

SENATE BILL 174

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1999 Regular Session
(9lr0747)

ENROLLED BILL

-- *Judicial Proceedings/Commerce and Government Matters* --

Introduced by ~~Senator Munson~~ **Senators Munson, Mooney, and Colburn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Prisoners - Job Training - State Use Industries Management Council and**
3 **Customer Council**

4 FOR the purpose of changing the name of the "State Use Industries Advisory
5 Committee" to the "State Use Industries Management Council"; modifying the
6 Management Council's membership; establishing quorum requirements;
7 expanding the duties of the Management Council; granting certain immunity to
8 members and employees of the Management Council; requiring the Department
9 of Public Safety and Correctional Services to provide staff to support the
10 Management Council; requiring the Management Council to annually submit a
11 budget to the Secretary of the Department of Public Safety and Correctional
12 Services; requiring the Secretary to request an appropriation for the
13 Management Council in the annual State budget; establishing a Customer
14 Council to advise the General Manager of State Use Industries; providing for
15 the composition of the Customer Council; specifying the duties of the Customer
16 Council; requiring the General Manager to present certain activities and
17 recommendations of the Customer Council to the State Use Industries

1 Management Council; and generally relating to the duties and powers of the
2 Management Council and the Customer Council.

3 BY repealing and reenacting, with amendments,
4 Article - Correctional Services
5 Section 3-501, 3-505, 3-512, 3-514, and 3-517 through 3-522, inclusive
6 Annotated Code of Maryland
7 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
8 1999)

9 BY adding to
10 Article - Correctional Services
11 Section 3-523 through 3-528, inclusive
12 Annotated Code of Maryland
13 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
14 1999)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Correctional Services**

18 3-501.

- 19 (a) In this subtitle the following words have the meanings indicated.
- 20 (b) "[Advisory Committee] MANAGEMENT COUNCIL" means the State Use
21 Industries [Advisory Committee] MANAGEMENT COUNCIL.
- 22 (c) "Contracting unit" means a unit of State government that is:
- 23 (1) authorized to contract for goods and services; or
- 24 (2) responsible for procurement of goods and services.
- 25 (d) "General Manager" means the General Manager of State Use Industries.
- 26 (e) "Political subdivision" means a county, municipal corporation, or special
27 taxing district.

28 3-505.

29 The Secretary shall appoint a General Manager with the approval of the
30 [Advisory Committee] MANAGEMENT COUNCIL.

31 3-512.

- 32 (a) In accordance with subsection (b) of this section and after consulting with
33 the Department of General Services, other contracting units, and political

1 subdivisions, the Division and State Use Industries shall establish uniform standards
2 for quality, quantity, style, design, delivery, scheduling, and pricing.

3 (b) (1) The uniform standards developed under subsection (a) of this section
4 shall be designed to reflect planned and forecasted product lines and production
5 operations of State Use Industries, commensurate with State Use Industries'
6 production ability.

7 (2) After review by the [Advisory Committee] MANAGEMENT COUNCIL,
8 State Use Industries shall send the standards to the appropriate contracting units for
9 inclusion in annual goods and service procurement contracts.

10 3-514.

11 (a) The Commissioner and General Manager shall establish the compensation
12 rate for inmate labor in State Use Industries, taking into consideration other wage
13 payments and incentives in other programs.

14 (b) After review by the [Advisory Committee] MANAGEMENT COUNCIL, the
15 Commissioner and General Manager shall adopt regulations that govern the method
16 and time of compensation payments.

17 3-517.

18 There is a State Use Industries [Advisory Committee] MANAGEMENT COUNCIL
19 in the Division.

20 3-518.

21 (a) The [Advisory Committee] MANAGEMENT COUNCIL consists of the
22 following [16] 15 members ~~or their respective designees~~:

23 (1) the Commissioner;

24 (2) ~~the Comptroller~~ A REPRESENTATIVE OF THE COMPTROLLER OF THE
25 TREASURY, APPOINTED BY THE STATE COMPTROLLER;

26 (3) the [Secretary of General Services] GENERAL MANAGER;

27 (4) a member of the House of Delegates, appointed by the Speaker of the
28 House OF DELEGATES;

29 (5) a member of the Senate, appointed by the President of the Senate;

30 [(6) the Secretary of Higher Education;

