

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 266-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons  
Correctional System - jails**

Extra Copies: **jeo**

**Pre Topic:**

SDC:.....Walter - 3821

**Topic:**

Transferring prisoners from out-of-state facilities to county jails and houses of corrections

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 06/24/99	wjackson 06/24/99	ismith 06/24/99	_____	lrb_docadmin 06/24/99		
/2	mdsida 06/25/99	wjackson 06/25/99	martykr 06/25/99	_____	lrb_docadmin 06/25/99		
/3	mdsida 06/25/99	wjackson 06/25/99	jfrantze 06/26/99	_____	lrb_docadmin 06/26/99		

FE Sent For:

<END>

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*Jb* 6/26 *Jb/sh*  
6/26  
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*12 Wlj 6/25* *Am 6/25* *JS 6/25*

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/1	mdsida	/1 WLj 6/24	IS 6/24	IS/CH 6/24			

FE Sent For:

<END>

yes

SDC

Agency: Corrections

caucus number 1845

duplicate flag:  
duplicate with: 1730, 4208

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require fiscal estimates for bills that create a new offense or increase a penalty for an existing criminal offense and establish the Corrections Special Reserve Fund.

other notes

drafting instructions: See above and attached.

more instructions:

caucus number 2314

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require Corrections to return 1,000 WI prisoners from out-of-state facilities in the first quarter of 2001 and place them in county facilities unless no county bid below the maximum daily rate of \$57 per inmate, per day would apply to transfers.

other notes

drafting instructions: See above.

more instructions:

caucus number 3630

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Prohibit Building Commission from releasing funding for the conversion of the Highview Building at the Northern WI Center to a geriatric prison facility for DOC inmates until a county-wide referendum approving the conversion has been approved.

other notes

drafting instructions: See above.

more instructions:

caucus number 4009

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 474 and 875	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 474 - can the Stanley Prison. As fallbck, include language from FM 875 item c which basically puts the Doyle opinion into the statutes.

other notes

drafting instructions: Freestanding motions 474 and 875. See above.

more instructions:

SEE: <sup>CM</sup> 2769 attached to get this done!

Agency: Corrections

Number of Amendments: 4 done

**OUT-OF-STATE PRISONERS – COUNTY FACILITIES**

+

CN 2314

**DESCRIPTION**

This amendment would require that the Department of Corrections return 1,000 Wisconsin prisoners from out-of-state facilities in the first quarter of 2001 and place them in county facilities. Contracting for state prisoners would be on a competitive basis between counties. A maximum daily rate of \$57 per inmate, per day (excluding travel, medical and other appropriate expenses determined by DOC) would apply to these transfers. If no county were to bid below this level, then the Department would be excused from this requirement.

**DEPARTMENT**

Department of Transportation ~~(DOT)~~  
Corrections

**LRB/FISCAL BUREAU HISTORY**

None

**TOTAL FISCAL EFFECT**

Guaranteed cost savings. (estimated savings of \$2.5 million annually)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1017/1  
MGD:/:....  
Wlj

D-Note

SDC:.....Walter - 3821 Transferring prisoners from out-of-state facilities to county jails and houses of corrections

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1511, line 12: after that line insert:

3 “(6q) TRANSFERRING PRISONERS TO COUNTY FACILITIES FROM OUT-OF-STATE JAILS  
4 AND PRISONS.

5 (a) *Solicitation and acceptance of proposals.* Before October 31, 2000, the  
6 department of corrections shall solicit proposals from counties for contracts, to  
7 commence during the first quarter of calendar year 2000, under which prisoners who  
8 are confined in other states under section 301.21<sup>↓</sup> of the statutes may be returned to  
9 Wisconsin and confined in a county jail or house of correction. If one or more counties  
10 propose to enter into a contract with the department that meets the requirements

NONSTATS

1 of this subsection<sup>↓</sup>, the department shall reduce by 1,000 the number of Wisconsin  
 2 prisoners confined in other states under section 301.21<sup>↓</sup> of the statutes by entering  
 3 into one or more such contracts, consistent with the competitive process it has  
 4 established under paragraph (l). If the proposed contracts meet the requirements of  
 5 <sup>this subsection,</sup> ~~paragraph (l)~~ but the number of prisoners who could be transferred under the  
 6 proposed contracts is less than 1,000, the department shall enter into all such  
 7 proposed contracts.

