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**SUBSTITUTE SENATE BILL 5352**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Honeyford, Regala, and Swecker)

READ FIRST TIME 02/08/11.

1            AN ACT Relating to providing eyeglasses for medicaid enrollees;  
2 amending RCW 72.09.100; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 72.09.100 and 2005 c 346 s 1 are each amended to read  
5 as follows:

6            It is the intent of the legislature to vest in the department the  
7 power to provide for a comprehensive inmate work program and to remove  
8 statutory and other restrictions which have limited work programs in  
9 the past. It is also the intent of the legislature to ensure that the  
10 correctional industries board of directors, in developing and selecting  
11 correctional industries work programs, does not encourage the  
12 development of, or provide for selection of or contracting for, or the  
13 significant expansion of, any new or existing class I correctional  
14 industries work programs that unfairly compete with Washington  
15 businesses. The legislature intends that the requirements relating to  
16 fair competition in the correctional industries work programs be  
17 liberally construed by the correctional industries board of directors  
18 to protect Washington businesses from unfair competition. For purposes

1 of establishing such a comprehensive program, the legislature  
2 recommends that the department consider adopting any or all, or any  
3 variation of, the following classes of work programs:

4 (1) CLASS I: FREE VENTURE INDUSTRIES.

5 (a) The employer model industries in this class shall be operated  
6 and managed in total or in part by any profit or nonprofit organization  
7 pursuant to an agreement between the organization and the department.  
8 The organization shall produce goods or services for sale to both the  
9 public and private sector.

10 (b) The customer model industries in this class shall be operated  
11 and managed by the department to provide Washington state manufacturers  
12 or businesses with products or services currently produced or provided  
13 by out-of-state or foreign suppliers.

14 (c) The correctional industries board of directors shall review  
15 these proposed industries, including any potential new class I  
16 industries work program or the significant expansion of an existing  
17 class I industries work program, before the department contracts to  
18 provide such products or services. The review shall include the  
19 analysis required under RCW 72.09.115 to determine if the proposed  
20 correctional industries work program will compete with any Washington  
21 business. An agreement for a new class I correctional industries work  
22 program, or an agreement for a significant expansion of an existing  
23 class I correctional industries work program, that unfairly competes  
24 with any Washington business is prohibited.

25 (d) The department of corrections shall supply appropriate security  
26 and custody services without charge to the participating firms.

27 (e) Inmates who work in free venture industries shall do so at  
28 their own choice. They shall be paid a wage comparable to the wage  
29 paid for work of a similar nature in the locality in which the industry  
30 is located, as determined by the director of correctional industries.  
31 If the director cannot reasonably determine the comparable wage, then  
32 the pay shall not be less than the federal minimum wage.

33 (f) An inmate who is employed in the class I program of  
34 correctional industries shall not be eligible for unemployment  
35 compensation benefits pursuant to any of the provisions of Title 50 RCW  
36 until released on parole or discharged.

37 (2) CLASS II: TAX REDUCTION INDUSTRIES.

1 (a) Industries in this class shall be state-owned and operated  
2 enterprises designed primarily to reduce the costs for goods and  
3 services for tax-supported agencies and for nonprofit organizations.

4 (b)(i) The industries selected for development within this class  
5 shall, as much as possible, match the available pool of inmate work  
6 skills and aptitudes with the work opportunities in the free community.  
7 The industries shall be closely patterned after private sector  
8 industries but with the objective of reducing public support costs  
9 rather than making a profit.

10 (ii) The products and services of this industry, including  
11 purchased products and services necessary for a complete product line,  
12 may be sold to the following:

13 (A) Public agencies;

14 (B) Nonprofit organizations;

15 (C) Private contractors when the goods purchased will be ultimately  
16 used by a public agency or a nonprofit organization;

17 (D) An employee and immediate family members of an employee of the  
18 department of corrections; (~~and~~)

19 (E) A person under the supervision of the department of corrections  
20 and his or her immediate family members; and

21 (F) A licensed health professional for the sole purpose of  
22 providing eyeglasses to enrollees of the state medical program at no  
23 more than the health professional's cost of acquisition.

24 (iii) The correctional industries board of directors shall  
25 authorize the type and quantity of items that may be purchased and sold  
26 under (b)(ii)(D) and (E) of this subsection.

27 (iv) It is prohibited to purchase any item purchased under  
28 (b)(ii)(D) and (E) of this subsection for the purpose of resale.

29 (v) Clothing manufactured by an industry in this class may be  
30 donated to nonprofit organizations that provide clothing free of charge  
31 to low-income persons.