31 (7)] (6) ~~the Chancellor of the University System of Maryland~~ A
32 REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND SYSTEM UNIVERSITY SYSTEM
33 OF MARYLAND, APPOINTED BY THE CHANCELLOR;

1 [(8)] (7) [the State Superintendent of Schools] A REPRESENTATIVE OF
 2 THE STATE DEPARTMENT OF EDUCATION, APPOINTED BY THE GOVERNOR;

3 [(9)] the Secretary of Business and Economic Development;

4 (10) the Secretary of Budget and Management;

5 (11) the Secretary of Agriculture;

6 (12) the Director of the Patuxent Institution; and]

7 (8) A REPRESENTATIVE OF THE DEPARTMENT OF LABOR, LICENSING,
 8 AND REGULATION, APPOINTED BY THE GOVERNOR;

9 (9) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF CRIME
 10 CONTROL AND PREVENTION, APPOINTED BY THE GOVERNOR;

11 [(13)] ~~(8)~~ (10) [four] TWO representatives of [private industry]
 12 ORGANIZED LABOR, ONE FROM THE PUBLIC SECTOR AND ONE FROM THE PRIVATE
 13 SECTOR, appointed by the Governor in accordance with [subsections (b) and (c)]
 14 SUBSECTION (B) of this section;

15 ~~(9)~~ (11) A JUDGE, APPOINTED BY THE CHIEF JUDGE OF THE MARYLAND
 16 COURT OF APPEALS;

17 ~~(10)~~ (12) FOUR TWO REPRESENTATIVES OF THE BUSINESS COMMUNITY
 18 IN SELECTED FROM THE FIELDS OF MANUFACTURING, SERVICES, FINANCE, AND
 19 INFORMATION TECHNOLOGY, APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH
 20 SUBSECTION (B) OF THIS SECTION; AND

21 ~~(11)~~ (13) ONE REPRESENTATIVE OF A NONPROFIT ORGANIZATION,
 22 APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH SUBSECTION (B) OF THIS
 23 SECTION.

24 [(b)] Of the four private industry members appointed under subsection (a)(13)
 25 of this section:

26 (1) two shall be representatives of management; and

27 (2) two shall be representatives of organized labor.]

28 [(c)] (B) (1) The term of a member appointed under [subsection (a)(13)]
 29 SUBSECTION (A)(7) THROUGH (11) (A)(10), (12), AND (13) of this section is 3 years.

30 (2) At the end of a term the member continues to serve until a successor
 31 is appointed and qualifies.

32 (3) A member appointed after a term has begun serves only for the rest
 33 of the term and until a successor is appointed and qualifies.

1 3-519.

2 (a) ~~(A)~~ The [Advisory Committee] MANAGEMENT COUNCIL annually shall
3 elect a Chairperson.

4 ~~(A)~~ (B) The manner of election shall be as the [Advisory Committee]
5 MANAGEMENT COUNCIL determines.

6 ~~(b) The General Manager is the Executive Secretary to the [Advisory
7 Committee] MANAGEMENT COUNCIL.~~

8 3-520.

9 (a) The [Advisory Committee] MANAGEMENT COUNCIL shall determine the
10 times and places of its meetings.

11 (B) EIGHT MEMBERS OF THE MANAGEMENT COUNCIL CONSTITUTE A
12 QUORUM.

13 [(b)] (C) A member of the [Advisory Committee] MANAGEMENT COUNCIL:

14 (1) may not receive compensation for membership on the [Advisory
15 Committee] MANAGEMENT COUNCIL; but

16 (2) is entitled to reimbursement for expenses under the Standard State
17 Travel Regulations, as provided in the State budget.

18 (D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE,
19 THE MANAGEMENT COUNCIL, AND THE MEMBERS AND EMPLOYEES OF THE
20 MANAGEMENT COUNCIL MAY NOT BE HELD LIABLE FOR ANY ACT OR OMISSION OF
21 THE MANAGEMENT COUNCIL OR ANY MEMBER OR EMPLOYEE OF THE MANAGEMENT
22 COUNCIL IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES.

23 (E) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY IN THE CASE OF
24 WILLFUL MALFEASANCE OR BREACH OF TRUST BY THE STATE, THE MANAGEMENT
25 COUNCIL, OR ANY MEMBER OR EMPLOYEE OF THE MANAGEMENT COUNCIL.

