

HOUSE BILL No. 5159

October 9, 1989, Introduced by Reps. Kilpatrick, DeMars, Profit, Murphy, Gubow, Wallace, Bartnik, Perry Bullard, Emerson and Saunders and referred to the Committee on House Oversight.

A bill to amend sections 3, 4, 6, 7, and 12 of Act No. 15 of the Public Acts of 1968, entitled as amended "Correctional industries act," as amended by Act No. 245 of the Public Acts of 1980, being sections 800.323, 800.324, 800.326, 800.327, and 800.332 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 4, 6, 7, and 12 of Act No. 15 of the
2 Public Acts of 1968, as amended by Act No. 245 of the Public Acts
3 of 1980, being sections 800.323, 800.324, 800.326, 800.327, and
4 800.332 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 3. The authority and duties contained in this act are
7 vested in the ~~commission~~ DEPARTMENT of corrections.

1 Sec. 4. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of
2 corrections may:

3 (a) Construct, use, equip, and maintain buildings, machin-
4 ery, boilers, and equipment which may be necessary to provide for
5 the employment of inmate labor in the state correctional institu-
6 tions for the manufacture of goods, wares, and merchandise and
7 the operation of services.

8 (b) Purchase new material to be used in the manufacture of
9 goods, wares, merchandise, and operation of services.

10 (c) Dispose of the manufactured products or provide services
11 in the manner provided by law.

12 (d) Continue to use and maintain the buildings, machinery,
13 boilers, and equipment in the manufacture of goods, wares, and
14 merchandise in the manner in the operation on April 5, 1968 and
15 use the facilities in the operation of service programs.

16 (e) Recruit and employ agents and assistants through the
17 department of civil service as may be necessary to carry out the
18 purposes of this act and recommend to the department of civil
19 service classes and selection procedures which recognize the
20 unique needs of correctional industries in this state.

21 (f) Establish an advisory council for correctional indus-
22 tries in this state which shall include representatives of orga-
23 nized labor, private industry, state government, and the general
24 public.

25 Sec. 6. Correctional industries products may be sold,
26 exchanged, or purchased by institutions of this or any other
27 state or political subdivision ~~thereof~~ OF A STATE, the federal

1 government or agencies of the federal government or any
2 organization that is a tax exempt organization under section
3 501(c)(3) of the internal revenue code. The labor of inmates
4 shall not be sold, hired, leased, loaned, contracted for, or oth-
5 erwise used for private or corporate profit or for any purpose
6 other than the construction, maintenance, or operation of public
7 works, ways, or property as directed by the governor. This act
8 shall not be construed to prohibit the sale at retail of articles
9 made by inmates for the personal benefit of themselves or their
10 dependents or the payment to inmates for personal services
11 rendered in the penal institutions, subject to regulations
12 approved by the ~~commission~~ DIRECTOR OF THE DEPARTMENT of cor-
13 rections, or the use of inmate labor upon agricultural land which
14 has been rented or leased by the department of corrections upon a
15 sharecropping or other basis.

16 Sec. 7. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of cor-
17 rections shall provide as fully as practicable for the employment
18 of inmates in tasks consistent with the penal and rehabilitative
19 purposes of their imprisonment and with the public economy. The
20 types of employment shall be as follows:

21 (a) Routine maintenance and operation of the several
22 institutions.

23 (b) Educational and rehabilitation activities, whether
24 formal or through productive or socialized activities, determined
25 on the basis of individual needs and educability.

26 (c) Productive or maintenance labor on or in connection with
27 the institution farms, or other land rented or leased by the

1 department of corrections, factories, shops, or other available
2 facilities for the production and distribution of correctional
3 industries products and services.

4 (d) Labor assignments on state public works, ways, or prop-
5 erties when and as requisitioned by the governor or on county,
6 township, or district roads when requested by the county board of
7 commissioners pursuant to section 1 of Act No. 181 of the Public
8 Acts of 1911, as amended, being section 800.101 of the Michigan
9 Compiled Laws.

10 Sec. 12. The ~~commission~~ DIRECTOR OF THE DEPARTMENT of
11 corrections may adopt a schedule of payments or allowances to
12 inmates or to their dependents from the funds as may be provided
13 for the payment.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. _____ or House Bill No. 5150 (request
16 no. 03623'89) of the 85th Legislature is enacted into law.