

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Amend for SF 360 No vote 11/10 (p. 041)

SENATE FILE 2192

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2156)

Approved 2/18 (p. 433)

FILED FEB 18 1982

Passed Senate, Date 9-5-82 (p. 602) Passed House, Date 3-30-82 (p. 1099)

Vote: Ayes 46 Nays 0 Vote: Ayes 91 Nays 2

Approved April 30, 1982

*Repassed Senate per House amendment
4-12-82 (p. 1142)
49-0*

A BILL FOR

1 An Act relating to prison industries by changing the member-
2 ship of the prison industries advisory board, the use
3 of the inmate maintenance employees' pay supplement
4 revolving fund, and contracts with private industry.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7

SENATE FILE 2192

H-5436

1 Amend Senate File 2192 as passed by the Senate
2 as follows:
3 1. Page 1, line 32, by striking the word
4 "MAINTENANCE" and inserting in lieu thereof the word
5 "MAINTENANCE".

H-5436 FILED
MARCH 16, 1982
Adopted 3/30 (p. 1099)

BY COMMITTEE ON JUDICIARY & LAW ENFORCEMENT
CONLON, Chair

H-5590

SENATE FILE 2192

1 Amend Senate File 2192 as follows:
2 1. Page 1, by striking lines 6 and 7 and inserting
3 in lieu thereof the following:
4 "(1) ~~Three-members~~ One member shall represent
5 agriculture and the one member shall represent manufac-
6 turing and ~~construction-industries, respectively,~~"

H-5590 FILED MARCH 29, 1982
Adopted 3/30 (p. 1099)

BY SPEAR of Lee

1 Section 1. Section 216.3, subsection 1, paragraph a, Code
2 1981, is amended to read as follows:

3 a. Five members shall be appointed by the governor for
4 terms of four years beginning July 1 of the year of
5 appointment. They shall be chosen as follows:

6 (1) ~~Three~~ Two members shall represent agriculture and
7 the manufacturing ~~and-construction~~ industries, respectively,
8 with particular reference to the roles of their constituencies
9 as potential employers of inmates and former inmates of the
10 state's correctional institutions.

11 (2) One member shall represent labor organizations,
12 membership in which may be helpful to former inmates of the
13 state's correctional institutions who seek to train for and
14 obtain gainful employment.

15 (3) One member shall represent agencies, groups and
16 individuals in this state which plan and maintain programs
17 of vocational and technical education oriented to development
18 of marketable skills.

19 (4) One member shall represent the financial industry
20 and be familiar with accounting practices in private industry.

21 Sec. 2. The term of the person on the prison industries
22 advisory board who represents the construction industry and
23 which commenced before July 1, 1982 shall expire on July 1,
24 1982. The term of the person representing the financial
25 industry shall be filled by the governor for the balance of
26 the term remaining for the person who represented the
27 construction industry and following the expiration of that
28 term the term shall be for four years. This section shall
29 not be codified in the 1983 Code of Iowa.

30 Sec. 3. Section 216.11, Code 1981, is amended to read
31 as follows:

32 216.11 INMATE MAINTENANCE EMPLOYEES' PAY SUPPLEMENT
33 REVOLVING FUND. There is established in the treasury of the
34 state a permanent adult correctional institutions inmate
35 ~~maintenane~~ employees' pay supplement revolving fund,

1 consisting solely of money paid as board and maintenance by
2 inmates employed by Iowa state industries, or employed pursuant
3 to section 216.10. The fund established by this section shall
4 may be used only to supplement the pay of inmates who perform
5 maintenance other institutional work within and about the
6 adult correctional institutions including those who are
7 employed by Iowa state industries. Payments made from such
8 fund shall supplement and not replace all or any part of the
9 pay otherwise received by, and shall be equably distributed
10 among such inmates. The employment of inmates to perform
11 such-maintenance-functions other institutional or industry
12 work shall, to the greatest extent feasible, be in accord
13 with the intent stated in section 216.1. The fund may also
14 be used to supplement other rehabilitation activities within
15 the adult correctional institutions. Determination of the
16 use of the funds is the responsibility of the director of
17 adult corrections who shall first seek the advice of the
18 prison industries advisory board.

19 Sec. 4. Chapter 216, Code 1981, is amended by adding after
20 section 216.10 the following new sections:

21 NEW SECTION. PRIVATE INDUSTRY WORK FORCE. The state
22 director with the advice of the prison industries advisory
23 board may provide an inmate work force to private industry.
24 Under the program inmates will be employees of a private
25 business and eligible for all benefits and wages the same
26 as other employees of the business engaged in similar work.
27 The state director shall insure that security and screening
28 procedures will protect the safety of the public. In
29 administering this program the state director shall comply
30 with the intent stated in section 216.1.

31 NEW SECTION. SUBCONTRACTING WITH IOWA STATE INDUSTRIES.
32 Private or nonprofit organizations may subcontract with Iowa
33 state industries to perform work in Iowa state industries
34 shops located on the grounds of a state institution, or at
35 other locations including the location of the private or

1 nonprofit organization. The execution of the subcontract
2 is subject to the following conditions:

3 1. Wages paid to inmates are commensurate with those paid
4 employees doing similar work. This may include piece rating
5 for which the individual would be paid only for what is
6 produced. The private employer shall pay to Iowa state
7 industries at a rate commensurate with wages paid to other
8 workers performing similar work.

