

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤ 97hr\_JCR-AR\_ES\_pt07

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤

July 15th Public  
Hearing and Executive  
Session

PRISON INDUSTRIES BOARD MEMBERS

Michael J. Sullivan  
 Secretary  
 P O Box 7925  
 149 E. Wilson Street  
 Madison, WI 53707-7925  
 (608) 266-4548  
 Fax (608) 267-2661  
 Representing Dept. Corrections  
 Term expires May 1, 2000

VACANT  
 Represents Private Labor  
 Term expires May 1, 1998

Jim Johnson  
 Chairman of the Board  
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 101 E. Wilson St.  
 P O Box 7867  
 Madison, WI 53707-7867  
 (608) 266-1011 (office)  
 Fax (608) 267-0600  
 Representing Potential Customer  
 Term expires May 1, 1998

Jonathan M. Henkes  
 820 Powers Avenue  
 Madison, WI 53714 (home)  
 Mailing Address:  
 1848 Van Hise Hall  
 1220 Linden Drive  
 Madison, WI 53706  
 (608) 263-3362 (office)  
 Representing U.W. System  
 Term expires May 1, 1999

Bill G. Smith  
 National Federation of Independent  
 Business  
 1 N. Pinckney Street Room 201  
 Madison, WI 53703  
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 (608) 831-6771 (home)  
 Representing Private Industry  
 Term expires May 1, 2000

John Phillips  
 Vice-Chairman  
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 (414) 269-4543 (home)  
 235 N. National Avenue  
 Fond du Lac, WI 54395-9009  
 DIRECT PHONE: (414) 924-3330  
 (414) 929-2115 (office)  
 Fax (414) 929-2478  
 Representing VTAE  
 Term expires May 1, 1999

Robert C. Blessington (Designee)  
 Wisconsin State AFL-CIO  
 6333 W. Bluemound Road  
 Milwaukee, WI 53215  
 (414) 771-0700 (Work)  
 (414) 679-4817 (Home)  
 Labor Representative  
 Term expires May 1, 1998

Carol Vollmer Pope  
 Data Direct Distributors (President)  
 N35 W21140 Capitol Drive, Ste. 7  
 Pewaukee, WI 53072  
 (414) 790-1188 (office)  
 (414) 784-7917 (home)  
 Representing Private Business  
 Term expires May 1, 2001

Virginia C. Walker (Designee)  
 3215 W. State Street  
 Milwaukee, WI 53208  
 (414) 931-7451 (Home)  
 Ex-Offender Representative  
 Term expires May 1, 1999

02/97

Post-it™ brand fax transmittal memo 7671 # of pages 1

To	Melissa	From	Diana Greene
Co.		Co.	DOC
Dept.		Phone #	7-1250
Fax #	7-2871	Fax #	

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

Room 404 • Hamilton  
Madison, WI 53707  
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

Room 125 West • State Capitol  
Madison, WI 53703  
Phone: 608-264-8486

JOINT COMMITTEE FOR  
REVIEW OF ADMINISTRATIVE RULES

Committee Meeting Attendance Sheet

*Joint Committee for Review of Administrative Rules*

Date July 15, 1997 Meeting Type Public Hearing  
Location Room 417 North, State Capitol

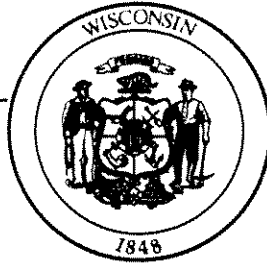
COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	✓		
2. Senator WIRCH			✓
3. Senator POTTER	✓		
4. Senator WELCH			✓
5. Senator SCHULTZ	✓		
6. Representative GROTHMAN	✓		
7. Representative GUNDERSON	✓		
8. Representative SERATTI	✓		
9. Representative YOUNG	✓		
10. Representative KREUSER	✓		
Totals	8	0	2

s:\comclerk\attend

John Sumi / Steve Krieser, Committee Clerk

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

Room 404 • Hamilton  
Madison, WI 53707  
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN  
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Madison, WI 53703  
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JOINT COMMITTEE FOR  
REVIEW OF ADMINISTRATIVE RULES

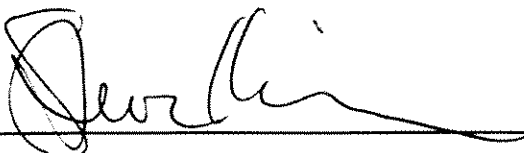
Committee Meeting Attendance Sheet

*Joint Committee for Review of Administrative Rules*

Date July 15, 1997 Meeting Type Executive Session  
Location Room 417 North, State Capitol Building

