

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: **06/13/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Maribeth**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **rpn**

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Private business prison employment; prison industries contracts

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>
/?	mdsida 06/16/2003	wjackson 06/17/2003		_____			
/1			pgreensl 06/17/2003	_____	lemery 06/17/2003	lemery 06/17/2003	

FE Sent For:

<END>

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/?	mdsida	1 WLj 6/17	9/17 PS	6/17 PS/lyic			

FE Sent For:

<END>

CORRECTIONS

Eliminate Private Business Prison Employment Programs

Motion:

Move to eliminate: (a) the private business prison employment program and; (b) the statutory provision that allows the Department of Corrections to contract with a manufacturer or distributor to provide products, components or services if at the time that the contract is entered into, the products, components, or services have been supplied to the manufacturer or distributor for the previous 12 months by a facility outside the United States. Delete base expenditure authority for the private business prison employment program of \$370,800 PR annually. Specify that any balance in the private business prison employment program appropriation on the effective date of the bill be transferred to the prison industries appropriation.

Note:

Under current law, the Department of Corrections may lease space to not more than two private businesses to employ prison inmates to manufacture products or to provide services for sale on the open market. In addition, Corrections may contract with a manufacturer or distributor to provide products, components or services if at the time that the contract is entered into, the products, components, or services have been supplied to the manufacturer or distributor for the previous 12 months by a facility outside the United States. There are currently no private business prison employment projects or any contracts related to manufacturing of products made outside the United States.

On June 30, 2002, the private business prison employment program had a balance of -\$1,697,100. On that same date, the prison industries appropriation had a balance of \$4,971,600.

The motion eliminates the private business prison employment program and the authority for Corrections to enter into contracts to manufacture products which had previously been made outside the United States. The motion deletes base funding of \$370,800 PR annually and requires that any balance in the private business prison employment program be transferred to the prison industries appropriation on the effective date of the bill.

[Change to Bill: -\$741,600 PR]

P/c to Jere

~~DB~~ Currently no contracts in put bus. priv emp. prog

P/c from Chin

No 303.06(2) k's in play

P/c to Chris

LFB ~~was~~ ~~the~~ wants it as a transfer, not a lapse
from receiving acct.

P/c to Mambeth -

Told her I wouldn't draft it this way
ordinarily, but I'll defer to LFB

(Should be a lapse from Priv. Ind. acct)

SDC:.....Keckhaver - CN9501, Private business prison employment
FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION
CAUCUS SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

SA -
SSA1 -
SB-44
delete lines 8 and 90

↓ # Page 185, line 8
=

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

2 ↓ # Page ³¹¹~~330~~, line ⁷~~24~~: after that line insert:

3 "SECTION ⁴⁴⁰⁹~~379g~~. 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 moneys 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 ↓ # Page 351, line 6: after that line insert:

lps:
Please
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Stats.

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④ 440m

SECTION ~~680r~~. 20.410 (1) (hm) of the statutes is repealed.

3. Page 351, line 11: after that line insert:

④ 440r

SECTION ~~682m~~. 20.410 (1) (km) of the statutes is amended to read:

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

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4. Page ~~372~~³³⁹, line ~~13~~¹⁷: after that line insert:

④ 560m

SECTION ~~713a~~. 20.455 (5) (i) of the statutes is amended to read:

LPS: Please fix component
repealed

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

5. Page ~~812~~⁷⁷⁰, line ~~11~~¹⁶: after that line insert:

④ 1953m

SECTION ~~2604b~~. 108.07 (8) (b) of the statutes is amended to read:

108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined in s. 302.01, and has employment with an employer other than the department of corrections or ~~a private business leasing space within a state prison under s. 303.01 (2) (em)~~, and the claimant's employment terminates because conditions of incarceration or supervision make it impossible to continue the employment, the department shall

INS
2/17

INS 3/3

1 charge to the fund's balancing account any benefits based on the terminated
2 employment that are otherwise chargeable to the account of an employer that is
3 subject to the contribution requirements under ss. 108.17 and 108.18."

LPS' Please Fix Component

4 6. Page ⁹³⁷1089, line ²16: ~~delete the material beginning with that line and ending~~
5 ~~with page 1090, line 18 and substitute:~~ ^{after} [↓] ^{insert}

6 "SECTION 3389gm. 303.01 (2) (em) of the statutes is amended to read:
7 303.01 (2) (em) Lease space, with or without equipment, within the precincts
8 of state prisons, as specified in s. 302.02, or within the confines of correctional
9 institutions operated by the department for holding in secure custody persons
10 adjudged delinquent, to not more than ~~6~~ 2 private businesses to employ prison
11 inmates and institution residents to manufacture products or components or to
12 provide services for sale on the open market. The department shall comply with s.
13 16.75 in selecting businesses under this paragraph. ~~The department may enter into~~
14 ~~a contract under this paragraph only with the approval of the joint committee on~~
15 ~~finance. The~~ Beginning on the effective date of this paragraph ... [revisor inserts
16 date]. the department may not enter into, extend, renew, or amend a contract under
17 ~~this paragraph unless the contract or amendment specifies each state prison or~~
18 ~~juvenile correctional institution at which the private business will employ inmates~~
19 ~~or institution residents. The department shall consult with appropriate trade~~
20 ~~organizations and labor unions prior to issuing requests for proposals and prior to~~
21 ~~selecting proposals under this paragraph. Each such private business may conduct~~
22 ~~its operations as a private business, subject to the wage standards under sub. (4), the~~
23 ~~disposition of earnings under sub. (8), the provisions regarding displacement in sub.~~
24 ~~(11), the requirements for notification and hearing under sub. (1) (c), the requirement~~

