

HOUSE CS FOR SENATE BILL NO. 310(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/19/06

Referred: Labor and Commerce, Finance

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the employment of prisoners; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 23.15.580(g) is amended to read:

4 (g) The board shall assess the programs listed in this subsection and make
5 recommendations to the legislature in its report required under (b)(9) of this section
6 about whether to include one or more of these programs under the requirements of (f)
7 of this section:

8 (1) in the Department of Commerce, Community, and Economic
9 Development or operated by the department:

10 (A) local government assistance training and development,
11 including the rural utility business advisory program;

12 (B) energy operations, providing training in management and
13 administration of electric utilities and bulk fuel storage systems;

14 (2) in the Department of Corrections:

15 (A) Correctional Academy, training individuals applying for a

1 correctional officer position;

2 (B) inmate programs, providing vocational technical training
3 and education courses for inmates preparing to be released from a correctional
4 facility;

5 (C) employment of prison inmates [CORRECTIONAL
6 INDUSTRIES PROGRAM], providing inmates with jobs while they are
7 incarcerated;

8 (3) in the Department of Environmental Conservation:

9 (A) remote maintenance worker program, providing training
10 and technical assistance to communities to keep drinking water and sewage
11 disposal systems running, and providing on-the-job training to local operators;

12 (B) water and wastewater operator training and assistance;

13 (C) federal drinking water operator training and certification;

14 (4) in the Department of Military and Veterans' Affairs: educational
15 benefits for members of the Alaska National Guard and the Alaska Naval Militia;

16 (5) in the Department of Public Safety:

17 (A) fire service training to maintain emergency training skills
18 for existing fire fighter staff and volunteers and individuals interested in
19 becoming fire fighters;

20 (B) Public Safety Training Academy, training trooper recruits;

21 (6) in the Department of Transportation and Public Facilities:

22 (A) engineer-in-training program, providing on-the-job training
23 for apprentice engineers to enable them to gain the experience necessary to be
24 certified;

25 (B) statewide transportation improvement program, offered by
26 the United States National Highway Institute;

27 (C) local technical assistance program, transferring technical
28 expertise to local governments;

29 (D) Native technical assistance program, transferring technical
30 expertise to Native governments;

31 (E) border technology exchange program, to coordinate

1 highway issues with the Yukon Territory;

2 (7) in the Department of Labor and Workforce Development:
3 vocational rehabilitation client services and special work projects, employment
4 services, including job development, assisting individuals in finding employment, and
5 assisting employed individuals in finding other employment.

6 * **Sec. 2.** AS 33.30.191(b) is amended to read:

7 (b) The commissioner may enter into contracts or cooperative agreements with
8 any public agency for the performance of conservation projects. **After the effective**
9 **date of this Act, the** [THE] commissioner may enter into a contract with an individual
10 or **private organization** [AGENCY] for the employment of prisoners if the
11 **commissioner consults with local union organizations before contracting and**
12 **ensures that the contract will not result in the displacement of employed workers,**
13 **be applied in skills, crafts, or trades in which there is a surplus of available**
14 **gainful labor in the locality, or impair existing contracts for services** [WORK TO
15 BE PERFORMED WILL HAVE MINIMAL NEGATIVE IMPACT ON AN
16 EXISTING PRIVATE INDUSTRY OR LABOR FORCE IN THE STATE AS
17 DETERMINED BY THE CORRECTIONAL INDUSTRIES COMMISSION UNDER
18 AS 33.32.015].

19 * **Sec. 3.** AS 33.30.191(c) is amended to read:

20 (c) The commissioner may direct a prisoner to participate in a type of
21 productive employment listed in **(d)(1) and (4) - (5)** [(d)(1) AND (d)(4)-(6)] of this
22 section while the prisoner is confined in a correctional facility. A prisoner who refuses
23 to participate in productive employment inside a correctional facility when directed
24 under this section is subject to disciplinary sanctions imposed in accordance with
25 regulations adopted by the commissioner.

26 * **Sec. 4.** AS 33.30.191(d) is amended to read:

27 (d) In this section, "productively employed" includes the following kinds of
28 employment:

29 (1) routine maintenance and support services essential to the operation
30 of a correctional facility;

31 (2) education, including both academic and vocational;

1 (3) [INDUSTRIAL, AGRICULTURAL, AND SERVICE
2 ACTIVITIES CONDUCTED IN ACCORDANCE WITH AS 33.32;

3 (4)] public conservation projects, including forest fire prevention and
4 control, forest and watershed enhancement, recreational area development,
5 construction and maintenance of trails and campsites, fish and game enhancement, soil
6 conservation, and forest watershed revegetation;

7 (4) [(5)] renovation, repair, or alteration of existing correctional
8 facilities as permitted by law [AS 44.65.050(d)]; and

9 (5) [(6)] other work performed inside or outside of a correctional
10 facility under (b) of this section [IF THE WORK HAS MINIMAL NEGATIVE
11 IMPACT ON AN EXISTING PRIVATE INDUSTRY OR LABOR FORCE IN THE
12 STATE AS DETERMINED BY THE CORRECTIONAL INDUSTRIES
13 COMMISSION UNDER AS 33.32.015].