8 (b) *Contract requirements.* Each contract entered into by the department under  
 9 this subsection shall include a termination date, shall identify the regulations and  
 10 rules of the department and <sup>of</sup> the county jail or ~~the county~~ house of correction to which  
 11 the prisoners will be subject, and shall contain provisions regarding all of the  
 12 following:

13 1. *B.* Prisoner participation in employment programs, the disposition or crediting  
 14 of prisoner earnings, and the crediting of proceeds from or disposal of any products  
 15 resulting from prisoner employment.

16 2. *A.* Delivery and retaking of prisoners.

17 3. *B.* Regular reporting by the county concerning the prisoners confined under the  
 18 contract.

19 4. *B.* Any other matters that are necessary and appropriate to fix the obligations,  
 20 responsibilities and rights of the department and the county.

21 (b) <sup>(c)</sup> *Standard of care.* Prisoners confined by a county under this subsection shall  
 22 be subject to the same standards of reasonable and humane care as the prisoners  
 23 would receive in an appropriate state correctional institution.

24 (d) *Procedures.* 1. The department shall establish a competitive process,  
 25 subject to approval by the secretary of administration, to govern the solicitation of

NONSTATS



1 proposals and the awarding of contracts under this subsection. Notwithstanding  
 2 section 227.10 (1) of the statutes, the procedures governing the solicitation and  
 3 ~~selection~~ of proposals need not be promulgated as rules under <sup>and the awarding of contracts</sup> ~~ch. 227,~~ <sup>chapter</sup> of the statutes.

4 ~~(2)~~ Sections 16.75 and 301.08 (2) of the statutes do not apply to contracts  
 5 entered into under this subsection.

6 (e) *Limit on payments under contracts.* The department may not enter into a  
 7 contract (that requires it to pay a county more than \$57 per prisoner per day for  
 8 confining prisoners under this subsection, excluding the cost of transporting  
 9 prisoners, the cost of prisoner medical care and any other expenses as determined  
 10 by the department.

11 (f) *Severability.* The provisions of any contract entered into under this  
 12 subsection are severable. If any provision of such a contract is invalid, or if the  
 13 application of a provision of the contract to any person or circumstance is invalid, the  
 14 invalidity does not affect other provisions or applications which can be given effect  
 15 without the invalid provision or application.”

(END)

NONSTATS

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1017/1dn

MGD:/:....

WJ

June 23, 1999

The amendment requires the department of corrections to relocate 1,000 prisoners confined in out-of-state facilities to county jails and houses of corrections (so long as each contract meets the statutory requirements), but it does not prohibit the department from bringing back more than 1,000 prisoners. Is this okay? In addition, nothing in the amendment precludes the department from entering into short term contracts with counties (which would only temporarily reduce its out-of-state population). If you want to include a provision to require that the contracts with counties be for a specific term, I can redraft the amendment to include one.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1017/1dn  
MGD:wlj:ijs

June 23, 1999

The amendment requires the department of corrections to relocate 1,000 prisoners confined in out-of-state facilities to county jails and houses of correction (so long as each contract meets the statutory requirements), but it does not prohibit the department from bringing back more than 1,000 prisoners. Is this okay? In addition, nothing in the amendment precludes the department from entering into short-term contracts with counties (which would only temporarily reduce its out-of-state population). If you want to include a provision to require that the contracts with counties be for a specific term, I can redraft the amendment to include one.

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1017P  
MGD:wlj:ijs

2  
RMR

SDC:.....Walter - 3821 Transferring prisoners from out-of-state facilities to  
county jails and houses of corrections

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1511, line 12: after that line insert:

3 "(6q) TRANSFERRING PRISONERS TO COUNTY FACILITIES FROM OUT-OF-STATE JAILS  
4 AND PRISONS.

