

**1999 DRAFTING REQUEST**

**Senate Amendment (SA-SB357)**

Received: 02/07/2000

Received By: **olsenje**

Wanted: 02/08/2000

Identical to LRB:

For: **Gwendolynne Moore (608) 266-5810**

By/Representing: **Rob**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - parole**

Extra Copies: **jeo**

**Pre Topic:**

No specific pre topic given

**Topic:**

Making parole commission an independent agency

**Instructions:**

Add additional commissioners if needed to conduct hearings.

**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>
/P1	mdsida 02/07/2000	wjackson 02/08/2000		_____			
/1			martykr 02/08/2000	_____	lrb_docadmin 02/08/2000	lrb_docadmin 02/08/2000	
/2	mdsida 02/08/2000	gilfokm 02/08/2000	martykr 02/08/2000	_____	lrb_docadmin 02/08/2000	lrb_docadmin 02/08/2000	

FE Sent For:

<END>

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/P1	mdsida 02/07/2000	wjackson 02/08/2000		_____			
/1		<i>1/2-2-8-2000</i> <i>Kmj</i>	martykr 02/08/2000 <i>Km 2/8</i>	_____	lrb_docadmin 02/08/2000	lrb_docadmin 02/08/2000	

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/?	mdsida	<i>WNEJ 2/8</i>	<i>km 2/8</i>	<i>2/8</i>			

FE Sent For:

<END>

## Dsida, Michael

---

**From:** Buchanan, Rob  
**Sent:** Monday, February 07, 2000 4:30 PM  
**To:** Dsida, Michael  
**Subject:** RE: parole comm q's

-----Original Message-----

**From:** Dsida, Michael  
**Sent:** Monday, February 07, 2000 4:26 PM  
**To:** Buchanan, Rob  
**Subject:** RE: parole comm q's

do parole officers remain doc employes?

Yes

will parole comm. have to pay rent to doc if it remains in doc space? appropriations for that?

No. Work space should be provided in-kind.

effective date for change?

Jan 1, 2001

> -----Original Message-----

> **From:** Buchanan, Rob  
> **Sent:** Monday, February 07, 2000 4:12 PM  
> **To:** Dsida, Michael  
> **Subject:** RE: parole comm q's

>

>

> Draft should include:  
> 2 additional parole commissioners  
> 1 program assistant  
> \$50,000 for technology; checking with Gere about the line item

>

> -Rob

>

>

> -----Original Message-----

> **From:** Dsida, Michael  
> **Sent:** Monday, February 07, 2000 3:48 PM  
> **To:** Buchanan, Rob  
> **Subject:** parole comm q's

>

> First in a series:

>

> should chair be removable by governor? see s. 17.07(3m).

>

> Should I wait until I have a bunch of questions? My  
> preference is to send them to you as I think of them.

## Dsida, Michael

---

**From:** Buchanan, Rob  
**Sent:** Monday, February 07, 2000 4:28 PM  
**To:** Dsida, Michael  
**Subject:** RE: parole comm q's

Yes.

-----Original Message-----

**From:** Dsida, Michael  
**Sent:** Monday, February 07, 2000 4:17 PM  
**To:** Buchanan, Rob  
**Subject:** RE: parole comm q's

Do you want to leave responsibility for special action parole release (s.304.02) with DOC?

> -----Original Message-----

> **From:** Buchanan, Rob  
> **Sent:** Monday, February 07, 2000 4:12 PM  
> **To:** Dsida, Michael  
> **Subject:** RE: parole comm q's

>

> Draft should include:  
> 2 additional parole commissioners  
> 1 program assistant  
> \$50,000 for technology; checking with Gere about the line item

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> -Rob

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> -----Original Message-----

> **From:** Dsida, Michael  
> **Sent:** Monday, February 07, 2000 3:48 PM  
> **To:** Buchanan, Rob  
> **Subject:** parole comm q's

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> First in a series:

>

> should chair be removable by governor? see s. 17.07(3m).

>

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> preference is to send them to you as I think of them.

## Dsida, Michael

---

**From:** Buchanan, Rob  
**Sent:** Monday, February 07, 2000 3:52 PM  
**To:** Dsida, Michael  
**Subject:** RE: parole comm q's

-----Original Message-----

**From:** Dsida, Michael  
**Sent:** Monday, February 07, 2000 3:48 PM  
**To:** Buchanan, Rob  
**Subject:** parole comm q's

*First in a series:*

should chair be removable by governor? see s. 17.07(3m).

