

SENATE BILL NO. 1577

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

6289S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 217.550, 217.555, and 217.567, RSMo, and to enact in lieu thereof two new sections relating to the advisory board of vocational enterprises program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 217.550, 217.555, and 217.567, RSMo,
2 are repealed and two new sections enacted in lieu thereof, to
3 be known as sections 217.550 and 217.567, to read as follows:

217.550. 1. The department shall establish and
2 operate at its correctional centers a vocational enterprise
3 program which includes industries, services, vocational
4 training, and agribusiness operations. The director shall
5 have general supervision over planning, establishment and
6 management of all vocational enterprise operations provided
7 by and within the department and shall decide at which
8 correctional center each vocational enterprise shall be
9 located, taking into consideration the offender custody
10 levels, the number of offenders in each correctional center
11 so the best service or distribution of labor may be secured,
12 location and convenience of the correctional centers in
13 relation to the other correctional centers to be supplied or
14 served and the machinery presently contained in each
15 correctional center.

16 2. [No service shall be established or renewed without
17 prior approval by the advisory board of vocational

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

enterprises program established by section 217.555. The board shall make a finding that the establishment of the service shall be beneficial to those offenders involved and shall not adversely affect any statewide economic group or industry.

3.] The annual report of Missouri vocational enterprises submitted to the director shall include:

(1) A list of the correctional industries, services, vocational training programs, and agribusinesses in operation;

(2) A list of correctional industries, services, vocational training programs, and agribusinesses started, terminated, moved, expanded, or reduced during the period;

(3) The average number of offenders employed in each correctional industry, service, vocational training program, or agribusiness operation;

(4) The volume of sales of articles, services, and materials manufactured, grown, processed or provided;

(5) An operating statement showing the profit or loss of each industry, service, vocational training program, and agribusiness operation;

(6) The amount of sales to state agencies or institutions, to political subdivisions of the state, or any other entity with which the vocational enterprise program does business, and the amount of open market sales, if any; and

(7) Such other information concerning the correctional industries, services, vocational training programs, and agribusiness operations as requested by the director.

217.567. 1. Notwithstanding the provisions of any other law to the contrary, the director is hereby authorized to contract with a private individual, corporation,

4 partnership or other lawful entity for inmate work or
5 vocational training projects involving the manufacture and
6 processing of goods, wares or merchandise, or any service-
7 related business or commercial enterprise deemed by the
8 director to be consistent with the proper employment,
9 training and rehabilitation of offenders.

10 2. Any contract authorized by this section shall be in
11 compliance with federal law, shall be competitively
12 negotiated by the department and the private entity, shall
13 not result in the displacement of civilian workers employed
14 in the community or state[, and shall be subject to the
15 approval of the advisory board of vocational enterprises
16 program created pursuant to section 217.555].

17 3. The director may lease space in one or more
18 buildings or portions of buildings on the grounds of any
19 correctional center, together with the real estate needed
20 for reasonable access to and egress from the leased premises
21 to a private individual, corporation, partnership or other
22 lawful entity for the purpose of establishing and operating
23 a business enterprise. The enterprise shall at all times
24 observe practices and procedures regarding security as the
25 lease may specify or as the correctional center
26 superintendent may temporarily stipulate during periods of
27 emergency. The enterprise shall be deemed a private
28 enterprise and is subject to all federal and state laws
29 governing the operation of similar private business
30 enterprises as specified by the authorized contract.

31 4. Subject to the approval of the director and upon
32 such terms as may be prescribed, any lessee operating such
33 an enterprise may employ and discharge from employment
34 selected offenders of the correctional center where the
35 enterprise is operated or from other correctional centers in

36 close proximity. Offenders assigned to such an enterprise
37 are subject to all departmental and divisional rules in
38 addition to rules and regulations promulgated by the
39 authorized contractor. Offenders assigned to such an
40 enterprise for employment purposes shall be required to pay
41 a percentage of their wages as established by the director
42 of not less than five percent nor more than twenty percent
43 of gross wages to the crime victims' compensation fund,
44 section 595.045.

45 5. The director shall establish policies and
46 procedures for determining the specific wages paid, workers'
47 compensation benefits and deductions from wages to include
48 room and board; federal, state and Social Security taxes;
49 and family support. All deductions must not total more than
50 eighty percent of gross wages. Provisions of the Fair Labor
51 Standards Act shall apply to contractual offender workers.

[217.555. 1. There is hereby created and
2 established an "Advisory Board of Vocational
3 Enterprises Program" consisting of the director
4 of the division of offender rehabilitative
5 services or his designee, who shall serve as
6 chairman, the vocational enterprises
7 administrator and three members representing
8 organized labor and three members representing
9 manufacturing interests, one member who is
10 qualified by education and experience in
11 criminology, and one member who is qualified by
12 education and experience in vocational
13 rehabilitation. The public board members shall
14 be appointed by the department director for a
15 term of four years, with appointments to this
16 board made so that two members' terms expire
17 each year. The commissioner of administration
18 or his designee, and the governor or his
19 designee, shall serve as ex officio members of
20 the board.

21 2. The board shall meet at least quarterly
22 at the call of the chairman.

23 3. The board shall provide the director
24 advice and counsel on proper planning and
25 programs for the vocational enterprises program
26 within the department and shall make
27 recommendations concerning the services to be
28 provided and the articles manufactured,
29 including style, design, and quality, as well as
30 for economy and efficiency in their
31 manufacture. New industries and agribusiness
32 operations may be established or terminated at
33 the discretion of the director.

34 4. The members of the board, other than
35 the chairman, and ex officio members, shall
36 receive compensation at the rate of one hundred
37 dollars plus all actual and necessary expenses
38 for each day they are engaged in the discharge
39 of their official duties.]

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