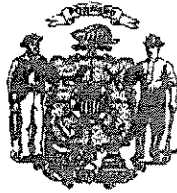
COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	✓		
2. Senator WIRCH			✓
3. Senator POTTER	✓		
4. Senator WELCH			✓
5. Senator SCHULTZ	✓		
6. Representative GROTHMAN	✓		
7. Representative GUNDERSON	✓		
8. Representative SERATTI	✓		
9. Representative YOUNG	✓		
10. Representative KREUSER	✓		
Totals	8	0	2

s:\comclerkattend

  
John Sumi / Steve Krieser, Committee Clerk

**Tommy G. Thompson**  
Governor

**Michael J. Sullivan**  
Secretary



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Telephone (608) 266-2471

**State of Wisconsin**  
**Department of Corrections**

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July 16, 1997

The Honorable Richard Grobschmidt, Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 404, 100 North Hamilton  
Madison, Wisconsin 53707

The Honorable Glenn S. Grothman, Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 125 West, State Capitol  
Madison, Wisconsin 53702

Re: Clearinghouse Rule 96-163  
An order to Create DOC 313.025 relating to the definition of a "prison industry" pursuant to s. 227.11 (2) (a), Stats.

Gentlemen:

The Department on March 17, 1997, submitted Clearinghouse Rule 96-163, relating to the definition of a prison industry, to the presiding officers of the Legislature for review by standing committees. On July 15, 1997, the Joint Committee for Review of Administrative Rules held a public hearing and executive session on CR 96-163. As a result of the hearing and the motions adopted by the Committee, the Department is today resubmitting the proposed rules, with germane modifications, to the Joint Committee for the Review of Administrative Rules. A copy of the revised CR 96-163 is attached to this letter.

In this letter I will state the modification the Department has made in CR 96-163. The Department has added subsection (3) to the proposed rule. The proposed subsection (3) states as follows:

(3) An increase of the number of inmate employes in an established prison industry by 200 or more full time equivalent positions in a biennium is subject to s. 303.01 (1) (c), Stats.

If you have any questions about the rule, please contact David Whitcomb at (608) 267-3673.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan  
Secretary

Attachment

PROPOSED ORDER OF THE  
DEPARTMENT OF CORRECTIONS  
ADOPTING A RULE

To create DOC 313.025 relating to the definition of a "prison industry" pursuant to s. 227.11 (2) (a), Stats.

ANALYSIS PREPARED BY THE DEPARTMENT OF CORRECTIONS

The proposed rule defines the meaning of "prison industry" as used in s. 303.01 (1) (c), Stats., which requires the Department of Corrections to give written notification to the cochairpersons of the joint committee on finance prior to establishing any prison industry.

DOC 313.025 ESTABLISHMENT OF A PRISON INDUSTRY. (1) For purposes of s. 303.01 (1) (c), Stats. and this chapter, an established "prison industry" means the production by prison inmates of a product or service or a family of related products or services used for similar purposes. The material or method used to produce the product or service does not define a prison industry.

(2) A prison industry established under s. 303.01, Stats. may be located at, or moved or expanded to, one or more prisons or other locations owned by the department and may acquire new or additional customers.

(3) An increase of the number of inmate employes in an established prison industry by 200 or more full time equivalent positions in a biennium is subject to s. 303.01 (1) (c), Stats.

The rule created in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

Department of Corrections

Date \_\_\_\_\_

By \_\_\_\_\_  
Michael J. Sullivan, Secretary

SEAL:

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

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ROOM 125 WEST • STATE CAPITOL  
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(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 16, 1997

Michael J. Sullivan  
Secretary, Department of Corrections  
149 East Wilson Street  
Madison, WI 53708


Dear Secretary Sullivan:


As you are aware, the Joint Committee for Review of Administrative Rules held a public hearing and executive session on Clearinghouse Rule 96-163 on July 15, 1997. As a result of its deliberations, the Joint Committee adopted the following motions:

Motion: **Moved by Senator Schultz, Seconded by Representative Gunderson,** that the co-chairpersons of the Joint Committee for Review of Administrative Rules send a letter to the Department of Corrections which expresses their concern regarding the issue of expansion of prison industries and which reflects the differing positions on this issue by the Department of Corrections and Senator Rodney Moen; further, that the Department of Corrections attempt to address Senator Moen's concerns; and further, that the Department of Corrections provide the Committee with statistical information on the growth of prison industries and the status of prison industries in other states.