Yes.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1323/1  
MGD:.....  
WJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 1999 SENATE BILL 357

by 10:00  
Tues

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

2 1. Page 35, line <sup>17</sup>~~10~~: after that line insert:

3 "SECTION 10m. 15.01 (2) of the statutes, as affected by 1999 Wisconsin Act ....  
4 (this act), is amended to read:

5 15.01 (2) "Commission" means a 3-member governing body in charge of a  
6 department or independent agency or of a division or other subunit within a  
7 department, except for the Wisconsin waterways commission which shall consist of  
8 5 members, the parole commission which shall consist of ~~6~~ 8 members and the Fox  
9 river management commission which shall consist of 7 members. A Wisconsin group  
10 created for participation in a continuing interstate body, or the interstate body itself,  
11 shall be known as a "commission", but is not a commission for purposes of s. 15.06.

12 The parole commission created under s. ~~15.145(1)~~ <sup>15.77</sup> shall be known as a "commission",

1 but is not a commission for purposes of s. 15.06. The sentencing commission created  
2 under s. 15.105 (26) shall be known as a “commission” but is not a commission for  
3 purposes of s. 15.06 (1) to (4m), (7) and (9).”.

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237.

4 **2.** Page 37, line 12: after that line insert:

5 “SECTION 12m. 15.145 (1)<sup>✓</sup> of the statutes is renumbered 15.77<sup>✓</sup> and amended to  
6 read:

7 **15.77 Parole commission.** There is created ~~in the department of corrections~~  
8 a parole commission consisting of ~~6~~ **8** members. Members shall have knowledge of  
9 or ~~ex~~perience in corrections or criminal justice. The members shall include a  
10 chairperson who is nominated by the governor, and with the advice and consent of  
11 the senate appointed, for a 2-year term expiring March 1 of the odd-numbered years,  
12 subject to removal under s. 17.07 (3m), and ~~5~~ **7** members in the classified service

13 appointed by the chairperson.”

INSERT 2/13

History: 1989 a. 107 ss. 4, 5m; 1989 a. 121; 1993 a. 399; 1997 a. 27, 237.

14 **3.** Page 39, line 22: after that line insert:

15 “SECTION 21m. 20.410 (2)<sup>✓</sup> of the statutes is renumbered 20.415<sup>✓</sup> and amended  
16 to read:

17 **20.415 Parole commission.** There is appropriated to the parole commission  
18 for the following program:

19 **(1) PAROLE.** (a) *General program operations.* The amounts in the schedule for  
20 the general program operations of the parole commission.

21 (kx) *Interagency and intra-agency programs.* All moneys received from other  
22 state agencies ~~and all moneys received by the department from the department not~~



1 ~~directed to be deposited under sub. (1) (kk) or (km) for the administration of~~  
2 ~~programs or projects for which received.”~~

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9.

3 **4.** Page 125, line 12: after that line insert:

4 “SECTION 271g. 301.21 (1m) (c) of the statutes is amended to read:

5 301.21 (1m) (c) Any hearing to consider parole to which an inmate confined  
6 under this contract may be entitled by the laws of Wisconsin will be conducted by the  
7 Wisconsin parole commission under the commission’s rules of the department.

History: 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

8 **SECTION 271r.** 301.21 (2m) (c) of the statutes is amended to read:

9 301.21 (2m) (c) Any hearing to consider parole to which a prisoner confined  
10 under a contract under this subsection may be entitled by the laws of Wisconsin shall  
11 be conducted by the Wisconsin parole commission under the commission’s rules of  
12 ~~the department.”~~

History: 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

13 **5.** Page 146, line 2: after that line insert:

14 ~~SECTION 308g. 304.01 (2) (e) of the statutes is repealed,~~

15 “SECTION 308r. 304.01 (2) (e) of the statutes is created to read:

16 304.01 (2) (e) Appropriate office space for the parole commission to carry out  
17 its duties.”

18 **6.** Page 288, line 15: after that line insert:

19 “~~(2)~~ ESTABLISHMENT OF PAROLE COMMISSION AS INDEPENDENT AGENCY.

20 (a) *Assets and liabilities.* On January 1, 2001, all assets and liabilities of the  
21 department of corrections that are primarily related to the functions performed by  
22 the parole commission, as determined by the secretary of administration, shall  
23 become the assets and liabilities of the parole commission.

