

***1999 DRAFTING REQUEST***

**Bill**

Received: **08/06/1999**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Turner (608) 266-0731**

By/Representing: **Paulette**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Ending private business prison employment program

**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>
I?	mdsida 08/10/1999	chanaman 08/23/1999		_____			State
/P1			mclark 08/24/1999	_____	gretskl 08/24/1999		State
/1	mdsida 09/22/1999	chanaman 09/22/1999	hhagen 09/22/1999	_____	lrb-docadmin 09/22/1999	lrb-docadmin 09/23/1999	

FE Sent For:

<END>

11-19-99  
G →

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I?	mdsida 08/10/1999	chanarnan 08/23/1999		_____			State
/P1		cmh 1/1 9/22	mclark 08/24/1999	_____	gretskl 08/24/1999		
FE Sent For:				_____			

<END>

Jacketed  
for Assembly

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/?	mdsida	cmH 8/23	MRE 8/24	MRC/KF 8/24			
FE Sent For:		h1					

<END>

**LEGISLATIVE REFERENCE BUREAU**

**BILL REQUEST FORM**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
Use this form only for **BILL** drafts, Attach more pages if necessary.

Date of request: <b>7-15-99</b>	Legislator or agency requesting this draft: <b>REP. ROBERT L. TURNER</b>
Name/phone number of person submitting request: <b>PAULETTE QUICK</b>	<b>266-0732</b>
Persons to contact for questions about this draft (names and phone numbers please):	<b>PAULETTE QUICK</b> <b>266-0732</b>
Describe the problem, including any helpful examples, How do you want to solve the problem?  <b>RELATING TO PRIVATE BUSINESS PRISON EMPLOYMENT CONTRACTS</b>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-234511 or 1995 AB-67):

**LRBB 13.10.11 is attached**

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO CI ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

**THIS IS ON THE REPRESENTATIVES LIST OF PRIORITIES**

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:

**ASSEMBLY 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 1324, line 15: delete the material beginning with that line and ending  
3 with page 1325, line 17, and substitute:

4 “SECTION 2718ex. 303.01 (2) (em) of the statutes is repealed.”

5 **2.** Page 1326. line 6: delete the material beginning with that line and ending  
6 with page 1327, line 12.

7 **3.** Page 1507, line 14: delete the material beginning with that line and ending  
8 with page 1508, line 12, and substitute:

9 “(2fm) PRIVATEBUSINESSPRISON EMPLOYMENTCONTRACTS .

10 (a) In this subsection, “prison contract” means a contract between the  
11 department of corrections and a private business under section 303.0 1 (2) (em), 1997  
12 stats.

---



1 (b) Notwithstanding section 303.01 (2) (em), 1997 stats., beginning on the  
2 effective date of this subsection, the department of corrections may not enter into,  
3 renew or extend a prison contract.

4 (c) The department of corrections shall take all steps necessary, consistent with  
5 the terms of the contract, to terminate each prison contract no later than June 30,  
6 2001.“

7 **4.** Page 1608, line 4: delete lines 4 to 8 and substitute:

8 **“(5gm) SUNSET OF PRIVATE BUSINESS PRISON EMPLOYMENT PROGRAM.** The  
9 treatment of sections 20.410 **(1) (gi)**, (hm) and (km). 108.07 (8) (b), 303.01 (2) (em),  
10 (8) **(b)**, (c) , (d) and (e), 303.06 (3) and 303.2 1 (1) (b) of the statutes takes effect on July  
11 1, 2001.“

12 **(END)**

---





1999

Date (time) needed' \_\_\_\_\_

LRB - 3393, PI

BILL

TUES a.m.

MGD + JEO : CMH : \_\_\_\_\_

Use the appropriate components and routines developed for bill.

AN ACT . . . [generate catalog] to **repeal** . . . ; to **renumber** . . . ; to **consolidate and renumber** . . . ; to **renumber and amend** . . . ; to **consolidate, renumber and amend** . . . ; to **amend** . . . ; to **repeal and recreate** . . . ; and to **create** . . . of the statutes; relating to: *private business prison employment program* . . .

. . . . . 0 . . . . .  
. . . . .  
. . . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

**Analysis by the Legislative Reference Bureau**

For the 3 titles used in an **analysis**, in the component bar:  
For the main heading [old =M], execute: . . . . . create → **anal:** → title: → head  
For the subheading [old =S], execute: . . . . . create → **anal:** → title: → sub  
For the sub-subheading [old =P], execute: . . . . . create → **anal:** → title: → sub-sub

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

'SECTION #.