26 (F) THE SECRETARY SHALL EMPLOY STAFF FOR THE MANAGEMENT COUNCIL
27 TO BE PAID OUT OF FUNDS FROM STATE USE INDUSTRIES, IN ACCORDANCE WITH
28 THE STATE BUDGET.

29 (G) (1) FOR FISCAL YEAR 2000 AND EACH FISCAL YEAR THEREAFTER, THE
30 MANAGEMENT COUNCIL SHALL PREPARE A BUDGET FOR SUBMISSION TO THE
31 SECRETARY.

32 (2) THE SECRETARY SHALL REQUEST AN APPROPRIATION FOR THE
33 MANAGEMENT COUNCIL IN THE ANNUAL STATE BUDGET SUFFICIENT FOR THE
34 OPERATION OF THE COUNCIL.

1 3-521.

2 (a) (1) The [Advisory Committee] MANAGEMENT COUNCIL shall:

3 (i) advise State Use Industries on its specific proposals to establish
4 new industries and improve the quality and quantity of job training programs; and

5 (ii) recommend the establishment and maintenance of industrial
6 plants and service centers to be used for implementing the programs developed by the
7 Commissioner and General Manager under § 3-511 of this subtitle.

8 (2) State Use Industries shall operate industrial plants and service
9 centers recommended under paragraph (1)(ii) of this subsection primarily with
10 inmates in a manner that benefits the State and the training of inmates by producing
11 goods or providing services that are practical and adaptable for a prison industry.

12 (b) The [Advisory Committee] MANAGEMENT COUNCIL shall:

13 (1) review the operation of State Use Industries' programs to determine
14 whether:

15 (I) there is undue competition with private enterprise and
16 recommend necessary adjustments to prevent undue competition; AND

17 (II) THERE IS ANY NEGATIVE IMPACT ON WORKERS IN THE STATE,
18 INCLUDING WAGE DEPRESSION OR JOB DISPLACEMENT;

19 (2) review the standards for goods and services and the pricing schedules
20 as recommended by the General Manager; and

21 (3) review the occupational health and safety record of State Use
22 Industries' programs AND OTHER WORKING CONDITIONS OF INMATES IN THE
23 PROGRAMS.

24 (c) The [Advisory Committee] MANAGEMENT COUNCIL shall:

25 (1) review the success of State Use Industries in:

26 (i) meeting the employability development needs of inmates; and

27 (ii) coordinating work programs with other rehabilitative
28 programs; [and]

29 (2) solicit and review information pertaining to concerns of participating
30 inmates; AND

31 (3) RECOMMEND CHANGES AS NECESSARY TO MEET THE GOALS AND
32 OBJECTIVES OF STATE USE INDUSTRIES.

33 (D) THE MANAGEMENT COUNCIL SHALL:

1 (1) SOLICIT IDEAS, PROPOSALS, AND SUGGESTIONS FROM BUSINESS
2 REPRESENTATIVES, NONPROFIT ORGANIZATIONS, GOVERNMENT ENTITIES, AND
3 MEMBERS OF THE PUBLIC AS TO HOW STATE USE INDUSTRIES COULD ENHANCE THE
4 WORK EXPERIENCE OF INMATES AND INCREASE THE ABILITY OF INMATES TO
5 OBTAIN GAINFUL EMPLOYMENT AFTER RELEASE;

6 (2) REVIEW AND RECOMMEND OPPORTUNITIES WITH PRIVATE SECTOR
7 EMPLOYERS TO EXPAND THE PRISON INDUSTRIES ENHANCEMENT PROGRAM;

8 (3) REVIEW AND IDENTIFY WAYS TO IMPROVE THE BUSINESS
9 PRACTICES OF STATE USE INDUSTRIES IN ITS SALES, MARKETING, INVENTORY,
10 WAREHOUSING, AND PRODUCT LINE OPERATIONS;

11 (4) MONITOR CUSTOMER SATISFACTION WITH PRICE, QUALITY,
12 DELIVERY, AND AFTER DELIVERY SERVICE; AND

13 (5) REVIEW AND COMMENT ON THE OPERATING AND CAPITAL BUDGETS
14 OF STATE USE INDUSTRIES, INCLUDING CASH FORECASTS.

