

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

LRB-3148/P1dn  
MGD:jlj:jf

July 7, 1999

Rob:

1. We do not know at this time the amount by which the appropriation for confining Wisconsin prisoners in other states under s. 20.410 (1) (ab) may be reduced if the Stanley prison can be leased. The total amount of money required to lease the prison at Stanley is also unknown. Therefore, this draft provides a sum sufficient appropriation for the department of corrections (DOC) to fund operations at Stanley and to make rental payments, to the extent that those costs are not covered by the money transferred for those purposes from the appropriation under s. 20.410 (1) (ab). If the savings from the reduction in out-of-state transfers and the amount required to lease the prison can be ascertained or reasonably estimated, and the latter amount can be made public without compromising the state's position in any negotiations to be conducted with the current owner of this prison, we can -- if you would like us to -- either redraft the bill or draft an amendment to include a sum certain appropriation. If you are considering that option, we can contact the Legislative Fiscal Bureau to request that it undertake these calculations.

2. Under the draft, the department of corrections may not enter into a contract to send prisoners out of state if there is appropriate space available within the state at any of its correctional facilities, not just at Stanley, and regardless of whether the state ultimately leases Stanley. Is this okay? In addition, certain DOC contracts for out-of-state confinement expressly allow for prisoners to be returned to Wisconsin for any reason. Although this scenario may be viewed as unlikely to occur in the immediate future, do you want to require DOC to bring prisoners back to Wisconsin if an in-state bed is vacant for a certain length of time?

3. The draft does not discuss what happens to the prison in Stanley if the state is unable to lease it. Is this okay?

4. Do you want to include a date by which the department of administration must attempt to commence negotiations?

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