
By: **Senator Munson**

Introduced and read first time: January 29, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Prisoners - Job Training - State Use Industries Management Council**

3 FOR the purpose of changing the name of the "State Use Industries Advisory
4 Committee" to the "State Use Industries Management Council"; modifying the
5 Management Council's membership; establishing quorum requirements;
6 expanding the duties of the Management Council; granting certain immunity to
7 members and employees of the Management Council; and generally relating to
8 the duties and powers of the Management Council.

9 BY repealing and reenacting, with amendments,
10 Article - Correctional Services
11 Section 3-501, 3-505, 3-512, 3-514, and 3-517 through 3-522, 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 BY adding to
16 Article - Correctional Services
17 Section 3-523
18 Annotated Code of Maryland
19 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
20 1999)

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

23 **Article - Correctional Services**

24 3-501.

25 (a) In this subtitle the following words have the meanings indicated.

26 (b) "[Advisory Committee] MANAGEMENT COUNCIL" means the State Use
27 Industries [Advisory Committee] MANAGEMENT COUNCIL.

1 (c) "Contracting unit" means a unit of State government that is:

2 (1) authorized to contract for goods and services; or

3 (2) responsible for procurement of goods and services.

4 (d) "General Manager" means the General Manager of State Use Industries.

5 (e) "Political subdivision" means a county, municipal corporation, or special
6 taxing district.

7 3-505.

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

10 3-512.

11 (a) In accordance with subsection (b) of this section and after consulting with
12 the Department of General Services, other contracting units, and political
13 subdivisions, the Division and State Use Industries shall establish uniform standards
14 for quality, quantity, style, design, delivery, scheduling, and pricing.

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

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

22 3-514.

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

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

29 3-517.

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

32 3-518.

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

- 1 (1) the Commissioner;
- 2 (2) the Comptroller;
- 3 (3) the [Secretary of General Services] GENERAL MANAGER;
- 4 (4) a member of the House of Delegates, appointed by the Speaker of the
5 House OF DELEGATES;
- 6 (5) a member of the Senate, appointed by the President of the Senate;
- 7 [(6) the Secretary of Higher Education;
- 8 (7)] (6) the Chancellor of the University System of Maryland;
- 9 [(8)] (7) [the State Superintendent of Schools] A REPRESENTATIVE OF
10 THE STATE DEPARTMENT OF EDUCATION, APPOINTED BY THE GOVERNOR;
- 11 [(9) the Secretary of Business and Economic Development;
- 12 (10) the Secretary of Budget and Management;
- 13 (11) the Secretary of Agriculture;
- 14 (12) the Director of the Patuxent Institution; and]
- 15 [(13)] (8) [four] TWO representatives of [private industry] ORGANIZED
16 LABOR, ONE FROM THE PUBLIC SECTOR AND ONE FROM THE PRIVATE SECTOR,
17 appointed by the Governor in accordance with [subsections (b) and (c)] SUBSECTION
18 (B) of this section;
- 19 (9) A JUDGE, APPOINTED BY THE CHIEF JUDGE OF THE MARYLAND
20 COURT OF APPEALS;
- 21 (10) FOUR REPRESENTATIVES OF THE BUSINESS COMMUNITY IN THE
22 FIELDS OF MANUFACTURING, SERVICES, FINANCE, AND INFORMATION
23 TECHNOLOGY, APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH SUBSECTION
24 (B) OF THIS SECTION; AND
- 25 (11) ONE REPRESENTATIVE OF A NONPROFIT ORGANIZATION,
26 APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH SUBSECTION (B) OF THIS
27 SECTION.
- 28 [(b) Of the four private industry members appointed under subsection (a)(13)
29 of this section:
- 30 (1) two shall be representatives of management; and
- 31 (2) two shall be representatives of organized labor.]

1 [(c)] (B) (1) The term of a member appointed under [subsection (a)(13)]
2 SUBSECTION (A)(7) THROUGH (11) of this section is 3 years.

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

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

7 3-519.

8 (a) (1) The [Advisory Committee] MANAGEMENT COUNCIL annually shall
9 elect a Chairperson.

10 (2) The manner of election shall be as the [Advisory Committee]
11 MANAGEMENT COUNCIL determines.

12 (b) The General Manager is the Executive Secretary to the [Advisory
13 Committee] MANAGEMENT COUNCIL.

14 3-520.

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

17 (B) EIGHT MEMBERS OF THE MANAGEMENT COUNCIL CONSTITUTE A
18 QUORUM.

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

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

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

24 (D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE STATE,
25 THE MANAGEMENT COUNCIL, AND THE MEMBERS AND EMPLOYEES OF THE
26 MANAGEMENT COUNCIL MAY NOT BE HELD LIABLE FOR ANY ACT OR OMISSION OF
27 THE MANAGEMENT COUNCIL OR ANY MEMBER OR EMPLOYEE OF THE MANAGEMENT
28 COUNCIL IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES.

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

32 3-521.

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

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

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

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

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

11 (1) review the operation of State Use Industries' programs to determine
12 whether there is undue competition with private enterprise and recommend
13 necessary adjustments to prevent undue competition;

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

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

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

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

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

22 (ii) coordinating work programs with other rehabilitative
23 programs; [and]

24 (2) solicit and review information pertaining to concerns of participating
25 inmates; AND

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

28 (D) THE MANAGEMENT COUNCIL SHALL:

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

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

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

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

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

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

11 3-522.

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

18 3-523.

19 ALL STATE AND LOCAL GOVERNMENTAL UNITS SHALL COOPERATE WITH THE
20 MANAGEMENT COUNCIL IN THE DISCHARGE OF ITS POWERS AND DUTIES,
21 INCLUDING REQUESTS FOR INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER
22 THIS SUBTITLE.

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