State of Wisconsin  
1999 - 2000 LEGISLATURE

3393 (P1)

LRBb0469/4

JEO&MGD/cmh/jlg/wlj:kjf

LFB:.....Bauer (DS) - Private business prison employment program  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
LEB AMENDMENT  
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

Analysis Insert ✓  
→

1 At the locations indicated, amend the bill as follows:

2 1. Page 414, line 15 after that line insert:

3 <sup># 2577A</sup>SECTION ~~359~~. 20.410 (1) (gi) of the statutes is amended to read:

4 20.410 (1) (gi) *General operations*. The amounts in the schedule to operate  
5 institutions and provide field services and administrative services. All moneys  
6 received under s. 303.01 (8) that are attributable ~~to~~ <sup>by</sup> collected from earnings  
7 of inmates and residents under s. 303.01 (2) (em) and ~~all moneys received under~~ ss.  
8 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation  
9 account.

10 <sup># 77 91</sup>SECTION ~~359~~. 20.410 (1) (hm) of the statutes is repealed.

11 2. Page 415, line 3: after that line insert:

1 <sup>#</sup>  
SECTION ~~367m.~~ 20.410 (1) (km) of the statutes is amended to read:

2 20.410 (1) **(km) Prison industries.** The amounts in the schedule for the  
3 establishment and operation of prison industries, ~~but not including the program~~  
4 ~~under s. 303.01 (2) (em).~~ All moneys received from prison industries sales shall be  
5 credited to this appropriation. All moneys credited to this appropriation shall be  
6 expended first for the purpose under par. (ko). No expenditure may be made from this  
7 appropriation for the construction of buildings or purchase of equipment for new  
8 prison industries, except upon approval of the joint committee on finance after a  
9 determination that the moneys are needed and that no other appropriation is  
available for that purpose.-

INSECTO  
e-11 →

11 **3.** Page 978, line 11: after that line insert:

12 <sup>#</sup>  
SECTION ~~2029m.~~ 108.07 (8) (b) of the statutes is amended to read:

13 108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
14 and has employment with an employer other than the department of corrections ~~or~~  
15 ~~a private business leasing space within a state prison under s. 303.01 (2) (em),~~ and  
16 the claimant's employment terminates because conditions of incarceration or  
17 supervision make it impossible to continue the employment, the department shall  
18 charge to the fund's balancing account any benefits based on the terminated  
19 employment that are otherwise chargeable to the account of an employer that is  
20 subject to the contribution requirements under ss. 108.17 and 108.18 - Q - 3 -

21 **4.** Page ~~1215,~~ line 11: after that line insert:

22 SECTION **2718e.** 303.01 (2) (em) of the statutes is amended to read:

23 303.01 (2) (em) Lease space, with or without equipment, within the precincts  
24 of state prisons, as specified in s. 302.02, or within the confines of correctional

1 institutions operated by the department for holding in secure custody persons  
2 adjudged delinquent, to not more than 6 private businesses to employ prison inmates  
3 and institution residents to manufacture products or components or to provide  
4 services for sale on the open market. The department shall comply with s. 16.75 in  
5 selecting businesses under this paragraph. The department may enter into a  
6 contract under this paragraph only with the approval of the joint committee on  
7 finance. The department may not enter into or amend a contract under this  
8 paragraph unless the contract or amendment specifies each state prison or juvenile  
9 correctional institution at which the private business will employ inmates or  
10 institution residents. The private business may not employ inmates or institution  
11 residents at a state prison or juvenile correctional institution not specified in the  
12 contract without the approval of the joint committee on finance. The department  
13 shall consult with appropriate trade organizations and labor unions prior to issuing  
14 requests for proposals and prior to selecting proposals under this paragraph. Each  
15 such private business may conduct its operations as a private business, subject to the  
16 wage standards under sub. (4), the disposition of earnings under sub. (8), the  
17 provisions regarding displacement in sub. (11), the requirements for notification and  
18 hearing under sub. (1) (c), the requirement for prison industries board approval  
19 under s. 303.015 (1) (b) and the authority of the department to maintain security and  
20 control in its institutions. The private business and its operations are not a prison  
21 industry. Inmates employed by the private business are not subject to the  
22 requirements of inmates participating in prison industries, except as provided in this  
23 paragraph,