Motion: **Moved by Representative Kreuser, Seconded by Senator Grobschmidt,** that pursuant to s. 227.19(5)(b), stats., the Joint Committee for Review of Administrative Rules recommends that Clearinghouse Rule 96-163 be modified by amending proposed s. DOC 313.02(2) to provide that a prison industry expanded by more than 200 jobs would constitute the "establishment of a prison industry" under s. 303.01(1)(c), stats.; this would require the Department of Corrections to provide written notification of this action to the co-chairpersons of the Joint Committee on Finance and a subsequent hearing on the proposal by the Joint Committee on Finance.

The second motion is of particular importance. It is the desire of the Joint Committee that the Department communicate to both co-chairpersons, in writing, its acceptance or rejection of the Joint Committee's request for modifications to the Clearinghouse Rule, as embodied in the second motion above, *no later than 5:00 p.m. this afternoon, July 16<sup>th</sup>*. In the interest of time, your response may be forwarded to the fax numbers of the co-chairpersons. Chair Grobschmidt's fax number is 608-266-7483. Chair Grothman's fax number is 608-282-3659. We look forward to your response.

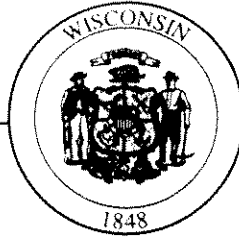
  
Senator Richard Grobschmidt  
Senate Co-Chairperson

  
Representative Glenn S. Grothman  
Assembly Co-Chairperson



SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

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REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

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(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 17, 1997

Michael J. Sullivan  
Secretary, Department of Corrections  
149 East Wilson Street  
Madison, WI 53708

Dear Secretary Sullivan:

As you are aware, the Joint Committee for Review of Administrative Rules held a public hearing and executive session on Clearinghouse Rule 96-163 on July 15, 1997, and adopted the following motion:

**Motion: Moved by Senator Schultz, Seconded by Representative Gunderson,** that the co-chairpersons of the Joint Committee for Review of Administrative Rules send a letter to the Department of Corrections which expresses their concern regarding the issue of expansion of prison industries and which reflects the differing positions on this issue by the Department of Corrections and Senator Rodney Moen; further, that the Department of Corrections attempt to address Senator Moen's concerns; and further, that the Department of Corrections provide the Committee with statistical information on the growth of prison industries and the status of prison industries in other states.

As you can see by the above motion, the members of the Joint Committee share the concerns expressed by the membership of the Senate Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs with regard to this clearinghouse rule in a letter from Sen. Rodney Moen dated April 24, 1997; namely, that it does not go far enough in guaranteeing a sufficient level of legislative oversight of the prison industries program. The Joint Committee for Review of Administrative rules urges the Department of Corrections to review the concerns expressed by its membership and the membership of Senator Moen's committee, and to address those concerns in its rulemaking on this issue.

Further, the co-chairpersons request, on behalf of the Joint Committee, that the Department provide the joint committee with statistical information on the growth of prison industries and the status of prison industries in the other 49 states of the country. This statistical data should include, at a minimum, the types of industries in which prisoners are engaged in other states, the numbers of prisoners involved in each industry, the degree of private-sector involvement in those industries, the degree to which those industries have expanded since their inception, and the level of legislative oversight which each state requires.

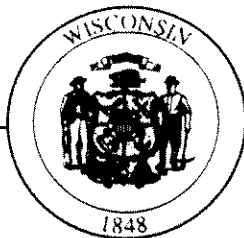
Thank you for your consideration of these requests. The co-chairpersons look forward to the Department's response.

  
Senator Richard Grobschmidt  
Senate Co-Chairperson

  
Representative Glenn S. Grothman  
Assembly Co-Chairperson

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

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REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 16, 1997

Dr. John Benson, Superintendent  
Department of Public Instruction  
125 S. Webster Street  
Madison, WI 53707

Dear Superintendent Benson:

The Joint Committee for the Review of Administrative Rules met in Executive Session on July 15, 1997 and adopted the following motions:

**Emergency Rule PI 35.03(3)(b) et. al.**

**Relating to the Milwaukee Private School Choice program.  
Submitted by the Department of Public Instruction.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule PI 35.03(3)(b) et. al. by 43 days, at the request of the Department of Public Instruction.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (2) Senators Wirch and Welch.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 2 Absent.