15 ~~((d)) (E) The [Advisory Committee] MANAGEMENT COUNCIL may change the~~
16 ~~name of State Use Industries to a name more appropriate for a job training~~
17 ~~organization.~~

18 3-522.

19 [Within 90 days after the close of the fiscal year] ON OR BEFORE OCTOBER 1 OF
20 EACH YEAR, the [Advisory Committee] MANAGEMENT COUNCIL shall submit to the
21 Governor and, subject to § 2-1246 of the State Government Article, to the General
22 Assembly an annual report summarizing [the status of State Use Industries in
23 relation to the items set forth under § 3-521 of this subtitle] THE MANAGEMENT
24 COUNCIL'S ACTIVITIES AND RECOMMENDATIONS.

25 3-523.

26 ALL STATE AND LOCAL GOVERNMENTAL UNITS SHALL COOPERATE WITH THE
27 MANAGEMENT COUNCIL IN THE DISCHARGE OF ITS POWERS AND DUTIES,
28 INCLUDING REQUESTS FOR INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER
29 THIS SUBTITLE.

30 3-524.

31 THERE IS A CUSTOMER COUNCIL CREATED TO ADVISE THE GENERAL
32 MANAGER.

33 3-525.

34 THE CUSTOMER COUNCIL SHALL CONSIST OF THE FOLLOWING 11 MEMBERS:

35 (1) THE GENERAL MANAGER;

1 (2) ONE REPRESENTATIVE FROM EACH OF THE FOLLOWING STATE
2 AGENCIES, APPOINTED BY THE SECRETARY OF THE RESPECTIVE AGENCY:

3 (I) THE DEPARTMENT OF BUDGET AND MANAGEMENT;

4 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
5 DEVELOPMENT;

6 (III) THE DEPARTMENT OF GENERAL SERVICES;

7 (IV) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

8 (V) THE DEPARTMENT OF HUMAN RESOURCES;

9 (VI) THE DEPARTMENT OF TRANSPORTATION; AND

10 (VII) THE MARYLAND HIGHER EDUCATION COMMISSION; AND

11 (3) THREE CUSTOMERS RECOMMENDED BY THE GENERAL MANAGER
12 AND APPOINTED BY THE GOVERNOR.

13 3-526.

14 THE GENERAL MANAGER SHALL SERVE AS CHAIRPERSON OF THE CUSTOMER
15 COUNCIL.

16 3-527.

17 (A) THE CUSTOMER COUNCIL SHALL MEET QUARTERLY.

18 (B) A MEMBER OF THE CUSTOMER COUNCIL:

19 (1) MAY NOT RECEIVE COMPENSATION FOR MEMBERSHIP ON THE
20 CUSTOMER COUNCIL; BUT

21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 3-528.

24 (A) THE CUSTOMER COUNCIL SHALL:

25 (1) REVIEW THE PRODUCTS AND SERVICES OF THE STATE USE
26 INDUSTRIES;

27 (2) ADVISE THE GENERAL MANAGER ON QUALITY, AVAILABILITY, STYLE,
28 DESIGN, DELIVERY, SCHEDULING, AND PRICING;

29 (3) RECOMMEND NEW PRODUCTS AND SERVICES;

1 (4) ANNUALLY REVIEW THE CATALOG OF STATE USE INDUSTRIES
2 PRODUCTS AND RECOMMEND CHANGES TO IMPROVE THE CATALOG;

3 (5) RECOMMEND SALES, MARKETING, AND CUSTOMER SATISFACTION
4 INITIATIVES;

5 (6) ANNUALLY REVIEW THE STATE USE INDUSTRIES BUSINESS PLAN;
6 AND

7 (7) SERVE AS A FORUM FOR RAISING AND DISCUSSING ISSUES RELATED
8 TO ANY PRODUCT OR SERVICE OFFERED BY STATE USE INDUSTRIES.

9 (B) THE GENERAL MANAGER SHALL PRESENT A SUMMARY OF CUSTOMER
10 COUNCIL ACTIVITIES AND RECOMMENDATIONS TO THE MANAGEMENT COUNCIL, AS
11 PROVIDED IN § 3-521(B) OF THIS SUBTITLE FOLLOWING EACH MEETING.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.