24 SECTION 2718<sup>SR</sup> (em) 303.01 (2) (em) of the statutes, as affected by 1999 Wisconsin

25 Act ... (this act) is repealed.

1           <sup>#</sup>  
SECTION ~~2718g~~. 303.01 (8) (b) of the statutes is amended to read:

2           303.01 (8) (b) The department shall distribute earnings of an inmate or  
3 resident, ~~other than an inmate or resident employed under sub (2) (em)~~, for the crime  
4 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency  
5 victim and witness assistance surcharge under s. 938.34 (8d) (c), for the  
6 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance  
7 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or  
8 resident's dependents and for other obligations either acknowledged by the inmate  
9 or resident in writing or which have been reduced to judgment that may be satisfied  
10 according to law.

11           <sup>#</sup>  
SECTION ~~2718h~~. 303.01 (8) (c) of the statutes is repealed.

12           <sup>#</sup>  
SECTION ~~2718L~~. 303.01 (8) (d) of the statutes is repealed.

13           <sup>#</sup>  
SECTION ~~2718p~~. 303.01 (8) (e) of the statutes is repealed.

14           ~~SECTION 2718q. 303.01 (11) of the statutes is created to read:~~

15           303.01 (11) **DISPLACEMENT.** (a) In this subsection:

16           1. "Displace an employe" means to lay off an employe in this state as a direct  
17 result of work being performed in a state prison or juvenile correctional institution  
18 under a prison contract or to permanently transfer an employe in this state to  
19 another job that reduces the employe's base pay, excluding overtime, differentials  
20 and bonuses, by more than 25% as a direct result of work being performed in a state  
21 prison or juvenile correctional institution under a prison contract.

22           2. "Prison contract" means a contract entered into by the department under  
23 sub. (2) (em).

24           3. "Private employer" means a private business that is a party to a prison  
25 contract.

1 (b) A private employer may not displace an employe or cause another private  
2 business to displace an employe.

3 (c) A private employer may not employ inmates or institution residents under  
4 a prison contract if any of the following applies:

5 1. The inmates or institution residents are to be employed in a skill, craft or  
6 trade in which there is a surplus of available labor in the locality of the private  
7 employer.

8 2. The employment of the inmates or institution residents will impair the  
9 performance of other contracts to which the private employer is a party.

10 3. The inmates or institution residents will replace employes who are on strike  
11 against the private employer or locked out of work.

12 (d) A private employer shall post in all of its workplaces a notice provided by  
13 the department containing a description of the nature of the prison contract and an  
14 explanation of what it means for an employe of a private employer to be displaced  
15 under this subsection and identifying a person at the department whom an employe  
16 of a private employer may contact if the employe believes that he or she may have  
17 been displaced by a prison contract.

18 ~~SECTION 2718qm. 303.01 (11) of the statutes, as created by 1999 Wisconsin Act~~  
19 ~~.... (this act), is repealed.~~

20 SECTION ~~2718~~<sup>#</sup>v. 303.06 (3) of the statutes is repealed.

21 SECTION ~~2718~~<sup>#</sup>y. 303.21 (1) (b) of the statutes is amended to read:

22 303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
23 a structured work program away from the institution grounds under s. 302.15 or a  
24 secure work program under s. 303.063. Inmates are not included under par. (a) if  
25 they are employed in a prison industry under s. 303.06 (2), participating in a work

1 release program under s. 303.065 (2), ~~participating in employment with a private~~  
2 ~~business under s. 303.01 (2) (em)~~ or participating in the transitional employment  
3 program, but they are eligible for worker's compensation benefits under ch. 102.  
4 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are  
5 eligible for worker's compensation benefits under ch. 102.

6 ~~5. Page 1404, line 21: after that line insert:~~

7 ~~“(5d) PROFITABILITY REQUIREMENT.~~

8 ~~(a) In this subsection:~~

9 ~~1. “Prison contract” has the meaning given in section 303.01 (11) (a) 2. of the~~  
10 ~~statutes.~~

11 ~~2. “Profitable” means earning a profit, as determined by the report described~~  
12 ~~in paragraph (b), during at least three quarters of calendar year 2000.~~