5 (a) *Solicitation and acceptance of proposals.* Before October 31, 2000, the  
6 department of corrections shall solicit proposals from counties for contracts, to  
7 commence during the first quarter of calendar year ~~2000~~ <sup>2001</sup>, under which prisoners who  
8 are confined in other states under section 301.21 of the statutes may be returned to  
9 Wisconsin and confined in a county jail or house of correction. If one or more counties  
10 propose to enter into a contract with the department that meets the requirements

and the number of prisoners who could be transferred under the proposed contracts is 1,000 or more,

1 of this subsection, the department shall reduce by 1,000 the number of Wisconsin  
2 prisoners confined in other states under section 301.21 of the statutes by entering  
3 into one or more such contracts, consistent with the competitive process it has  
4 established under paragraph (d). If the proposed contracts meet the requirements  
5 of this subsection, but the number of prisoners who could be transferred under the  
6 proposed contracts is less than 1,000, the department shall enter into all such  
7 proposed contracts.

8 (b) *Contract requirements.* Each contract entered into by the department under  
9 this subsection shall include a termination date, shall identify the regulations and  
10 rules of the department and of the county jail or house of correction to which the  
11 prisoners will be subject and shall contain provisions regarding all of the following:

12 1. Prisoner participation in employment programs, the disposition or crediting  
13 of prisoner earnings and the crediting of proceeds from or disposal of any products  
14 resulting from prisoner employment.

15 2. Delivery and retaking of prisoners.

16 3. Regular reporting by the county concerning the prisoners confined under the  
17 contract.

18 4. Any other matters that are necessary and appropriate to fix the obligations,  
19 responsibilities and rights of the department and the county.

20 (c) *Standard of care.* Prisoners confined by a county under this subsection shall  
21 be subject to the same standards of reasonable and humane care as the prisoners  
22 would receive in an appropriate state correctional institution.

23 (d) *Procedures.* 1. The department shall establish a competitive process,  
24 subject to approval by the secretary of administration, to govern the solicitation of  
25 proposals and the awarding of contracts under this subsection. Notwithstanding

1 section 227.10 (1) of the statutes, the procedures governing the solicitation of  
2 proposals and the awarding of contracts need not be promulgated as rules under  
3 chapter 227 of the statutes.

4 2. Sections 16.75 and 301.08 (2) of the statutes do not apply to contracts entered  
5 into under this subsection.

6 (e) *Limit on payments under contracts.* The department may not enter into a  
7 contract for confining prisoners under this subsection that requires it to pay a county  
8 more than \$57 per prisoner per day, excluding the cost of transporting prisoners, the  
9 cost of prisoner medical care and any other expenses as determined by the  
10 department.

11 (f) *Severability.* The provisions of any contract entered into under this  
12 subsection are severable. If any provision of such a contract is invalid, or if the  
13 application of a provision of the contract to any person or circumstance is invalid, the  
14 invalidity does not affect other provisions or applications which can be given effect  
15 without the invalid provision or application.”

16

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1017/2  
MGD:wj:km

RMR

SDC:.....Walter - 3821 Transferring prisoners from out-of-state facilities to  
county jails and houses of corrections

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 of this subsection, and the number of prisoners who could be transferred under the  
2 proposed contracts is 1,000 or more, the department shall reduce by 1,000 the  
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4 statutes by entering into one or more such contracts, consistent with the competitive  
5 process it has established under paragraph (d). If the proposed contracts meet the  
6 requirements of this subsection, but the number of prisoners who could be  
7 transferred under the proposed contracts is less than 1,000, the department shall  
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9 (b) *Contract requirements.* Each contract entered into by the department under  
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of prisoners who are to be transferred under the contracts.



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2 section 227.10 (1) of the statutes, the procedures governing the solicitation of  
3 proposals and the awarding of contracts need not be promulgated as rules under  
4 chapter 227 of the statutes.

5 2. Sections 16.75 and 301.08 (2) of the statutes do not apply to contracts entered  
6 into under this subsection.

7 (e) *Limit on payments under contracts.* The department may not enter into a  
8 contract for confining prisoners under this subsection that requires it to pay a county  
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17 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1017/3  
MGD:wlj:jf

SDC:.....Walter - 3821 Transferring prisoners from out-of-state facilities to  
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7           2. Sections 16.75 and 301.08 (2) of the statutes do not apply to contracts entered  
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19

(END)