

HOUSE No. 5945

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 11, 1990.

The committee on State Administration, to whom was referred so much of the recommendations of the Department of Correction (House, No. 85) as relates to eliminating ceilings on profits gained by the industries and farm services programs of said department (accompanied by bill, House, No. 92), reports recommending that the accompanying bill (House, No. 5945) ought to pass.

For the committee,

JOSEPH N. HERMANN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT CREATING TRUST FUNDS FOR THE PROFITS DERIVED FROM THE SELLING OF CORRECTIONAL INDUSTRIES AND FARM SERVICE PRODUCTS AND SERVICES FOR THE BENEFIT OF THE MASSACHUSETTS CORRECTIONAL INDUSTRIES PROGRAM AND THE MASSACHUSETTS CORRECTIONAL FARM SERVICES PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established and set up on the
2 books of the Commonwealth a separate fund to be known as the
3 Massachusetts Correctional Industries Trust Fund, consisting of
4 all uncommitted funds available on June 30th of each fiscal year
5 which have been received by the Massachusetts Correctional
6 Industries program as established and regulated by G.L. c.127
7 sections 51 through 61 inclusive, accrued through its program of
8 selling correctional industries products and services.

9 The Commissioner of Correction (hereinafter referred to as "the
10 commissioner") shall serve as the trustee of the trust fund which
11 shall be administered for the sole benefit of the Massachusetts
12 Correctional Industries program.

1 SECTION 2. There shall be an advisory board for the trust
2 established pursuant to section one of this act which shall be
3 comprised of the Secretary of the Executive Office of Human
4 Services or his/her designee, the Secretary of Administration and
5 Finance or his/her designee, the chairperson of the Senate
6 Committee on Ways and Means or his/her designee, the
7 chairperson of the House Committee on Ways and Means or his/
8 her designee, the Associate Commissioner of Correction for
9 Programs and Treatment, the Associate Commissioner of
10 Correction for Administration, the Director of the Massachusetts
11 Correctional Industries program, all members to serve ex officio.

12 The advisory board, by majority vote, shall elect annually its

13 own chairman and such other officers as it deems necessary from
14 among the members.

15 The advisory board shall serve without compensation, although
16 the Commonwealth may reimburse them for any necessary
17 expenses incurred in the performance of their duties.

18 The purpose of the advisory board for the trust shall be to
19 recommend to the Commissioner, for his/her consideration,
20 expenditures which it has determined to be beneficial to the
21 Massachusetts Correctional Industries Program.

1 SECTION 3. The state treasurer shall receive all uncommitted
2 funds available on June 30th of each fiscal year resulting from
3 the sale of Correctional Industries products and services and
4 deposit the same into said trust fund. Upon the request of the
5 trustee, the state treasurer shall pay out the income of said trust
6 fund and such part of the principal as may be subject to the control
7 of the trustee in such manner as the trustee may direct, subject
8 to any condition affecting the administration thereof. The trust
9 fund shall be invested safely by the state treasurer and he shall
10 be held responsible for the faithful management of the same in
11 the same manner as for other funds held by him in his/her official
12 capacity.

1 SECTION 4. Expenditures from the trust shall be for the
2 support of the Massachusetts Correctional Industries Program
3 including but not limited to the cost of materials, supplies,
4 equipment, maintenance of facilities, compensation of employees
5 of said program and funding of vocational/educational programs
6 which are designed to prepare and or train suitable candidates for
7 participation in the Massachusetts Correctional Industries
8 program.

9 The commissioner shall submit annually a report on the
10 activities of the trust to the clerk of the House of Representatives,
11 who shall forward copies of said report to the house and senate
12 committees on ways and means, and to the committee on state
13 administration.

1 SECTION 5. The income, including but not limited to interest
2 from deposit or investment from money in said trust fund shall

3 be added to the principal and shall, for the purposes of this
4 chapter, be deemed money from the trust fund.

5 No person shall withdraw or cause to be withdrawn, or expend
6 or cause to be expended, any money from said trust fund except
7 in accordance with the purpose of the trust fund. No person shall
8 transfer or cause to be transferred any money from said trust fund
9 to any other trust fund, trust deposit or revolving fund.

10 No person shall enter into any contract, incur any other
11 obligation or cause to be performed any service payable wholly
12 or in part from said trust fund nor expend any money from said
13 trust fund unless all applicable general or special laws regarding
14 the award of contracts are adhered to and complied with.

