

Moved by Chaney

Seconded by Gannon

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1208

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, in line 7, delete "SECTION 1" and insert:  
2 "SECTION 2".  
3

AMENDMENT TO SECTION 2

4 On page 1, in line 31, delete "SECTION 2" and insert:  
5 "SECTION 4".  
6

AMENDMENT TO THE BILL

7 On page 1, following line 6, insert:  
8 "SECTION 1. That Section 20-412, Idaho Code, be, and the same is hereby  
9 amended to read as follows:  
10

11 20-412. COMPENSATION -- AMOUNT -- CREDITING ACCOUNT OF PRISONER --  
12 CIVIL RIGHTS -- PRISONERS NOT EMPLOYEES. (1) Each prisoner, who is engaged in  
13 productive work as authorized by this chapter, may receive for his work such  
14 compensation as the board shall determine, to be paid out of any funds avail-  
15 able in the correctional industries betterment account. Such compensation,  
16 if any, shall be in accordance with a graduated schedule based on quantity  
17 and quality of work performed and skill required for its performance. Com-  
18 pensation shall be credited to the account of the prisoner, and paid from the  
19 correctional industries betterment account.

20 (2) Nothing in this section or in this act is intended to restore, in  
21 whole or in part, the civil rights of any inmate. No inmate who is compen-  
22 sated under this act shall be considered to be an employee of or employed by  
23 the state, the board of correction or any private agricultural employer that  
24 is a party to a contract for inmate labor pursuant to section 20-413A, Idaho  
25 Code, except as provided in section 72-204(5), Idaho Code.

26 (3) No inmate engaged in productive work as authorized by this chapter  
27 shall be entitled to ~~worker's compensation benefits or~~ unemployment compen-  
28 sation under chapter 4 or chapter 13, title 72, Idaho Code, whether on behalf  
29 of himself or any other person.

30 (4) (a) No inmate engaged in productive work as authorized by this  
31 chapter shall be entitled to worker's compensation benefits, except  
32 that agricultural employers contracting for inmate labor under sec-  
33 tion 20-413A, Idaho Code, shall provide worker's compensation coverage  
34 pursuant to section 72-204(5), Idaho Code, for injury or occupational  
35 disease suffered by an inmate arising out of and in the course of labor  
36 contracted pursuant to section 20-413A, Idaho Code.

37 (b) While in the custody of the department of correction, any worker's  
38 compensation temporary income benefit due under paragraph (a) of this

1 subsection shall be paid into the correctional industries betterment  
 2 account.

3 (c) While in the custody of the department of correction, any worker's  
 4 compensation permanent disability income benefit due under paragraph  
 5 (a) of this subsection shall be paid into the account of the inmate.

6 (d) In addition to the inmate or the inmate's authorized representa-  
 7 tive, the department of correction shall have authority to provide any  
 8 notices or file any claims on behalf of an inmate under this section to  
 9 perfect any claim for worker's compensation under this section while  
 10 the inmate is in the custody of the department."

11 AMENDMENT TO THE BILL

12 On page 1, following line 30, insert:

13 "SECTION 3. That Section 72-204, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 72-204. PRIVATE EMPLOYMENT -- COVERAGE. The following shall consti-  
 16 tute employees in private employment and their employers subject to the pro-  
 17 visions of this law:

18 (1) A person performing service in the course of the trade, business,  
 19 profession or occupation of an employer.

20 (2) A person, including a minor, whether lawfully or unlawfully  
 21 employed, in the service of an employer under any contract of hire or appren-  
 22 ticeship, express or implied, and all helpers and assistants of employees  
 23 whether paid by the employer or employee, if employed with the knowledge,  
 24 actual or constructive, of the employer.

25 (3) An officer of a corporation.

26 (4) "Employment," in the case of private employers, includes employ-  
 27 ment only in that trade, business, profession or occupation which is carried  
 28 on by the employer and also includes any of the pursuits specified in section  
 29 72-212, Idaho Code, when the employer shall have elected to come under the  
 30 law as provided in section 72-213, Idaho Code.

31 (5) An inmate providing labor under a prison agricultural contract as  
 32 provided in section 20-413A, Idaho Code, is considered to be an employee of  
 33 the private agricultural employer only for purposes of receiving worker's  
 34 compensation benefits. Such worker's compensation benefits shall be the in-  
 35 mate's exclusive remedy for all injuries and occupational diseases as pro-  
 36 vided under chapters 1 through 8, title 72, Idaho Code, for injuries or occu-  
 37 pational disease suffered by such inmate arising out of and in the course of  
 38 such contract labor."

39 CORRECTION TO TITLE

40 On page 1, in line 2, following "LABOR;" insert: "AMENDING SECTION  
 41 20-412, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE WORKER'S COMPEN-  
 42 SATION BENEFITS FOR CERTAIN INMATES DOING AGRICULTURAL LABOR, TO PROVIDE FOR  
 43 WHERE BENEFITS ARE PAID, TO PROVIDE THAT THE DEPARTMENT OF CORRECTION SHALL  
 44 HAVE CERTAIN AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS;"; and in line 5,  
 45 following "CORRECTION;" insert: "AMENDING SECTION 72-204, IDAHO CODE, TO  
 46 PROVIDE THAT CERTAIN INMATES DOING AGRICULTURAL LABOR SHALL BE CONSIDERED  
 47 AN EMPLOYEE FOR PURPOSES OF RECEIVING WORKER'S COMPENSATION BENEFITS AND TO

1 PROVIDE THAT WORKER'S COMPENSATION BENEFITS SHALL BE AN EXCLUSIVE REMEDY IN  
2 CERTAIN INSTANCES;".