*Senators Wirch and Welch voted by paper ballot on July 16, 1997.*

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

  
RICHARD GROBSCHMIDT  
Senate Co-Chair

  
GLENN GROTHMAN  
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette  
Revisor of Statutes Gary Poulson

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

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MADISON, WI 53707  
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REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL  
MADISON, WI 53702  
(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 16, 1997

Josephine Musser, Commissioner  
Office of the Commissioner of Insurance  
121 E. Wilson Street  
Madison, WI 53707

Dear Commissioner Musser:

The Joint Committee for the Review of Administrative Rules met in Executive Session on July 15, 1997 and adopted the following motions:

**Emergency Rule Ins 3.46(18)**

**Relating to the requirements for tax-deductible long-term care insurance policies. Submitted by the Office of the Commissioner of Insurance.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule Ins 3.46(18) by 60 days, at the request of the Office of the Commissioner of Insurance.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

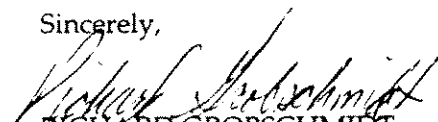
Absent: (2) Senators Wirch and Welch.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 2 Absent.

*Senators Wirch and Welch voted by paper ballot on July 16, 1997.*

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

  
RICHARD GROBSCHMIDT  
Senate Co-Chair

  
GLENN GROTHMAN  
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette  
Revisor of Statutes Gary Poulson

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

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REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL  
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(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 16, 1997

Joe Leann, Secretary  
Department of Health and Family Services  
1 West Wilson Street, Ste. 650  
Madison, WI 53702

Dear Secretary Leann:

The Joint Committee for the Review of Administrative Rules met in Executive Session on July 15, 1997 and adopted the following motions:

### Emergency Rule HSS 163

**Relating to the certification for lead abatement, other lead hazard reduction work and lead management activities, and accreditation of training courses. Submitted by the Department of Health and Family Services.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule HSS 163 by 60 days, at the request of the Department of Health and Family Services.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (2) Senators Wirch and Welch.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 2 Absent.

### Emergency Rule HSS 1

**Relating to the application of child support percentage of income standard to court-ordered substitute care cases. Submitted by the Department of Health and Family Services.**

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule HSS 1 by 12 days, at the request of the Department of Health and Family

Services.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (2) None.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 0 Absent.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

  
RICHARD GROBSCHMIDT  
Senate Co-Chair

  
GLENN GROTHMAN  
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette  
Revisor of Statutes Gary Poulson

SENATOR RICHARD GROBSCHMIDT  
CO-CHAIRMAN

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CO-CHAIRMAN

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## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 16, 1997

Linda Stewart, Secretary  
Department of Workforce Development  
201 East Washington Avenue  
Madison, WI 53707-7946

Dear Secretary Stewart:

The Joint Committee for the Review of Administrative Rules met in Executive Session on July 15, 1997 and adopted the following motions:

**Emergency Rule DWD 56.08**

**Relating to the administration of child care funds. Submitted by the Department of Workforce Development.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DWD 56.08 by 60 days, at the request of the Department of Workforce Development.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (2) Senators Wirch and Welch.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 2 Absent.

**Emergency Rule DWD 12**

**Relating to the Wisconsin Works program. Submitted by the Department of Workforce Development.**

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DWD 12 by 60 days, at the request of the Department of Workforce Development.

Ayes: (10) Representatives Grothman, Gunderson, Seratti, R. Young, and Kreuser; Senators Grobschmidt, Wirch, Potter, Welch, and Schultz.

Noes: (0) None.

Absent: (2) Senators Wirch and Welch.

Motion Carried: Extension Granted.  
10 Ayes, 0 Noes, 2 Absent.

*Senators Wirch and Welch voted by paper ballot on July 16, 1997.*

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,



RICHARD GROBSCHMIDT  
Senate Co-Chair



GLENN GROTHMAN  
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette  
Revisor of Statutes Gary Poulson

NEW DRAFT - UN OFFICIAL

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



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Post Office Box 7925  
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Telephone (608) 266-2471

State of Wisconsin  
Department of Corrections

---

PROPOSED ORDER OF THE  
DEPARTMENT OF CORRECTIONS  
ADOPTING A RULE

To create DOC 313.025 relating to the definition of a "prison industry" pursuant to s. 227.11(2)(a), Stats.

ANALYSIS PREPARED BY THE DEPARTMENT OF CORRECTIONS

The proposed rule defines the meaning of "prison industry" as used in s. 303.01(1)(c), Stats., which requires the Department of Corrections to give written notification to the cochairpersons of the joint committee on finance prior to establishing any prison industry.

**DOC 313.025 Establishment of a prison industry.** (1) For purposes of s. 303.01(1)(c), Stats. and this chapter, an established "prison industry" means the production by prison inmates of a product or service or a family of related products or services used for similar purposes. The material or method used to produce the product or service does not define a prison industry.

(2) A prison industry established under s. 303.01, Stats. may be located at, or moved or expanded to, one or more prisons or other locations owned by the department and may acquire new or additional customers.

The rule created in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Department of Corrections

Michael J. Sullivan  
Secretary

Date:

SEAL: