

2 **E2SSB 5451** - H AMD TO H AMD (H-2591.2/93) **000694 WITHDRAWN 4-23-93**
3 By Representatives R. Meyers, Conway, and Padden

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5 On page 55, beginning on line 33, strike everything through
6 "committees." on page 59, line 16, and insert the following:

7 **"Sec. 26.** RCW 43.19.534 and 1986 c 94 s 2 are each amended to read
8 as follows:

9 State agencies, the legislature, and departments shall purchase for
10 their use all (~~((articles or products))~~) goods and services required by
11 the legislature, agencies, or departments (~~((which))~~) that are produced
12 or provided in whole or in part from class II inmate work programs
13 operated by the department of corrections through state contract.
14 These (~~((articles and products))~~) goods and services shall not be
15 purchased from any other source unless, upon application by the
16 department or agency: (1) The department of general administration
17 finds that the articles or products do not meet the reasonable
18 requirements of the agency or department, (2) are not of equal or
19 better quality, or (3) the price of the product or service is higher
20 than that produced by the private sector. However, the criteria
21 contained in (1), (2), and (3) of this section for purchasing goods and
22 services from sources other than correctional industries do not apply
23 to goods and services produced by correctional industries that
24 primarily replace goods manufactured or services obtained from outside
25 the state. The department of corrections and department of general
26 administration shall adopt administrative rules that implement this
27 section.

28 NEW SECTION. **Sec. 27.** A new section is added to chapter 72.09 RCW
29 to read as follows:

30 (1) The secretary shall increase inmate participation in class I
31 and class II correctional industries work programs incrementally until
32 a combined total of fifteen percent of all eligible physically and
33 mentally able inmates are employed in class I and class II programs by
34 December 30, 1998, and thirty percent by December 30, 2001. "Eligible
35 physically and mentally able inmates" includes all inmates in

1 department facilities except inmates determined to be incapable of
2 working in correctional industries work programs due to one of the
3 following reasons only:

4 (a) The inmate has a chronic mental deficiency or is mentally
5 retarded and participation in work programs is impossible;

6 (b) The inmate has a physical disability or illness making
7 participation in work programs impossible;

8 (c) The inmate is housed in an intensive management unit.

9 (2) The department shall deduct at least fifty percent from the
10 gross wages of each inmate working in correctional industries. This
11 amount shall be first used to pay any court-ordered legal financial
12 obligations the defendant is required to pay. Upon full payment of
13 legal financial obligations, the deduction shall be deposited into a
14 department personal inmate savings account until the account reaches at
15 least two hundred fifty dollars. Thereafter, all inmates working in
16 class I, class II, class III, and class IV correctional industries
17 programs shall pay fifty percent of their gross wages earned, up to six
18 dollars per hour, toward the cost of incarceration so long as the
19 inmate has retained at least two hundred fifty dollars in a department
20 personal inmate savings account.

21 (3) The department shall explore other methods of recovering a
22 portion of the cost of the inmate's incarceration and for encouraging
23 participation in work programs, including development of incentive
24 programs that offer inmates benefits and amenities paid for only from
25 wages earned while working in a correctional industries work program.

26 (4) The department shall develop the necessary administrative
27 structure to recover inmates' wages and keep records of the amount
28 inmates pay for the costs of incarceration and amenities. All funds
29 gained from this section shall be deposited in a dedicated fund with
30 the department and shall be used only for the purpose of enhancing and
31 maintaining the correctional industries program until December 31,
32 2000, and thereafter all funds shall be deposited in the general fund.

33 (5) The expansion of inmate employment in class I and class II
34 correctional industries shall be limited to the expanded use of
35 existing correctional industry facilities and any new facilities funded
36 in the 1993-95 budget, and any expansions funded from the recovery of
37 inmate wages described in subsection (4) of this section. The
38 department shall maximize the use of existing facilities to the fullest

1 possible extent, including the addition of second and third shifts of
2 workers where possible.

3 **Sec. 28.** RCW 72.09.070 and 1989 c 185 s 4 are each amended to read
4 as follows:

5 (1) There is created a correctional industries board of directors
6 which shall have the composition provided in RCW 72.09.080.

7 (2) Consistent with general department of corrections policies and
8 procedures pertaining to the general administration of correctional
9 facilities, the board shall establish and implement policy for
10 correctional industries programs designed to:

11 (a) Offer inmates meaningful employment, work experience, and
12 training in vocations (~~(which may provide)~~) that are specifically
13 designed to reduce recidivism and thereby enhance public safety by
14 providing opportunities for legitimate means of livelihood upon their
15 release from custody;

16 (b) Provide industries which will reduce the tax burden of
17 corrections and save taxpayers money through production of goods and
18 services for sale and use;

19 (c) Operate correctional work programs in an effective and
20 efficient manner which are as similar as possible to those provided by
21 the private sector;

22 (d) Encourage the development of and provide for selection of,
23 contracting for, and supervision of work programs with participating
24 private enterprise firms;

25 (e) Develop and design correctional industries work programs;

26 (f) Invest available funds in correctional industries enterprises
27 and meaningful work programs that minimize the impact on in-state jobs
28 and businesses.

