

CHAPTER NO. 750

SENATE BILL NO. 3418

By Jackson, Kilby, Tracy, Norris

Substituted for: House Bill No. 3503

By McKee, Pinion, Harmon, Briley, Lois DeBerry, Curtiss, Bone

AN ACT to amend Tennessee Code Annotated, Title 41, Chapter 22, Part 4, relative to the "TRICOR Inmate Labor Act of 1994".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-22-402, is amended by deleting the section in its entirety and substituting instead the following:

§ 41-22-402. As used in this part:

(a) "TRICOR" means the inmate program which provides:

(1) Manufacturing, business services, or agricultural jobs for inmates, or any combination of such jobs;

(2) The training and skill development necessary for inmate employment in such jobs and in placement in its post-release program; and

(3) The marketing and sale of prison industry products and services.

(b) "Equipment" includes but is not limited to motor vehicles, industrial machinery, agricultural machinery, office machinery, electronic equipment, and computer equipment.

(c) "Raw materials" includes but is not limited to materials used in the production of goods and services produced and/or sold by TRICOR.

SECTION 2. Tennessee Code Annotated, Section 41-22-406, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding any other provisions of law to the contrary, it is the responsibility of the board to develop policies and procedures to ensure, to the extent practicable, that purchases made on behalf of TRICOR are at the lowest possible price while at the same time ensuring quality and timely delivery. The TRICOR board of directors shall file such policies and procedures with the board of standards for the board's review and approval.

SECTION 3. Tennessee Code Annotated, Section 41-22-407, is amended by deleting subsection (d) and substituting instead the following:

(d) Within budgetary limitations and subject to the approval of the Commissioner of Personnel, the board through its executive director may employ professional and staff employees as may be appropriate for the efficient discharge of its duties to manage and operate TRICOR.

(1) Notwithstanding § 8-30-208, the board with the approval of the Commissioner of Personnel, shall have the option of declaring certain management positions, unique to the operations under the control of the board, a part of the executive service and under the exclusive control of the board.

(2) The board, with the approval of the Commissioner of Personnel, shall have the option of declaring other positions, unique to the operations under the control of the board, to not be a part of the career service and to be under the exclusive control of the board.

(3) Upon appointment on or after July 1, 2006, to a position herein defined by subsection (d)(2), an employee shall be subject to a probationary period of employment, as shall be established by the board and with the approval of the Commissioner of Personnel. Upon successful completion of the probationary period, the employee will be afforded minimum due process as defined in § 8-30-331 and access to the grievance procedures as provided in § 8-30-328 including the appeal to the commission under the rules of the Department of Personnel for a disciplinary action of suspension, demotion or termination. This shall apply to all TRICOR employees already working in positions which are subsequently moved from the career service into a position herein defined by subsection (d)(2) pursuant to the provisions of this section. The provisions of this section shall have no application to positions assigned to executive service pursuant to the provisions of § 8-30-208(b) or to the positions herein defined by subsection (d)(1).

(4) Those positions that are not unique to TRICOR and are career service will remain career service.

(5) Notwithstanding any provisions of law to the contrary, the board has the authority to develop procedures for recruiting and hiring qualified personnel, including career service, in a timely manner and at salary levels competitive with the free market in order to ensure the production and timely delivery of low cost, quality products and to assure that the operations of TRICOR are efficiently managed and thus offset the costs of incarceration. The board has the authority to hire staff through the Department of Personnel and is encouraged to exercise this option when it is consistent with the principles of free enterprise.

(6) Subsection (d) shall be implemented notwithstanding any other law to the contrary.

SECTION 4. Tennessee Code Annotated, Section 41-22-408, is amended by deleting subsection (a) and substituting instead the following:

(a) Notwithstanding any provisions of law to the contrary, the board has the authority to contract for professional services, for which reimbursement may be established on an incentive basis and for the lease or purchase of property and

equipment, to be provided for TRICOR which is necessary for the efficient discharge of its duties to manage and operate.

SECTION 5. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d) and Title VII of the Civil Rights Act of 1964.

SECTION 6. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 8, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of May 2006


PHIL BREDESEN, GOVERNOR