15 No person shall expend or cause to be expended any money
16 from said trust fund to provide for or supplement the
17 compensation of any state employee unless such expenditures
18 have been expressly authorized by general or special law. No
19 expenditure shall be made pursuant to such authorization prior
20 to the date upon which the following information has been filed
21 with the Department of Personnel Administration and a copy of
22 the same has been filed with the house and senate committees on
23 ways and means; the employee's name, job title, and classification;
24 the source and amount of the employee's annual salary payable
25 from moneys other than from said trust fund and the forms and
26 amounts of compensation payable from said trust fund.

1 SECTION 6. There is hereby established and set up on the
2 books of the Commonwealth a separate fund to be known as the
3 Massachusetts Correctional Farm Services Trust Fund, consisting
4 of all uncommitted funds available on June 30th of each fiscal
5 year which have been received by the Massachusetts Correctional
6 Farm Services program accrued through its program of selling
7 correctional farm service products.

8 The Commissioner of Correction (hereinafter referred to as "the
9 commissioner") shall serve as the trustee of the trust fund which
10 shall be administered for the sole benefit of the Massachusetts
11 Correctional Farm Services Program.

1 SECTION 7. There shall be an advisory board for the trust
2 established pursuant to section one of this act which shall be
3 comprised of the Secretary of the Executive Office of Human

4 Services or his/her designee, the Secretary of Administration and
5 Finance or his/her designee, the chairperson of the Senate
6 Committee on Ways and Means or his/her designee, the
7 chairperson of the House Committee on Ways and Means or his/
8 her designee, the Associate Commissioner of Correction for
9 Operations, the Associate Commissioner of Correction for
10 Administration, the Director of the Massachusetts Correctional
11 Farm Services program, all members to serve ex officio.

12 The advisory board, by majority vote, shall elect annually its
13 own chairman and such other officers as it deems necessary from
14 among the members.

15 The advisory board shall serve without compensation, although
16 the Commonwealth may reimburse them for any necessary
17 expenses incurred in the performance of their duties.

18 The purpose of the advisory board for the trust shall be to
19 recommend to the Commissioner, for his/her consideration,
20 expenditures which it has determined to be beneficial to the
21 Massachusetts Correctional Farm Services Program.

1 SECTION 8. The state treasurer shall receive all uncommitted
2 funds available on June 30th of each fiscal year resulting from
3 the sale of Correctional Farm Services products and services and
4 deposit the same into said trust fund. Upon the request of the
5 trustee, the state treasurer shall pay out the income of said trust
6 fund and such part of the principal as may be subject to the control
7 of the trustee in such manner as the trustee may direct, subject
8 to any condition affecting the administration thereof. The trust
9 fund shall be invested safely by the state treasurer and he shall
10 be held responsible for the faithful management of the same in
11 the same manner as for other funds held by him in his/her official
12 capacity.

1 SECTION 9. Expenditures from the trust shall be for the
2 support of the Massachusetts Correctional Farm Services
3 Program including but not limited to the cost of materials,
4 supplies, equipment, maintenance of facilities, compensation of
5 employees of said program and funding of vocational/educational
6 programs which are designed to prepare and or train suitable
7 candidates for participation in the Massachusetts Correctional
8 Farm Services Program.

9 The commissioner shall submit annually a report on the
10 activities of the trust to the clerk of the House of Representatives,
11 who shall forward copies of said report to the house and senate
12 committees on ways and means, and to the committee on state
13 administration.

1 SECTION 10. The income, including but not limited to
2 interest from deposit or investment from money in said trust fund
3 shall be added to the principal and shall, for the purposes of this
4 chapter, be deemed money from the trust fund.

5 No person shall withdraw or cause to be withdrawn, or expend
6 or cause to be expended, any money from said trust fund except
7 in accordance with the purpose of the trust fund. No person shall
8 transfer or cause to be transferred any money from said trust fund
9 to any other trust fund, trust deposit or revolving fund.

10 No person shall enter into any contract, incur any other
11 obligation or cause to be performed any service payable wholly
12 or in part from said trust fund nor expend any money from said
13 trust fund unless all applicable general or special laws regarding
14 the award of contracts are adhered to and complied with.

15 No person shall expend or cause to be expended any money
16 from said trust fund to provide for or supplement the
17 compensation of any state employee unless such expenditures
18 have been expressly authorized by general or special law. No
19 expenditure shall be made pursuant to such authorization prior
20 to the date upon which the following information has been filed
21 with the Department of Personnel Administration and a copy of
22 the same has been filed with the house and senate committees on
23 ways and means; the employee's name, job title, and classification;
24 the source and amount of the employee's annual salary payable
25 from moneys other than from said trust fund and the forms and
26 amounts of compensation payable from said trust fund.