1 for prison industries board approval under s. 303.015 (1) (b) and the authority of the
 2 department to maintain security and control in its institutions. The private business
 3 and its operations are not a prison industry. Inmates employed by the private
 4 business are not subject to the requirements of inmates participating in prison
 5 industries, except as provided in this paragraph:

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component

6 SECTION ~~3389gn~~^{2506gn} 303.01 (2) (em) of the statutes, as affected by 2001 Wisconsin
 7 Act ~~...~~ (this act) is repealed.

8 SECTION ~~3389kb~~²⁵⁰⁶ 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 resident, ~~other than an inmate or resident employed under sub. (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), ^{and}
 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.

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18 SECTION ~~3389kg~~²⁵⁰⁶ 303.01 (8) (c) of the statutes is repealed.

19 SECTION ~~3389km~~²⁵⁰⁶ 303.01 (8) (d) of the statutes is repealed.

20 SECTION ~~3389kq~~²⁵⁰⁶ 303.01 (8) (e) of the statutes is repealed.

21 SECTION ~~3389ks~~²⁵⁰⁶ 303.01 (11) of the statutes is repealed.

22 SECTION ~~3389kx~~^{2506mm} 303.06 (3) of the statutes is repealed.

23 SECTION ~~3389kz~~^{2507m} 303.21 (1) (b) of the statutes is amended to read:

24 303.21 (1) (b) Inmates are included under par. (a) if they are participating in
 25 a structured work program away from the institution grounds under s. 302.15 or a

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#. Page 937 ↑ line 3 ↓ after that line insert ↓

INS
4/21

1 secure work program under s. 303.063. Inmates are not included under par. (a) if
 2 they are employed in a prison industry under s. 303.06 (2), participating in a work
 3 release program under s. 303.065 (2), participating in employment with a private
 4 business under s. 303.01 (2) (em) or participating in the transitional employment
 5 program, but they are eligible for worker's compensation benefits under ch. 102.
 6 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
 7 eligible for worker's compensation benefits under ch. 102.

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7. Page 1418, line 4: after that line insert:

"(1d) SUNSET OF PRIVATE BUSINESS PRISON EMPLOYMENT PROGRAM. The treatment
 of sections 20.410 (1) (g) ~~(h)~~ and (km), ^{s(i)?} 108.07 (8) (b), 303.01 (8) (b), (c), (d), and
 (e) and (11), 303.06 (3), and 303.21 (1) (b) of the statutes and the repeal of section
 303.01 (2) (em) of the statutes take effect on September 1, 2004."

(END)

INS 5/12

by SECTION 44007

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0437/1ins
MGD:.....

1 **INSERT 2/17**

2 **SECTION 560t.** 20.455 (5) (kj) of the statutes is amended to read:

3 20.455 (5) (kj) *Victim payments, victim surcharge.* The amounts in the schedule
4 for the payment of compensation and funeral and burial expenses awards to the
5 victims of crimes under ch. 949. All moneys transferred from the appropriation
6 account under par. (g) shall be credited to this appropriation account. If the
7 department of justice determines that the total of the amounts in this appropriation
8 account and the amounts for compensation and awards to victims of crime under ch.
9 949 in the appropriation accounts under pars. (b), (h), (i) and (m) exceeds the amount
10 needed to fully fund compensation and awards to victims of crimes under ch. 949, the
11 department of justice may transfer moneys from this appropriation account to the
12 appropriation account under par. (kk). The amount transferred to the appropriation
13 account under par. (kk) may not exceed the amount by which the total amounts
14 appropriated under this paragraph and pars. (b), (h), (i) and (m) for compensation
15 and awards to victims of crimes under ch. 949 exceed the amount needed to fully fund
16 compensation and awards to victims of crimes under ch. 949.”

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109.

17 **INSERT 3/3**

18 #4. Page 806, line 3: after that line insert:

19 “**SECTION 2045g.** 132.13 (1) (a) of the statutes is renumbered 132.13 (1).”

20 **SECTION 2045r.** 132.13 (1) (b) of the statutes is repealed.”