*affected*

1 (b) *Chairperson tenure.* Notwithstanding section 15.77<sup>✓</sup> of the statutes, as  
 2 created by this act, the chairperson of the parole commission under section 15.145  
 3 (1)<sup>✓</sup>, 1997 stats., on December 31, 2000, shall be chairperson of the parole commission  
 4 under section 15.77<sup>✓</sup>, as created by this act, for a term beginning January 1, 2001, and  
 5 expiring March 1, 2001, subject to removal under ~~§~~ 17.07 (3m)<sup>✓</sup> *Section of the statutes*

6 (c) *Employe transfers.* On January 1, 2001, 11.0 FTE positions in the  
 7 department of corrections that are primarily related to the functions performed by  
 8 the parole commission and the incumbents holding these positions, as determined  
 9 by the secretary of administration, are transferred to the parole commission, to be  
 10 funded from the appropriation under section 20.415 (1) (a)<sup>✓</sup> of the statutes, as created  
 11 by this act.

12 (d) *Employe status.* Employees transferred under paragraph (c)<sup>✓</sup> have all the  
 13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
 14 statutes in the parole commission that they enjoyed in the department of corrections  
 15 immediately before the transfer. Notwithstanding section 230.28 (4)<sup>✓</sup> of the statutes,  
 16 no employe so transferred who has attained permanent status in class is required to  
 17 serve a probationary period.

18 (e) *Supplies and equipment.* On January 1, 2001, all tangible personal  
 19 property, including records, of the department of corrections that are primarily <sup>is</sup>  
 20 related to the functions performed by the parole commission, as determined by the  
 21 secretary of administration, are <sup>is</sup> transferred to the parole commission.

22 (f) *Contracts.* On January 1, 2001, all contracts entered into by the department  
 23 of corrections that are primarily related to the functions performed by the parole  
 24 commission, as determined by the secretary of administration, and that are in effect  
 25 on the effective date of this paragraph<sup>✓</sup>, remain in effect and are transferred to the

1 parole commission. The parole commission shall carry out the obligations under  
2 these contracts until the obligations are modified or rescinded by the parole  
3 commission to the extent allowed under the contract.

4 (g) *Rules and orders.* All rules promulgated by the department of corrections  
5 or by the parole commission that are in effect on the effective date of this paragraph<sup>✓</sup>  
6 and that are primarily related to the functions performed by the parole commission  
7 remain in effect until their specified expiration date or until amended or repealed by  
8 the parole commission. All orders issued by the department of corrections or by the  
9 parole commission that are in effect on the effective date of this paragraph and that  
10 are primarily related to the functions performed by the parole commission remain  
11 in effect until their specified expiration date or until modified or rescinded by the  
12 parole commission.”.

13 7. Page 294 line 25: after that line insert:

14 “SECTION 9211. Appropriation changes; corrections.

15 (1) PAROLE COMMISSION. (a) In the schedule under section 20.005 (3) of the  
16 statutes for the appropriation to the parole commission under section 20.415 (1) (a)<sup>✓</sup>  
17 of the statutes, as affected by the acts of 1999<sup>✓</sup>, the dollar amount is increased by  
18 ~~\$20,000~~<sup>\$24,100</sup> for fiscal year 2000–01 to increase the authorized FTE positions for the  
19 parole commission by 1.0 program assistant on January 1, 2001, for the performance  
20 of services relating to the duties of the commission.”.

21 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation  
22 to the parole commission under section 20.415 (1) (a)<sup>✓</sup> of the statutes, as affected by  
23 the acts of 1999, the dollar amount is increased by \$50,000 for fiscal year 2000–01  
24 to the improvement of computers and other technology used by the commission.”.