14 * **Sec. 5.** AS 33.30.191 is amended by adding new subsections to read:

15 (e) In employing prison inmates, the department shall comply with federal and
16 state health and safety regulations, except for providing workers' compensation under
17 AS 23.30.

18 (f) The provisions of AS 23 do not apply to the employment of prison inmates.

19 (g) Prison inmates productively employed under this section are not state
20 employees nor do they have the rights or privileges given to state employees,
21 including the right to participate in collective bargaining.

22 * **Sec. 6.** AS 33.30.201 is amended to read:

23 **Sec. 33.30.201. Compensation [PAY] of prison inmates.** Each prisoner who
24 is productively employed, as defined in AS 33.30.191(d)(1) or (3) - (5)
25 [AS 33.30.191(d)(1) OR 33.30.191(d)(3) - (6),] may receive for that work
26 compensation at a rate determined by the commissioner under this section
27 [AS 33.32.050] if the money is available from legislative appropriations.
28 Compensation established by the commissioner under this section may not exceed
29 50 percent of the minimum wage established in AS 23.10.065; however, if
30 required to comply with a federal statute or regulation, a higher compensation
31 may be established by the commissioner. [THE PROVISIONS OF AS 33.32.050

1 AND AS 33.32.040(b) APPLY TO PRISONERS EMPLOYED IN THE
2 CORRECTIONAL INDUSTRIES PROGRAM AND TO PRISONERS
3 PRODUCTIVELY EMPLOYED IN ACTIVITIES OUTSIDE THAT PROGRAM.]

4 * **Sec. 7.** AS 33.30.201 is amended by adding new subsections to read:

5 (b) If compensation established under (a) of this section is 50 percent or more
6 of the minimum wage established in AS 23.10.065, the commissioner may deduct the
7 cost of confinement of the prisoner up to the statewide average cost of confinement
8 before disbursements are made under (c) of this section.

9 (c) The commissioner shall disburse compensation received under (a) of this
10 section, after any deduction required by (b) of this section, in the following order of
11 priority:

12 (1) for support of the prisoner's dependents, if any;

13 (2) to reimburse the state for compensation awarded under AS 18.67
14 resulting from the prisoner's criminal conduct;

15 (3) to pay a civil judgment resulting from the prisoner's criminal
16 conduct;

17 (4) to pay a restitution or fine of the prisoner ordered by a sentencing
18 court;

19 (5) for the payment of fees for the prisoner's utilities services under
20 AS 33.30.017;

21 (6) for the purchase of clothing and commissary items for the
22 prisoner's personal use.

23 (d) A prisoner's compensation remaining after any deductions under (b) of this
24 section and disbursements under (c) of this section are to be credited to the prisoner
25 and, except as provided in (e) of this section, must be retained by the department for
26 the primary purpose of being available to the prisoner at the time of release. The
27 commissioner shall maintain individual prisoner accounts for those earnings. The
28 commissioner may, however, permit the prisoner to draw on a portion of that money
29 for other purposes that the commissioner considers appropriate.

30 (e) If a prisoner escapes, a portion of the retained compensation of the
31 prisoner, as determined by the commissioner, is to be forfeited. The commissioner

1 shall deposit forfeited compensation in the general fund.

2 (f) Except for execution by the state under AS 09.38.030(f), only the prisoner
3 compensation retained by the commissioner under (d) of this section is subject to lien,
4 attachment, garnishment, execution, or similar procedures to encumber money or
5 property.

6 * **Sec. 8.** AS 36.30.313 is amended to read:

7 **Sec. 36.30.313. Procurements provided through employment of prison**
8 **inmates** [CORRECTIONAL INDUSTRIES PROCUREMENTS]. A procurement
9 of products or services provided **through** [BY] the **employment of prison inmates**
10 [CORRECTIONAL INDUSTRIES PROGRAM ESTABLISHED] under
11 **AS 33.30.191** [AS 33.32] may be made without competitive sealed bidding or
12 competitive sealed proposals, in accordance with regulations adopted by the
13 commissioner.

14 * **Sec. 9.** AS 37.05.146(c) is amended by adding a new paragraph to read:

15 (81) proceeds from prison employment, including deductions from
16 prisoner wages for cost of confinement under AS 33.30.201(b) and forfeited wages
17 under AS 33.30.201(e).

18 * **Sec. 10.** AS 36.30.850(b)(36); AS 37.05.146(c)(2); and AS 39.50.200(b)(52) are repealed.

19 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 TRANSITION: FORMER CORRECTIONAL INDUSTRIES FUND. The legislature
22 may appropriate the balance on July 1, 2005, of the former correctional industries fund
23 (former AS 33.32.020(a)) to the Department of Corrections as program receipts under
24 AS 37.05.146(c)(81). The commissioner of corrections shall consider all valid claims for
25 payment presented to the former correctional industries fund (former AS 33.32.020(a)) for
26 payment from the program receipts.

27 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITION: NONCOVERAGE OF AS 23.30. For the period July 1, 2005, through
30 the day before the effective date of this Act, the provisions of AS 23.30 (Alaska Workers'
31 Compensation Act) do not apply to inmates employed in a prison employment program

1 operated by the Department of Corrections.

2 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **RETROACTIVITY: THE NONCOVERAGE OF AS 23.30.** The provisions of sec. 12
5 of this Act apply retroactively to July 1, 2005.

6 * **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).