

# HOUSE BILL ANALYSIS

## HB 2131

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**Title:** An act relating to the correctional industries board of directors.

**Brief Description:** Concerning inmate employment.

**Sponsors:** Representatives O'Brien, Koster, Blalock, Cairnes, Regala, McMorris, Conway, Delvin, Thompson and Veloria.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841)

**Background:** Purpose of the Correctional System. The purpose of the correctional system for convicted offenders is to:

- (1) Ensure public safety;
- (2) Punish the offender for violating laws;
- (3) Positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism;
- (4) Treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition;
- (5) Reflect the values of the community including: avoiding idleness, adoption of the work ethic, providing opportunities for self improvement, linking the receipt or denial of privileges to responsible behavior and accomplishments, and sharing in the obligations of the community;
- (6) Provide for prudent management of resources;
- (7) Provide for restitution;
- (8) Be accountable to the citizens of the state; and
- (9) Meet those national standards which the state determines to be appropriate.

The terms representative from business– and representative from labor– are not defined in current law.

Correctional Industries Board of Directors. The Correctional Industries Board of Directors consists of nine appointed members which are responsible for:

- (1) Establishing and implementing policies for the correctional industries programs;
- (2) Reviewing the work performance of the director of the correctional industries division;
- (3) Reviewing and evaluating the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary; and,
- (4) Developing a strategic yearly marketing plan that is consistent with and work towards achieving the goals established in the six-year phased expansion of class I and class II correctional industries.

It is unclear whether the department, an organization operating or managing an inmate work program, or an other entity employing inmate labor can contract with or employ a member of the Correctional Industries Board of Directors during their tenure on the board.

All members of the Correctional Industries Board of Directors are eligible for compensation up to a maximum of \$50 each day the member attends an official meeting of the group.

All members of the Correctional Industries Board of Directors serve a three-year staggering term.

Correctional Industries Account. All revenue collected from the industrial and agricultural operations of the department are deposited in the Correctional Industries account. These funds are reinvested in the expansion and improvement of correctional industries.

Bids on State Goods. Any person, firm, or organization which makes a bid to provide goods or services to any state agency is granted preference over other bidders if: (1) the goods or services have been or will be produced or provided in whole or in part by an inmate work program of the Department of Corrections; and (2) an amount equal to at least 15 percent of the total bid amount has been paid or will be paid by the person, firm, or organization to inmates as wages.

**Summary:** Purpose of the Correctional System. The purpose of the correctional system for convicted offenders is expanded to include a system which should not work against the interests of law abiding citizens and should hold their interests above the interests of offenders when those interests are in conflict. This includes: (1) ensuring that paid inmate employment will not result in the displacement of employed workers within Washington state, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in Washington state, or impair existing contracts for services in Washington state, or negatively impact the opportunity for persons under the age of 21 or on public assistance to gain entry level employment; or (2) in employment where non-inmate labor would be subject to the prevailing rate of wage, the wage scale adopted for inmate labor is comparable to that required by law for non-inmate labor.

Representative from Business & Representative from Labor. The term representative from business– includes a person nominated by one of the state-wide organizations representing various business interests and appointed by the Governor to the Correctional Industries Board of Directors.

The term representative from labor– includes a person nominated by one the state-wide organizations representing labor and appointed by the Governor to the Correctional Industries Board of Directors.

Correctional Industries Board of Directors. The responsibilities of the Correctional Industries Board of Directors are expanded to include:

- Establishing and implementing all policies for the correctional industries programs;
- Adopting administrative rules to ensure that the hiring of inmate labor does not jeopardize any employment opportunities for a law-abiding resident of the state;
- Ensuring that all inmates are paid at a wage equal to the wage paid for work of a similar nature in the locality where the industry is located (except for inmates who work in training programs or in employment where the labor would be subject to the

- prevailing rate of wage);
- Annually reviewing the work performance of the director of the correctional industries division and reporting the results to the secretary of the department; and,
- In addition to identifying and establishing trade advisory or apprenticeship committees to advise them on correctional industries work programs, the committee must also appoint the members of the committees instead of the secretary of the department.

It is prohibited for the department, an organization operating or managing an inmate work program, or an other entity employing inmate labor to contract with or employ a member of the Correctional Industries Board of Directors during their tenure on the board or for a period of two years after the termination of membership on the board of directors. A violation will result in termination of any agreement or contract between the violator and the department.

The compensation for all members of the Correctional Industries Board of Directors is increased from a maximum of \$50 per day to \$100 each day the member attends an official meeting of the group.

Prior to August 1, 1997, the Governor is required to replace a member who does not meet the current statutory requirements for membership on the board. Prior to making an appointment of a representative from business or a representative from labor, the Governor must request nominations from appropriate state-wide organizations.

Correctional Industries Account. All revenue collected from the industrial and agricultural operations of the department which are deposited in the correctional industries account will be reinvested in the expansion and improvement of correctional industries as directed by the Correctional Industries Board of Directors.

Bids on State Goods & Services. The provision which provides preference to any person, firm, or organization which makes a bid to provide goods or any services to any state agency is expanded to any person or agency who also demonstrates that all other bid requirements, including quality of product and timeliness of delivery, are met to the satisfaction of the agency. The Correctional Industries Board of Directors and the department of General Administration must adopt rules that implement all the requirements for bids on state goods and services— and which ensures that no Washington resident's employment is jeopardized by the provision of employment opportunities for inmates.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Requested on February 25, 1997.

**Effective Date:** This bill contains an emergency clause and takes effect immediately.