1           **8.** Page 299, line 14: after that line insert:

2           ~~"(2)"~~ PAROLE COMMISSION. The treatment of sections 15.01 (2) (by SECTION 10m),  
3           15.145 (1) <sup>and (2)</sup>, 20.410 (2), 301.21 (1m) (c) and 304.01 (2) (c) and (e) of the statutes takes  
4           effect on January 1, 2001. »

5

(END)

**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1323/lins  
MGD:.....

1

**INSERT 2/13**

2

Ⓢ → 12p  
SECTION ~~4~~. 15.145 (2) of the statutes is renumbered 15.145. Ⓢ



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1323/0  
MGD:wj:km

*(Handwritten notes and signatures)*  
③  
i km  
RMB  
New

SENATE AMENDMENT,  
TO 1999 SENATE BILL 357

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

2 1. Page 35, line 17: after that line insert:

3 "SECTION 10m. 15.01 (2) of the statutes, as affected by 1999 Wisconsin Act ....  
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6 department or independent agency or of a division or other subunit within a  
7 department, except for the Wisconsin waterways commission which shall consist of  
8 5 members, the parole commission which shall consist of ~~6~~ 8 members and the Fox  
9 river management commission which shall consist of 7 members. A Wisconsin group  
10 created for participation in a continuing interstate body, or the interstate body itself,  
11 shall be known as a "commission", but is not a commission for purposes of s. 15.06.  
12 The parole commission created under s. ~~15.145 (1)~~ 15.77 shall be known as a  
13 "commission", but is not a commission for purposes of s. 15.06. The sentencing

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3 **2.** Page 37, line 12: after that line insert:

4 "SECTION 12m. 15.145 (1) of the statutes is renumbered 15.77 and amended to  
5 read:

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8 or experience in corrections or criminal justice. The members shall include a  
9 chairperson who is nominated by the governor, and with the advice and consent of  
10 the senate appointed, for a 2-year term expiring March 1 of the odd-numbered years,  
11 subject to removal under s. 17.07 (3m), and ~~5~~ 7 members in the classified service  
12 appointed by the chairperson.

13 SECTION 12p. 15.145 (2) of the statutes is renumbered 15.145."

14 **3.** Page 39, line 22: after that line insert:

15 "SECTION 21m. 20.410 (2) of the statutes is renumbered 20.415 and amended  
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21           (b) *Chairperson tenure.* Notwithstanding section 15.77 of the statutes, as  
22 affected by this act, the chairperson of the parole commission under section 15.145  
23 (1), 1997 stats., on December 31, 2000, shall be chairperson of the parole commission



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2 expiring March 1, 2001, subject to removal under section 17.07 (3m) of the statutes.

3 (c) *Employee transfers.* On January 1, 2001, 11.0 FTE positions in the  
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8 by this act.

9 (d) *Employee status.* Employees transferred under paragraph (c) have all the  
10 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
11 statutes in the parole commission that they enjoyed in the department of corrections  
12 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
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14 serve a probationary period.

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21 commission, as determined by the secretary of administration, and that are in effect  
22 on the effective date of this paragraph, remain in effect and are transferred to the  
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24 these contracts until the obligations are modified or rescinded by the parole  
25 commission to the extent allowed under the contract.

1 (g) *Rules and orders.* All rules promulgated by the department of corrections  
 2 or by the parole commission that are in effect on the effective date of this paragraph  
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 6 parole commission that are in effect on the effective date of this paragraph and that  
 7 are primarily related to the functions performed by the parole commission remain  
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 9 parole commission.”.

10 7. Page 294, line 25: after that line insert:

11 **“SECTION 9211. Appropriation changes; corrections.**

12 (1k) PAROLE COMMISSION. (a) In the schedule under section 20.005 (3) of the  
 13 statutes for the appropriation to the parole commission under section 20.415 (1) (a)  
 14 of the statutes, as affected by the acts of 1999, the dollar amount is increased by  
 15 \$24,100 for fiscal year 2000-01 to increase the authorized FTE positions for the  
 16 parole commission by 1.0 program assistant on January 1, 2001, for the performance  
 17 of services relating to the duties of the commission.”.

18 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation  
 19 to the parole commission under section 20.415 (1) (a) of the statutes, as affected by  
 20 the acts of 1999, the dollar amount is increased by \$50,000 for fiscal year 2000-01  
 21 to the improvement of computers and other technology used by the commission.”.

22 8. Page 299, line 14: after that line insert:

Insert  
5/21



**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1323/2ins  
MGD:.....

1

**INSERT 5/21**

2

(c) In the schedule under section 20.005 (3) of the statutes for the appropriation

3

to the parole commission under section 20.415 (1) (a) of the statutes, as affected by

4

the acts of 1999, the dollar amount is increased by \$87,400 for fiscal year 2000-01

5

to increase the authorized FTE positions for the parole commission by 2.0 parole

6

commissioners on January 1, 2001, for the performance of the duties of the

7

commission.”.