32 (c)(i) Class II correctional industries products and services shall  
33 be reviewed by the correctional industries board of directors before  
34 offering such products and services for sale to private contractors.

35 (ii) The board of directors shall conduct a yearly marketing review  
36 of the products and services offered under this subsection. Such  
37 review shall include an analysis of the potential impact of the  
38 proposed products and services on the Washington state business

1 community. To avoid waste or spoilage and consequent loss to the  
2 state, when there is no public sector market for such goods, by-  
3 products and surpluses of timber, agricultural, and animal husbandry  
4 enterprises may be sold to private persons, at private sale. Surplus  
5 by-products and surpluses of timber, agricultural and animal husbandry  
6 enterprises that cannot be sold to public agencies or to private  
7 persons may be donated to nonprofit organizations. All sales of  
8 surplus products shall be carried out in accordance with rules  
9 prescribed by the secretary.

10 (d) Security and custody services shall be provided without charge  
11 by the department of corrections.

12 (e) Inmates working in this class of industries shall do so at  
13 their own choice and shall be paid for their work on a gratuity scale  
14 which shall not exceed the wage paid for work of a similar nature in  
15 the locality in which the industry is located and which is approved by  
16 the director of correctional industries.

17 (f) Subject to approval of the correctional industries board,  
18 provisions of RCW 41.06.142 shall not apply to contracts with  
19 Washington state businesses entered into by the department of  
20 corrections through class II industries.

21 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

22 (a) Industries in this class shall be operated by the department of  
23 corrections. They shall be designed and managed to accomplish the  
24 following objectives:

25 (i) Whenever possible, to provide basic work training and  
26 experience so that the inmate will be able to qualify for better work  
27 both within correctional industries and the free community. It is not  
28 intended that an inmate's work within this class of industries should  
29 be his or her final and total work experience as an inmate.

30 (ii) Whenever possible, to provide forty hours of work or work  
31 training per week.

32 (iii) Whenever possible, to offset tax and other public support  
33 costs.

34 (b) Class III correctional industries shall be reviewed by the  
35 correctional industries board of directors to set policy for work  
36 crews. The department shall present to the board of directors  
37 quarterly detail statements showing where work crews worked, what

1 correctional industry class, and the hours worked. The board of  
2 directors may review any class III program at its discretion.

3 (c) Supervising, management, and custody staff shall be employees  
4 of the department.

5 (d) All able and eligible inmates who are assigned work and who are  
6 not working in other classes of industries shall work in this class.

7 (e) Except for inmates who work in work training programs, inmates  
8 in this class shall be paid for their work in accordance with an inmate  
9 gratuity scale. The scale shall be adopted by the secretary of  
10 corrections.

11 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

12 (a) Industries in this class shall be operated by the department of  
13 corrections. They shall be designed and managed to provide services in  
14 the inmate's resident community at a reduced cost. The services shall  
15 be provided to public agencies, to persons who are poor or infirm, or  
16 to nonprofit organizations.

17 (b) Class IV correctional industries shall be reviewed by the  
18 correctional industries board of directors to set policy for work  
19 crews. The department shall present to the board of directors  
20 quarterly detail statements showing where work crews worked, what  
21 correctional industry class, and the hours worked. The board of  
22 directors may review any class IV program at its discretion. Class IV  
23 correctional industries operated in work camps established pursuant to  
24 RCW 72.64.050 are exempt from the requirements of this subsection  
25 (4)(b).

26 (c) Inmates in this program shall reside in facilities owned by,  
27 contracted for, or licensed by the department of corrections. A unit  
28 of local government shall provide work supervision services without  
29 charge to the state and shall pay the inmate's wage.

30 (d) The department of corrections shall reimburse participating  
31 units of local government for liability and workers compensation  
32 insurance costs.

33 (e) Inmates who work in this class of industries shall do so at  
34 their own choice and shall receive a gratuity which shall not exceed  
35 the wage paid for work of a similar nature in the locality in which the  
36 industry is located.

37 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

1 (a) Programs in this class shall be subject to supervision by the  
2 department of corrections. The purpose of this class of industries is  
3 to enable an inmate, placed on community supervision, to work off all  
4 or part of a community restitution order as ordered by the sentencing  
5 court.

6 (b) Employment shall be in a community restitution program operated  
7 by the state, local units of government, or a nonprofit agency.

8 (c) To the extent that funds are specifically made available for  
9 such purposes, the department of corrections shall reimburse nonprofit  
10 agencies for workers compensation insurance costs.

11 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and takes effect  
14 immediately.

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