13 ~~(b) The department of corrections and the department of administration shall~~  
14 ~~submit a report to the joint committee on finance for each quarter of calendar year~~  
15 ~~2000 providing the department of corrections' cash balance summary under each~~  
16 ~~prison contract. Each report shall be prepared within 30 days after the end of the~~  
17 ~~quarter. The report for the 4th quarter shall state whether the department's~~  
18 ~~operations under at least two-thirds of its prison contracts were profitable during~~  
19 ~~calendar year 2000. If less than two-thirds of its prison contracts were profitable,~~  
20 ~~the department of corrections shall terminate its program for contracting with~~  
21 ~~private employers under section 303.01 (2) (em) of the statutes.~~

22 ~~(c) If the report under paragraph (b) states that less than two-thirds of prison~~  
23 ~~contracts were profitable during calendar year 2000, the cochairpersons of the joint~~  
24 ~~committee on finance shall certify that fact to the revisor of statutes no later than~~

1 March 1, 2001. Upon the certification, the revisor of statutes shall publish notice in  
 2 the Wisconsin Administrative Register of the report and that, as of March 1, 2001,  
 3 the treatment of sections 20.410 (1) (gi), (hm) and (km), 108.07 (8) (b), 303.01 (8) (b),  
 4 (c), (d) and (e), 303.06 (3) and 303.21 (1) (b) of the statutes and the repeal of section  
 5 303.01 (2) (em) and (11) of the statutes have taken effect.”.

6 **6.** Page 1471, line 11: after that line insert:

7 “(5d) SUNSET OF PRIVATE BUSINESS PRISON EMPLOYMENT PROGRAM. The treatment  
 8 of sections 20.410 (1) (gi), (hm) and (km), 108.07 (8) (b), 303.01 (8) (b), (c), (d) and (e),  
 9 303.06 (3) and 303.21 (1) (b) of the statutes and the repeal of section 303.01 (2) (em)  
 10 and (11) of the statutes take effect on March 1, 2001, if the certification described in  
 11 SECTION 9111 (5d) (c) of this act occurs.”.

12

(END) ,

insert  
7-11



SECTION #. ~~20.455~~ (5) (i) of the statutes is amended to read:

20.455 (5) (i) <sup>a</sup> *Victim compensation, inmate payments.* All moneys received under s. 303.06 (2) ~~and (3)~~ <sup>strike</sup> for the administration of ch. 949 and for crime victim compensation payments or services.

INSERT 2-11

(END OF INSERT)

**ANALYSIS INSERT**

Under current law, the department of corrections (DOC) may lease space within prisons and correctional institutions for children to not more than six private businesses to employ inmates and residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate employed under this program be set aside for compensating victims of crimes, supporting the inmate's dependents and the inmate's room and board, among other things.

This bill eliminates DOC's authorization for the private business prison employment program. The bill also directs DOC to terminate the contracts to which it is a party under this program by June 30, 2001.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

2 **INSERT 7-11**

3 **SECTION 1. Nonstatutory provisions.**

4 (1) In this section, "prison contract" means a contract between the department  
5 of corrections and a private business under section 303.01 (2) (em), 1997 stats.,

6 (2) Notwithstanding section 303.01 (2) (em), 1997 stats., beginning on the  
7 effective date of this subsection, the department of corrections may not enter into,  
8 renew or extend a prison contract.

9 (3) The department of corrections shall take all steps necessary, consistent with  
10 the terms of the contract, to terminate each prison contract no later than June 30,  
11 2001.

12 **SECTION 2. Effective date.**

13 (1) This act takes effect on July 1, 2001.

(END OF INSERT)

paying for



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3393/P1  
MGD&JEO:cmh:mrc

RMR

PRELIMINARY **DRAFT** - NOT READY FOR INTRODUCTION

SOON

reg n cat.

1 **AN ACT to repeal** 20.410 (1) (hm), 303.01 (2) (em), 303.01 (8) (c), 303.01 (8) (d),  
2 303.01 (8) (e) and 303.06 (3); and **to amend** 20.410 (1) (gi), 20.410 (1) (km),  
3 20.455 (5) (i), 108.07 (8) (b), 303.01 (8) (b) and 303.21 (1) (b) of the statutes;  
4 **relating to:** private business prison employment program.

**Analysis by the Legislative Reference Bureau**

Under current law, the department of corrections (DOC) may lease space within prisons and correctional institutions for children to not more than six private businesses to employ inmates and residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate employed under this program be set aside for compensating victims of crimes, supporting the inmate's dependents and paying for the inmate's room and board, among other things.

