

House Substitute for SENATE BILL No. 40

By Committee on Corrections and Juvenile Justice

3-12

1 AN ACT concerning the secretary of corrections; relating to the prison
2 made goods act; correctional industries fund; amending K.S.A. 2013
3 Supp. 75-5275 and 75-5282 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 75-5275 is hereby amended to read as
7 follows: 75-5275. (a) The secretary is hereby authorized to purchase in the
8 manner provided by law, equipment, raw materials and supplies, and to
9 employ the supervisory personnel necessary to establish and maintain for
10 this state at each correctional institution, industries for the utilization of
11 services of inmates *or juvenile offenders* in the manufacture or production
12 of such articles or products or in providing such services as authorized by
13 the prison-made goods act of Kansas.

14 (b)-(1) The secretary is hereby authorized to sell all such articles,
15 products and services to the federal government, any state agency, state
16 employees for their personal use, any local agency, or any organization
17 within the state and, to the extent not prohibited by federal law, to other
18 states.

19 ~~(2) In addition to the persons and entities specified in paragraph (1),~~
20 ~~the secretary is hereby authorized to sell all such articles, products and~~
21 ~~services to any individual who is a resident of the state of Kansas and to~~
22 ~~any business located within the state of Kansas.~~

23 ~~The provisions of this paragraph (2) shall expire on June 30, 2013.~~

24 (c) The secretary is hereby authorized to contract with a private
25 individual, corporation, partnership or association for work projects
26 involving assembly, processing, fabrication or repair of parts or
27 components for goods or products being manufactured or produced by the
28 contracting party. Any contract authorized by this subsection shall be in
29 compliance with federal law and shall not result in the significant
30 displacement of employed workers in the community. If an inmate *or*
31 *juvenile offender* receives at least federal minimum wage pursuant to a
32 contract authorized by this subsection, the provisions of K.S.A. 75-5211
33 and 75-5268, and amendments thereto, for withdrawing amounts from the
34 compensation paid to inmates *or juvenile offenders* shall apply.

35 (d) The secretary is hereby authorized to contract with a private
36 individual, corporation, partnership or association for work projects

1 involving the repair of real estate damaged by a tenant under the release
2 supervision of the department of corrections.

3 Sec. 2. K.S.A. 2013 Supp. 75-5282 is hereby amended to read as
4 follows: 75-5282. (a) There is hereby created in the state treasury the
5 correctional industries fund.

6 (b) All moneys collected by the secretary from the sale or disposition
7 of goods manufactured and services provided under the prison-made goods
8 act shall be remitted to the state treasurer in accordance with the
9 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
10 each such remittance, the state treasurer shall deposit the entire amount in
11 the state treasury to the credit of the correctional industries fund. All the
12 moneys collected and deposited pursuant to this subsection shall be used
13 solely for the purchase of manufacturing supplies, equipment and
14 machinery, for the repair, maintenance and replacement of equipment and
15 machinery, for administrative expenses and as provided in subsection (d).

16 (c) The balance of all proceeds from the lease of agricultural land at a
17 correctional institution, after payment of the expenses of the lease from
18 such proceeds, shall be remitted to the state treasurer in accordance with
19 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
20 of each such remittance, the state treasurer shall deposit the entire amount
21 in the state treasury to the credit of the correctional industries fund.

22 (d) Any unencumbered moneys in the correctional industries fund
23 may be expended for capital improvement projects for the renovation or
24 repair of existing buildings or facilities or for the construction or
25 acquisition of building or facilities for correctional industries as provided
26 in K.S.A. 75-5281 and 75-5288, and amendments thereto. Such capital
27 improvement projects shall not be subject to the requirements to prepare
28 and submit capital improvement budget estimates as provided in K.S.A.
29 75-3717b, and amendments thereto. Prior to commencement of a capital
30 improvement project, the director of Kansas correctional industries shall
31 advise and consult with the joint committee on state building construction
32 concerning such capital improvement projects.

33 (e) *Moneys in the correctional industries fund may be used for*
34 *purchase of workers compensation insurance for inmates assigned to a*
35 *duly certified prison industry enhancement certification program (PIECP)*
36 *customer model industry owned and operated by Kansas correctional*
37 *industries pursuant to 18 U.S.C. § 1761 and K.S.A. 75-5275, and*
38 *amendments thereto. Subject to PIECP wage-level requirements, such*
39 *inmates shall otherwise be considered to be in the same status as inmates*
40 *assigned to a traditional industries program operated by Kansas*
41 *correctional industries. Such inmates shall not be regarded as state*
42 *employees for any purpose under state law.*

43 Sec. 3. K.S.A. 2013 Supp. 75-5275 and 75-5282 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.