9 2. Such paid inmate employment will not result in displace-
10 ment of employed workers.

11 3. The state director shall insure that security and
12 screening procedures protect the safety of the public.

13 4. The state director shall comply with the intent of
14 section 216.1.

15 EXPLANATION

16 This bill changes the membership of the prison industry
17 advisory board and makes corresponding changes. It changes
18 the manner in which funds deposited in the adult correctional
19 institutions inmate maintenance employees' pay supplement
20 revolving fund may be expended, and provides a program which
21 would make available to private business an inmate work force
22 and provides for subcontracting by private businesses with
23 Iowa state industries. Various conditions are provided.
24 The bill is effective July 1 following enactment.

25 HOUSE AMENDMENT TO SENATE FILE 2192

26 S-5440

27 1 Amend Senate File 2192 as passed by the Senate
28 2 as follows:

29 3 1. Page 1, by striking lines 6 and 7 and inserting
30 4 in lieu thereof the following:

31 5 "(1) ~~Three members~~ One member shall represent
32 6 agriculture and the one member shall represent
33 7 manufacturing and construction industries;
34 8 respectively."

35 9 2. Page 1, line 32, by striking the word
10 "MAINTENANCE" and inserting in lieu thereof the word
11 "MAINTENANCE".

33 S-5440 FILED
34 APRIL 1, 1982

RECEIVED FROM THE HOUSE

Senate amended 4/12/82

SENATE FILE 2192

AN ACT

RELATING TO PRISON INDUSTRIES BY CHANGING THE MEMBERSHIP OF THE PRISON INDUSTRIES ADVISORY BOARD, THE USE OF THE INMATE MAINTENANCE EMPLOYEES' PAY SUPPLEMENT REVOLVING FUND, AND CONTRACTS WITH PRIVATE INDUSTRY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216.3, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. Five members shall be appointed by the governor for terms of four years beginning July 1 of the year of appointment. They shall be chosen as follows:

(1) ~~Three members~~ One member shall represent agriculture and the one member shall represent manufacturing and construction industries, respectively, with particular reference to the roles of their constituencies as potential employers of inmates and former inmates of the state's correctional institutions.

(2) One member shall represent labor organizations, membership in which may be helpful to former inmates of the

state's correctional institutions who seek to train for and obtain gainful employment.

(3) One member shall represent agencies, groups and individuals in this state which plan and maintain programs of vocational and technical education oriented to development of marketable skills.

(4) One member shall represent the financial industry and be familiar with accounting practices in private industry.

Sec. 2. The term of the person on the prison industries advisory board who represents the construction industry and which commenced before July 1, 1982 shall expire on July 1, 1982. The term of the person representing the financial industry shall be filled by the governor for the balance of the term remaining for the person who represented the construction industry and following the expiration of that term the term shall be for four years. This section shall not be codified in the 1983 Code of Iowa.

Sec. 3. Section 216.11, Code 1981, is amended to read as follows:

216.11 INMATE MAINTENANCE EMPLOYEES' PAY SUPPLEMENT REVOLVING FUND There is established in the treasury of the state a permanent adult correctional institutions inmate maintenance employees' pay supplement revolving fund, consisting solely of money paid as board and maintenance by inmates employed by Iowa state industries, or employed pursuant to section 216.10. The fund established by this section ~~shall~~ may be used only to supplement the pay of inmates who perform maintenance other institutional work within and about the adult correctional institutions including those who are employed by Iowa state industries. Payments made from such fund shall supplement and not replace all or any part of the pay otherwise received by, and shall be equably distributed among such inmates. The employment of inmates to perform ~~such-maintenance-functions~~ other institutional or industry work shall, to the greatest extent feasible, be in accord

with the intent stated in section 216.1. The fund may also be used to supplement other rehabilitation activities within the adult correctional institutions. Determination of the use of the funds is the responsibility of the director of adult corrections who shall first seek the advice of the prison industries advisory board.

Sec. 4. Chapter 216, Code 1981, is amended by adding after section 216.10 the following new sections:

NEW SECTION PRIVATE INDUSTRY WORK FORCE. The state director with the advice of the prison industries advisory board may provide an inmate work force to private industry. Under the program inmates will be employees of a private business and eligible for all benefits and wages the same as other employees of the business engaged in similar work. The state director shall insure that security and screening procedures will protect the safety of the public. In administering this program the state director shall comply with the intent stated in section 216.1.

NEW SECTION. SUBCONTRACTING WITH IOWA STATE INDUSTRIES. Private or nonprofit organizations may subcontract with Iowa state industries to perform work in Iowa state industries shops located on the grounds of a state institution, or at other locations including the location of the private or nonprofit organization. The execution of the subcontract is subject to the following conditions:

1. Wages paid to inmates are commensurate with those paid employees doing similar work. This may include piece rating for which the individual would be paid only for what is produced. The private employer shall pay to Iowa state industries at a rate commensurate with wages paid to other workers performing similar work.
2. Such paid inmate employment will not result in displacement of employed workers.
3. The state director shall insure that security and screening procedures protect the safety of the public.

4. The state director shall comply with the intent of section 216.1.

TERRY E. BRANSTAD
President of the Senate

DEWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2192, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 30, 1982

ROBERT D. RAY
Governor