This bill eliminates DOC's authorization for the private business prison employment program. The bill also directs DOC to terminate the contracts to which it is a party under this program by June 30, 2001.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.410 (1) (gi) of the statutes is amended to read:

2           20.410 (1) (gi) *General operations.* The amounts in the schedule to operate  
3 institutions and provide field services and administrative services, All moneys  
4 received under ~~s. 303.01(8) that are attributable to moneys collected from earnings~~  
5 ~~of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss.~~  
6 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation  
7 account.

8           **SECTION 2.** 20.410 (1) (hm) of the statutes is repealed.

9           **SECTION 3.** 20.410 (1) (km) of the statutes is amended to read:

10           20.410 (1) (km) *Prison industries.* The amounts in the schedule for the  
11 establishment and operation of prison industries, ~~but not including the program~~  
12 ~~under s. 303.01 (2) (em).~~ All moneys received from prison industries sales shall be  
13 credited to this appropriation. All moneys credited to this appropriation shall be  
14 expended first for the purpose under par. (ko). No expenditure may be made from this  
15 appropriation for the construction of buildings or purchase of equipment for new  
16 prison industries, except upon approval of the joint committee on finance after a  
17 determination that the moneys are needed and that no other appropriation is  
18 available for that purpose.

19           **SECTION 4.** 20.455 (5) (i) of the statutes is amended to read:

20           20.455 (5) (i) *Victim compensation, inmate payments.* All moneys received  
21 under s. 303.06 (2) ~~and (3)~~ for the administration of ch. 949 and for crime victim  
22 compensation payments or services.

23           **SECTION 5.** 108.07 (8) (b) of the statutes is amended to read:

24           108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01,  
25 and has employment with an employer other than the department of corrections ~~or~~

1 ~~a private business leasing space within a state prison under s. 303.01 (2) (em), and~~  
2 the claimant's employment terminates because conditions of incarceration or  
3 supervision make it impossible to continue the employment, the department shall  
4 charge to the fund's balancing account any benefits based on the terminated  
5 employment that are otherwise chargeable to the account of an employer that is  
6 subject to the contribution requirements under ss. 108.17 and 108.18.

7 **SECTION 6.** 303.01 (2) (em) of the statutes is repealed.

8 **SECTION 7.** 303.01 (8) (b) of the statutes is amended to read:

9 303.01 (8) (b) The department shall distribute earnings of an inmate or  
10 r e s i d e n t @ ~~(2) (em)~~, for the crime  
11 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency  
12 victim and witness assistance surcharge under s. 938.34 (8d) (c), for the  
13 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance  
14 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or  
15 resident's dependents and for other obligations either acknowledged by the inmate  
16 or resident in writing or which have been reduced to judgment that may be satisfied  
17 according to law.

18 **SECTION 8.** 303.01 (8) (c) of the statutes is repealed.

19 **SECTION 9.** 303.01 (8) (d) of the statutes is repealed.

20 **SECTION 10.** 303.01 (8) (e) of the statutes is repealed.

21 **SECTION 11.** 303.06 (3) of the statutes is repealed.

22 **SECTION 12.** 303.21 (1) (b) of the statutes is amended to read:

23 303.21 (1) (b) Inmates are included under par. (a) if they are participating in  
24 a structured work program away from the institution grounds under s. 302.15 or a  
25 secure work program under s. 303.063. Inmates are not included under par. (a) if

1 they are employed in a prison industry under s. 303.06 (2), participating in a work  
2 release program under s. 303.065 (2), ~~participating in employment with a private~~  
3 ~~business under s. 303.01 (2) (em)~~ or participating in the transitional employment  
4 program, but they are eligible for worker's compensation benefits under ch. 102.  
5 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are  
6 eligible for worker's compensation benefits under ch. 102.

7 **SECTION 13. Nonstatutory provisions.**

8 (1) In this section, "prison contract" means a contract, under section 303.01 (2)  
9 (em), 1997 stats., between the department of corrections and a private business.

10 (2) Notwithstanding section 303.01 (2) (em), 1997 stats., beginning on the  
11 effective date of this subsection, the department of corrections may not enter into,  
12 renew or extend a prison contract.

13 (3) The department of corrections shall take all steps necessary, consistent with  
14 the terms of the contract, to terminate each prison contract no later than June 30,  
15 2001.

16 **SECTION 14. Effective date.**

17 (1) This act takes effect on July 1, 2001.

18 (END)