

NEW SECTION. Sec. 36. The following acts or parts of acts are hereby repealed:

(1) Section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.090;

(2) Section 28A.57.332, chapter 223, Laws of 1969 ex. sess., section 7, chapter 67, Laws of 1971 and RCW 28A.57.332;

(3) Section 28A.60.185, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.185; and

(4) Section 28A.60.186, chapter 223, Laws of 1969 ex. sess., section 36, chapter 48, Laws of 1971, section 39, chapter 282, Laws of 1971 ex. sess. and RCW 28A.60.186.

NEW SECTION. Sec. 37. The effective date of this amendatory act shall be July 1, 1975.

NEW SECTION. Sec. 38. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 6, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

## CHAPTER 44

[House Bill No. 159]

### WORK RELEASE EMPLOYMENT—COMPENSATION

AN ACT Relating to correctional institutions; and amending section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex. sess. and RCW 19.20.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex. sess. and RCW 19.20.020 are each amended to read as follows:

The selling, offering, keeping, exposing or displaying for sale on the open market within this state of any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole ((or)), probation, or work or training release is hereby prohibited except that, any fair, bazaar, or other public gathering of a temporary nature which displays and offers for sale hand crafted articles, may provide adequate space for the display and sale of hand crafted articles manufactured as result of occupational therapy by persons confined to any institution in this state. Such space shall be furnished without charge. The ~~((director of institutions))~~ secretary of social and health services shall credit the proceeds derived from the sale of such articles to the institutions where produced or manufactured to be deposited in a revolving fund to be expended for the purchase of supplies, materials, and equipment for the production of hand crafted articles, provided, that any resident of a state correctional institution who produces a hand crafted article with supplies or

materials purchased or procured by him, not at state expense, may be permitted by the ((director)) secretary, or his designee, to sell such article under the authority of this section, the proceeds to be deposited in his personal account.

No goods, wares, or merchandise(;) manufactured, produced, or mined, in whole or in part, by convicts or prisoners of other states, except convicts or prisoners on parole or probation, shall be shipped into this state to be sold on the open market in this state, or sold to or exchanged with an institution of this state, or any of its political subdivisions: PROVIDED, This chapter shall not prohibit the sale to or exchange between penal, reformatory, or custodial institutions and/or departments of this state, including any of its political subdivisions, for use or consumption by said institutions, of goods, wares, or merchandise manufactured, produced, or mined, in whole or in part, by convicts or prisoners of the state of Washington: AND PROVIDED, FURTHER, This chapter shall not apply to commodities manufactured by federal, penal, or correctional institutions for use by the federal government and/or goods displayed or sold within any of the penal, reformatory, or custodial institutions of the state for the benefit of the inmates thereof. Nothing in this section shall be construed to apply to goods, wares, or merchandise manufactured, produced, or mined, in whole or part by convicts or prisoners employed by employers other than the state of Washington under work, training, or similar rehabilitative or vocational programs. Furthermore, such convict or prisoner participants shall be compensated at fair market prevailing wages and shall be entitled to all benefits and privileges in their employment to the same extent as other employees of their employer to the maximum extent which is not inconsistent with the rules, regulations, and conditions imposed upon the convict or the prisoner as the result of confinement or probation, except that such participants shall not receive unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW. Procedures for distribution of earnings shall be developed for the department of social and health services in accordance with RCW 72.65.050. All participants who become engaged in employment or training under this program shall not be considered as agents, employees, or involuntary servants of state, and the department of social and health services is prohibited from entering into a contract with any person, copartnership, company, or corporation for the labor of any participant under its jurisdiction. The institutional industries commission as established by chapter 72.60 RCW shall be responsible for overall supervision of any in prison work opportunities organized in accordance with this 1975 amendatory act.

Passed the House February 6, 1975.

Passed the Senate March 10, 1975.

Approved by the Governor March 24, 1975.

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