

By: Allen of Dallas

H.B. No. 2839

Substitute the following for H.B. No. 2839:

By: McReynolds

C.S.H.B. No. 2839

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the participation of state inmates in the production of  
3 certain goods and the provision of certain services.

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

5 SECTION 1. Section 497.022, Government Code, is amended to  
6 read as follows:

7 Sec. 497.022. CONTRACTS. The department may contract with:

8 (1) another state, the federal government, a foreign  
9 government, or an agency of any of those governments to manufacture  
10 for or sell to those governments prison-made articles or products;  
11 [~~or~~]

12 (2) a private or independent institution of higher  
13 education to manufacture for or sell to that school or institution  
14 prison-made articles or products; or

15 (3) a private school or a visually handicapped person  
16 in this state to manufacture Braille textbooks or other  
17 instructional aids for the education of visually handicapped  
18 persons.

19 SECTION 2. Section 497.006, Government Code, is amended to  
20 read as follows:

21 Sec. 497.006. CONTRACTS WITH PRIVATE BUSINESS. (a) To  
22 encourage the development and expansion of prison industries, the  
23 prison industries office may enter into necessary contracts related  
24 to the prison industries program.

1           (b) With the approval of the board, the office may enter  
2 into a contract with a private business to conduct a program on or  
3 off property operated by the department. Except as provided by  
4 Subsection (c), a [A] contract entered into under this section must  
5 comply with all requirements of the Private Sector/Prison Industry  
6 Enhancement Certification Program operated by the Bureau of Justice  
7 Assistance and authorized by 18 U.S.C. Section 1761. In  
8 determining under Section 497.062 the number of participants  
9 participating in private sector prison industries programs, the  
10 department shall count the number of work program participants  
11 participating in a program under a contract entered into under this  
12 section. Not more than 500 work program participants may  
13 participate in programs under contracts entered into under this  
14 subsection [section].

15           (c) A contract for the provision of services under this  
16 section must:

17                   (1) be certified by the Private Sector Prison  
18 Industries Oversight Authority as complying with all requirements  
19 of the Private Sector/Prison Industry Enhancement Certification  
20 Program operated by the Bureau of Justice Assistance and authorized  
21 by 18 U.S.C. Section 1761, other than a requirement relating to the  
22 payment of prevailing wages;

23                   (2) be certified by the authority, under rules adopted  
24 under Section 497.059, that the contract would not cause the loss of  
25 existing jobs of a specific type provided by the contracting party  
26 in this state; and

27                   (3) be approved by the board.

1           (d) Not more than 500 work program participants may  
2 participate in programs under contracts entered into under  
3 Subsection (c).

4           (e) Section 497.058 does not apply to the payment of a work  
5 program participant participating in a program under a contract  
6 described by Subsection (c).

7           SECTION 3. Section 497.010(c), Government Code, is amended  
8 to read as follows:

9           (c) It is an exception to the application of this section  
10 that the article or product sold is:

11           (1) a state flag or similar item produced for sale or  
12 distribution by the legislature under Section 301.034; or

13           (2) a service provided under a contract for which the  
14 Private Sector/Prison Industry Enhancement Certification Program  
15 operated by the Bureau of Justice Assistance and authorized by 18  
16 U.S.C. Section 1761 does not require certification.

17           SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2005.