29 (3) The board of directors shall at least annually review the work
30 performance of the director of correctional industries division with
31 the secretary.

32 (4) The director of correctional industries division shall review
33 and evaluate the productivity, funding, and appropriateness of all
34 correctional work programs and report on their effectiveness to the
35 board and to the secretary.

36 (5) The board of directors shall have the authority to identify and
37 establish trade advisory or apprenticeship committees to advise them on

1 correctional industries work programs. The secretary shall appoint the
2 members of the committees.

3 Where a labor management trade advisory and apprenticeship
4 committee has already been established by the department pursuant to
5 RCW 72.62.050 the existing committee shall also advise the board of
6 directors.

7 **Sec. 29.** RCW 72.09.080 and 1989 c 185 s 5 are each amended to read
8 as follows:

9 (1) The correctional industries board of directors shall consist of
10 nine voting members, appointed by the governor (~~((upon recommendation by~~
11 ~~the secretary))~~). Each member shall serve a three-year staggered term.
12 Initially, the governor shall appoint three members to one-year terms,
13 three members to two-year terms, and three members to three-year terms.
14 The speaker of the house of representatives and the president of the
15 senate shall each appoint one member from each of the two largest
16 caucuses in their respective houses. The legislators so appointed
17 shall be nonvoting members and shall serve two-year terms, or until
18 they cease to be members of the house from which they were appointed,
19 whichever occurs first. The nine members appointed by the governor
20 shall include three representatives from ~~((both))~~ labor ~~((and~~
21 ~~industry))~~, three representatives from business representing cross-
22 sections of industries and all sizes of employers, and three members
23 from the general public.

24 (2) The board of directors shall elect a chair and such other
25 officers as it deems appropriate from among the voting members.

26 (3) The voting members of the board of directors shall serve with
27 compensation pursuant to RCW 43.03.240 and shall be reimbursed by the
28 department for travel expenses and per diem under RCW 43.03.050 and
29 43.03.060, as now or hereafter amended. Legislative members shall be
30 reimbursed under RCW 44.04.120, as now or hereafter amended.

31 (4) The secretary shall provide such staff services, facilities,
32 and equipment as the board shall require to carry out its duties.

33 **Sec. 30.** RCW 72.09.110 and 1991 c 133 s 1 are each amended to read
34 as follows:

35 All inmates working in prison industries shall participate in the
36 cost of corrections, including costs to develop and implement
37 correctional industries programs(~~((The secretary shall develop a~~

1 formula which can be used to determine the extent to which the wages of
2 these inmates will be deducted for this purpose. The amount so
3 deducted shall be placed in the general fund and shall be a reasonable
4 amount which will not unduly discourage the incentive to work)), by
5 means of deductions from their gross wages. The secretary may direct
6 the state treasurer to deposit a portion of these moneys in the crime
7 victims compensation account. ((Except)) The secretary shall direct
8 that all moneys received by an inmate((7)) for testifying in any
9 judicial proceeding((7-90)) shall be deposited into the crime victims
10 compensation account.

11 When the secretary finds it appropriate and not unduly destructive
12 of the work incentive, the secretary ((shall)) may also provide
13 deductions for ((restitution7)) savings((7)) and family support.

14 **Sec. 31.** RCW 72.60.160 and 1981 c 136 s 103 are each amended to
15 read as follows:

16 All articles, materials, services, and supplies ((herein))
17 authorized by this chapter to be produced or manufactured in
18 correctional institutions ((may)) shall be purchased from the
19 institution producing or manufacturing the same by any state agency
20 ((or political subdivision of the state)) through state contract as set
21 forth in RCW 43.19.534, and the secretary shall require those
22 institutions under his direction to give preference to the purchasing
23 of their needs of such articles as are so produced.

24 NEW SECTION. **Sec. 32.** By January 1, 1994, the secretary of
25 corrections shall submit a report to the chief clerk of the house of
26 representatives and secretary of the senate containing an
27 identification and description of any impediments which the secretary
28 believes might prevent the department from achieving compliance with
29 the inmate work participation percentages specified in section 27 of
30 this act. The secretary also shall include, in the report, alternative
31 ways to remove any identified impediments. The chief clerk and
32 secretary shall distribute the report to the appropriate standing
33 committees.

34 NEW SECTION. **Sec. 33.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 72.09.102 and 1986 c 94 s 1; and

1 (2) RCW 72.60.190 and 1981 c 136 s 104, 1979 ex.s. c 160 s 4, &
2 1959 c 28 s 72.60.190."

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

--- **END** ---