

By: Allen

H.B. No. 1372

Substitute the following for H.B. No. 1372:

By: Hopson

C.S.H.B. No. 1372

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation of certain Texas Department of Criminal
3 Justice industries and private sector prison industries programs.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 497.002, Government Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The office has supervision over the production of
8 articles and products in craft shops operated by the department.

9 SECTION 2. Section 497.024, Government Code, is amended by
10 adding Subsections (d) and (e) to read as follows:

11 (d) This section applies to the department in the same
12 manner as it applies to other agencies of the state.

13 (e) The office at least once each year shall determine
14 whether there are articles or products needed by the department
15 that are not produced by but could be produced by the office at a
16 reduced cost or savings to the department.

17 SECTION 3. Section 497.059, Government Code, is amended by
18 amending Subsection (b) and adding Subsection (c) to read as
19 follows:

20 (b) The authority shall adopt rules to determine whether a
21 program would cause the loss of existing jobs of a specific type
22 provided by the employer in this state.

23 (c) For the purposes of this section, a program does not
24 result in the loss of existing jobs if, at the time of initial

1 certification, the jobs are performed by workers in a foreign
2 country.

3 SECTION 4. Section 497.062(a), Government Code, is amended
4 to read as follows:

5 (a) The authority may certify any number of private sector
6 prison industries programs that meet or exceed the requirements of
7 federal law and the rules of the authority, but in no event may the
8 authority permit more than 5,000 [~~2,000~~] participants in the
9 program at any one time.

10 SECTION 5. Section 501.013, Government Code, is amended to
11 read as follows:

12 Sec. 501.013. MATERIALS USED FOR ARTS AND CRAFTS. (a)
13 Texas Correctional Industries [~~The institutional division~~] may
14 purchase materials to be used by inmates and defendants housed in
15 facilities operated by the department [~~division~~] to produce arts
16 and crafts.

17 (b) Texas Correctional Industries [~~The institutional~~
18 ~~division~~] may allow an inmate or defendant housed in a facility
19 operated by the department [~~division~~] who produces arts and crafts
20 in the department [~~division~~] to sell those arts and crafts to the
21 general public in a manner determined by Texas Correctional
22 Industries [~~the division~~].

23 (c) If an inmate or defendant housed in a facility operated
24 by the department [~~division~~] sells arts and crafts and the
25 materials used in the production of the arts and crafts were
26 provided by Texas Correctional Industries [~~the division~~], the
27 proceeds of the sale go first to Texas Correctional Industries [~~the~~

1 ~~division~~] to pay for the cost of the materials, and the remainder,
2 if any, goes to the inmate or defendant. Texas Correctional
3 Industries [~~The institutional division~~] may not purchase more than
4 \$30 of materials for any inmate or defendant unless the inmate or
5 defendant has repaid Texas Correctional Industries [~~the division~~]
6 in full for previous purchases of materials.

7 SECTION 6. Section 502.053, Transportation Code, is amended
8 to read as follows:

9 Sec. 502.053. COST OF MANUFACTURING LICENSE PLATES OR
10 REGISTRATION INSIGNIA. (a) The Texas Department of Transportation
11 shall reimburse the [~~institutional division of the~~] Texas
12 Department of Criminal Justice for the cost of manufacturing
13 license plates or registration insignia as the license plates or
14 insignia and the invoice for the license plates or insignia are
15 delivered to the Texas Department of Transportation.

16 (b) When manufacturing is started, the Texas Department of
17 Criminal Justice, the Texas Department of Transportation, and the
18 Texas Building and Procurement Commission, after negotiation,
19 [~~General Services Commission~~] shall set the price to be paid for
20 each license plate or insignia. The price must be determined from:

- 21 (1) the cost of metal, paint, and other materials
22 purchased;
- 23 (2) the inmate maintenance cost per day;
- 24 (3) overhead expenses;
- 25 (4) miscellaneous charges; and
- 26 (5) a previously approved amount of profit for the
27 work.

1 (c) The annual profit received by the [~~institutional~~
2 ~~division of the~~] Texas Department of Criminal Justice from all
3 contracts for the manufacturing of license plates or related
4 manufacturing may not be less than the profit received by the Texas
5 Department of Corrections for manufacturing license plates for use
6 in 1974.

7 SECTION 7. This Act takes effect September 1, 2003.