, chapter 9, part 1; and	Clarification, to include court-ordered obligations, including restitution on previously discharged sentences. Page 10 lines 1 through 3
	(p) collect from an inmate employed in a federally certified prison industries program charges for room and board consistent with charges established by the director for inmates assigned to prerelease centers.	Clarification to allow for the deposit of room and board deductions into the Montana Correctional Enterprise program to be used to offset the cost of operating training programs. Page 10 lines 9 and 10.
Pg 10, Lines 11 - 14	(2) Except as provided in subsection (3), 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.	Moved to page 8, lines 6 and 7, under 53-30-131
	(3) Any state institution, facility, or program operated by the department of corrections may purchase prison-made furniture without complying with the procurement provisions under Title 18, chapter 4.	

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Page 11	(4) While engaged in on-the-job training and production, inmates not employed in a federally certified prison industries program may be paid a wage in accordance with subsection (5). Inmates employed in a federally certified prison industries program must be paid as provided in subsection (5). (5) (a) Except as provided for in subsection (5)(b), 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; and (v) regard for safety of others. (b) The maximum rate of pay must be determined by the appropriation established for the program, except that an inmate employed in a federally certified prison industries program must be paid at a rate not less than the rate paid for similar work in the locality where the inmate performs the work. (6) Premiums for workers' compensation and occupational disease coverage for federally certified prison industries programs must be paid by the prison industries program or by the department of corrections. If the department of corrections pays the premium, reimbursement for premium payments for workers' compensation and occupational disease coverage must be made to the department of corrections by the private company contracting with the federally certified prison industries program for services and products. (7) Inmates not working in a federally certified prison industries training program are not employees, either public or private, and employment rights accorded other classes of workers do not apply to the inmates. Inmates working in a federally certified prison industry program are entitled to coverage and benefits as provided in 39-71-744. (8) Able-bodied persons committed to a state prison as adult offenders [redacted] to perform work as provided for by the department of corrections, including the manufacture of products or the rendering of services. In order to ensure the public safety, the may secure inmates performing work.	Moved to page 8, immediately after title, lines 21 through 25, [redacted]

SB84 Page Reference	Original MCA Sections	may be required Notes on changes proposed to MCA through Senate Bill 84
Page 11	**53-30-133. Administration of prison industries training program.** (1) (a) The prison industries training program need not be a self-supporting program. The department of corrections may enter into contracts and establish prices for products or services produced by this program. Within budgetary restrictions, the department shall establish prices that tend to maximize the amount of work available for inmates. All revenue raised through the program may be used only for the program and payment of inmate wages. (b) State agencies, local governments, school districts, authorities, and other local government entities are encouraged to explore the possibilities of using the prison industries training program. State agencies shall cooperate with the department of corrections in notifying governmental entities within the state of the program and of the services and products that are available.	Combined with another section and moved to page 8, lines 3 and 4
Page 12	(2) (a) The department of corrections shall adopt rules implementing this program. Any price lists established by the department are exempt from the provisions of Title 2, chapter 4, but the department may, if it considers it an effective method of dissemination, publish the price lists in the Montana Administrative Register or the Administrative Rules of Montana, or both. (b) The department of corrections is subject to program audits of the prison industries training program by the legislative auditor.	Removed language, as law covers all items that would be put in administrative rules. Removed, redundant
Page 12 line 5 to 14	**61-3-478 Generic Specialty license plate sponsor fee--exception** **New Section – Repealer** **New Section – Retroactive applicability**	Adds Specific name of Montana Correctional Enterprise program and enterprise fund Allows room and board deposits into the enterprise fund to be retroactive to all monies deductions received prior to 10/1/2009