21 #12. Page 934, line 2: after that line insert:

22 “**SECTION 2500m.** 301.31 of the statutes is amended to read:

1 **301.31 Wages to prisoners.** The department may provide for assistance of
 2 prisoners on their discharge; for the support of their families while the prisoners are
 3 in confinement; or for the payment, either in full or ratably, of their obligations
 4 acknowledged by them in writing or which have been reduced to judgment by the
 5 allowance of moderate wages, to be paid from the operation, maintenance, farm and
 6 construction appropriations of the institution in which they are confined. Until the
 7 prisoner's final discharge, the funds arising from the wages shall be under the
 8 control of the officer in charge of the institution and shall be used for the benefit of
 9 the prisoner, the prisoner's family and other obligations specified in this section.
 10 Earnings by inmates working in the prison industries and the retention and
 11 distribution thereof shall be governed by ~~ss. s.~~ s. 303.01 (4) and (8) ~~and 303.06 (2).~~”.

History: 1989 a. 31; 1991 a. 269.

12 **INSERT 4/21**

13 **SECTION 2506mg.** 303.06 (2) of the statutes is repealed.

14 **INSERT 5/12**

15 **SECTION 2507r.** 303.215 of the statutes is repealed.”.

16 **3.** Page 1117, line 22: after that line insert:

17

^K
 “(3~~4~~) **TRANSFER OF PRIVATE BUSINESS PRISON EMPLOYMENT APPROPRIATION BALANCE.**

18 Immediately before the effective date of this subsection, the unencumbered balance
 19 in the appropriation account under section 20.410 (1) (hm) of the statutes ^{, as affected by this act,}
 20 transferred to the appropriation account under section 20.410 (1) (km) of the
 21 statutes, as affected by this act.”.

Budget Amendment Bill Request Form

MGD ?

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 5-29-03

Legislator, agency, or other person requesting this draft Senator Chvala

Person submitting request (name and phone number) Maribeth Witzel-Behl

Persons to contact for questions about this draft (names and phone numbers) 266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

Adopt FM127, which would eliminate the private business prison employment program and DOC's authority to contract with outside entities for products or services that are provided outside of the U.S.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

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

Only the following persons _____

Do you consider this request urgent? YES NO - we would need it by the time the Senate takes up the budget!
If yes, please indicate why

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO

Joint Finance Vote Report

For: 05/15/2003

Page 1 of 14

Agency: **Corrections**

Starting Point: SB 44

FM 123 Contracting with county sheriffs for the placement of state inmates in contract beds

<p>Motion: Passage</p> <p>Author/Mover: Fitzgerald</p> <p>Co-Author/Seconder: Kaufert</p> <p>Financial Summary:</p> <p>Description: Require DOC to give counties priority over an out-of-state private contractor for the placement of inmates, if the DOC determines that the county facilities meet criteria specified by the Department for the placement of inmates.</p>	<p>Darling Yes</p> <p>Welch Yes</p> <p>Fitzgerald Yes</p> <p>Lazich Yes</p> <p>Harsdorf Yes</p> <p>Kanavas Yes</p> <p>Decker Yes</p> <p>Moore No</p>	<p>Kaufert Yes</p> <p>Huebsch Yes</p> <p>Ward Yes</p> <p>Stone Yes</p> <p>Rhoades Yes</p> <p>Meyer Yes</p> <p>Coggs No</p> <p>Schooff Yes</p>	
Total Yes:		14	
Total No:		2	
Total Absent:		0	

FM 127 Eliminate private business prison employment programs

<p>Motion: Passage</p> <p>Author/Mover: Decker</p> <p>Co-Author/Seconder: Coggs</p> <p>Financial Summary: - \$741,600 PR</p> <p>Description: Eliminate the private business prison employment program and DOC's authority to contract w/ outside entities for products or services that are provided outside of the United States.</p>	<p>Darling No</p> <p>Welch No</p> <p>Fitzgerald No</p> <p>Lazich No</p> <p>Harsdorf No</p> <p>Kanavas No</p> <p>Decker Yes</p> <p>Moore Yes</p>	<p>Kaufert No</p> <p>Huebsch No</p> <p>Ward No</p> <p>Stone No</p> <p>Rhoades No</p> <p>Meyer No</p> <p>Coggs Yes</p> <p>Schooff Yes</p>	
Total Yes:		4	
Total No:		12	
Total Absent:		0	

FM 134 Pilot program for non-violent offender community reintegration

<p>Motion: Passage</p> <p>Author/Mover: Welch</p> <p>Co-Author/Seconder: Coggs</p> <p>Financial Summary:</p> <p>Description: Creates a pilot program for 2 halfway houses for non-violent offenders to serve the last 6 months of their sentence. One facility would be urban, one would be rural.</p>	<p>Darling Yes</p> <p>Welch Yes</p> <p>Fitzgerald Yes</p> <p>Lazich Yes</p> <p>Harsdorf Yes</p> <p>Kanavas Yes</p> <p>Decker Yes</p> <p>Moore Yes</p>	<p>Kaufert Yes</p> <p>Huebsch Yes</p> <p>Ward Yes</p> <p>Stone Yes</p> <p>Rhoades Yes</p> <p>Meyer Yes</p> <p>Coggs Yes</p> <p>Schooff Yes</p>	
Total Yes:		16	
Total No:		0	
Total Absent:		0	