

SENATE FILE NO. SF0014

Correctional industries.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to penal institutions; expanding
2 correctional industries program; clarifying provisions;
3 amending procurement requirements relating to correctional
4 industries program; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 7-16-206(a)(ii) and (e),
9 9-2-1016(b)(iv)(F), 25-1-104(g) and 25-13-104 are amended
10 to read:

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12 **7-16-206. Permitted institutional industries; powers**
13 **of department.**

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15 (a) The department of corrections, for purposes of
16 assisting in the rehabilitation of residents of state penal
17 institutions, may:

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2 (ii) Contract with private industry for the sale
3 of products manufactured in state penal institutions and
4 for the provision of services pursuant to W.S. 25-13-104;
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6 (e) Proceeds from the sale of products manufactured
7 or services provided at a state penal institution pursuant
8 to subsection (a) of this section shall be deposited in the
9 ~~appropriate account for the use of the industries program~~
10 ~~of the same institution~~ correctional industries account in
11 accordance with W.S. 25-13-103(a).
12

13 **9-2-1016. General services division.**
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15 (b) For the purpose of this subsection the term
16 "agencies" does not include the University of Wyoming,
17 community college districts, or school districts. It does
18 not include the department of transportation except as to
19 paragraphs (xi), (xii) and (xiii) of this subsection. The
20 department through the general services division shall:
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22 (iv) Adopt standard forms and procedures
23 providing that bids or contracts for supplies or services
24 shall be awarded through the use of competitive sealed

1 bidding, competitive negotiation, noncompetitive
2 negotiation or small purchase procedures as hereafter
3 provided:

4
5 (F) This paragraph shall not apply to the
6 procurement by the department of corrections of raw
7 materials used in a correctional industries program to
8 manufacture goods or to provide services under W.S.
9 7-16-206(a)(i), the procurement of goods or services from
10 the department of corrections under W.S. 7-16-206(a)(i)
11 when the goods or services produced are not available from
12 other Wyoming manufacturers or service providers, the
13 procurement of professional services under W.S. 9-2-1027
14 through 9-2-1033, nor to purchases of feed by the game and
15 fish department for winter elk ranges. Subparagraph (E) of
16 this paragraph shall not apply to the procurement of
17 services or supplies by the offices of state elected
18 officials. Subparagraph (D) of this paragraph shall not
19 apply to the procurement of services by the offices of
20 state elected officials if the contract is for twenty
21 thousand dollars (\$20,000.00) or less;

22

1 25-1-104. Creation of department of corrections;
2 duties; inspections of state institutions; regulation of
3 prisoner produced goods.

4
5 (g) The department shall establish rules and
6 regulations regarding the provision of services and the
7 production of goods by prisoners at all state corrections
8 institutions including but not limited to labor
9 requirements, wage rates, use of goods within the
10 institution of origin, sales price and method of
11 distribution to other institutions or the general public.
12 In promulgating rules relating to correctional industries
13 programs authorized by W.S. 25-13-101 through 25-13-107,
14 the department shall adhere to the requirements of the
15 private sector prison industry enhancement certification
16 program of the federal bureau of justice assistance. Rules
17 and regulations promulgated under this subsection shall
18 place limitations on competition with the private sector
19 and will ensure that no contract entered into under W.S.
20 25-13-101 through 25-13-107 will result in the displacement
21 of employed workers in the state in excess of limitations
22 established by the correctional industries advisory board
23 created by W.S. 25-13-102.

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1 **25-13-104. Agreements with private employers; leases.**

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3 The department, in consultation with the correctional
4 industries advisory board, may establish programs for the
5 employment of inmates by private employers and enter into
6 agreements with private employers under which the employer
7 owns, constructs, leases to or from the department or
8 otherwise establishes facilities to manufacture or process
9 goods, provide services or conduct any other business,
10 commercial or agricultural enterprise and employ inmates
11 from a correctional facility. Facilities established under
12 this section may be located within or outside the exterior
13 boundaries of a state correctional facility property.
14 Construction of facilities by private employers under this
15 section shall not be subject to competitive bid
16 requirements applicable to construction by the state.
17 Inmate labor may be used pursuant to W.S. 7-16-202 for
18 construction of facilities that occurs within the exterior
19 boundaries of a state correctional facility property under
20 this section.

21

22 **Section 2.** This act is effective July 1, 2013.

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(END)