

1975 Senate Bill 130

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CHAPTER 396, Laws of 1975
(Vetoed in Part)

Vetoed in Part AN ACT to amend 46.065 and 53.12 (2); and to repeal and recreate 56.01 of the statutes, relating to a alteration of the prison industries law, ~~and making an appropriation.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.065 of the statutes is amended to read:

Vetoed in Part **46.065 Wages to prisoners.** The department may provide for assistance of prisoners on their discharge, or for the support of their families while in confinement by the allowance of moderate wages, to be paid from the operation, maintenance, farm and construction appropriations of the institution in which they are confined. Until the prisoner's final discharge, the funds arising therefrom shall be under the control of the officer in charge of the institution and shall be used for the benefit of the prisoner and his family. Earnings by inmate employees working in the prison industries and the retention and distribution thereof shall be governed by s. 56.01 (4) and (8).

SECTION 2. 53.12 (2) of the statutes is amended to read:

53.12 (2) The department may provide by ~~rules~~ rule for the payment of wages to inmates. The rate of such wages may vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior. The

payment of wages to inmates ~~employees~~ working in the prison industries shall be governed by s. 56.01 (4). **Vetoed in Part**

SECTION 3. 56.01 of the statutes, as affected by chapter 41, laws of 1975, is repealed and recreated to read:

56.01 Prison industries. (1) **CREATION.** The department may establish industries for the employment of inmates in the state prisons, for manufacturing articles for the state and its political subdivisions and any tax-supported institution or nonprofit agency and for sale of such articles to other states or political divisions thereof or to the United States, and shall fix the price of all products and services as near the market price as possible. In this section, "manufacturing" includes reprocessing, repairing, salvaging, servicing and storing; and supplies, materials and equipment may be reconditioned for sale under s. 16.74.

(2) **POWERS OF DEPARTMENT.** In the administration of the prison industries program, the department may:

- (a) Submit bids for any state contract;
- (b) Submit bids for any contract or subcontract with a nonprofit organization as defined in s. 108.02 (26);
- (c) Purchase machinery and raw materials;
- (d) Operate a central warehouse and central generating station with the employment of prisoners to supply its institutions;
- (e) Maintain auto shops in connection with auto schools and may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by inmates of the school;
- (f) Lease or purchase land within the state for the employment of prisoners; and
- (g) Construct barracks for the safekeeping of prisoners employed in the prison industries outside the prison proper on prison premises.

(3) **REPORT ON OPERATIONS.** The department shall include in its biennial report to the governor, a detailed statement showing the amount of the various articles produced in the prison industries, the disposition of these articles, the cost of the material, the machinery installed and the cost thereof and the rates and total amount of wages paid or credited to prisoners pursuant to this section.

(4) **WAGE STANDARDS.** All inmate ~~employees~~ shall be paid a wage which is based on the productivity of the ~~employee~~ and the work the inmate ~~employees~~ perform. Wages may be established at an hourly rate plus an incentive wage based on productivity and piecework formulas may be created. However, wages shall not be set at a rate such as to cause a deficit on operations. **Vetoed in Part**

~~(5) SECURITY PROVISIONS. The department shall provide for the security of inmates engaged in prison industry operations as it deems necessary. All security costs shall be paid from the department's appropriation under s. 20.435 (3) (a). No such costs may be subtracted from the revenue generated by prison industries.~~ **Vetoed in Part**

(6) **VOCATIONAL TRAINING.** In so far as possible, work performed shall be vocationally instructive to the extent that skills taught and used might be valuable to the inmates after release. The department shall make every effort to provide vocational rehabilitation within the prison industries program for those inmates defined as handicapped persons under s. 47.40.

~~(7) WORK SCHEDULES, OTHER PROGRAMS. If there are inmates desiring to work in prison industries who also desire to participate in educational or other available prison programs, wherever possible provision shall be made for these inmates to participate in the other programs during hours not in conflict with their industry work.~~ **Vetoed in Part**

Vetoed in Part hours. Prison industries shall be operative for at least one full work day on each working day during reasonable hours determined by the department, such that inmates working in prison industries who desire to participate in other programs may do so during hours not in conflict with their working hours.

Vetoed in Part (8) DISPOSITION OF EARNINGS. The department has the authority to determine how much, if any, of the earnings of an inmate-employee may be spent and for what purposes they may be spent within the confines of the prison. The department may distribute earnings for the support of the inmate's dependents and for other obligations either acknowledged by the inmate in writing or which have been reduced to judgment that may be satisfied according to law. No inmate-employee may be subjected to any tax or fee which is not imposed upon inmates who are not employees. Funds not spent by the employee, distributed by the department or given at the employee's direction to family or friends shall be deposited in an individual savings institution account which shall be available to the inmate-employee upon release, subject to the rules and regulations of the supervision program under which the inmate is released.

Vetoed in Part SECTION 4. Appropriation increase. The appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the laws of 1975, is increased by \$71,000 for fiscal year 1976-77 to provide for necessary security costs in the operation of the prison industries program authorized by this act.
