## **1995 SENATE BILL 105**

March 9, 1995 – Introduced by Senators Drzewiecki, Fitzgerald, Buettner, Cowles, Rude, A. Lasee and Panzer, cosponsored by Representatives Goetsch, Lehman, Kaufert, Jensen, Dobyns, Foti, Gard, Kelso and Owens. Referred to Committee on State Government Operations and Corrections.

- $AN\ ACT$  to amend 303.06 (1); and to create 303.01 (2) (er) and 303.06 (3) of the
- 2 statutes; **relating to:** prison industries.

## Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) administers a prison industries program for the employment of inmates. This bill permits DOC to lease space within prisons to one private business to employ inmates to provide services to that business consistent with the goal of providing training and work experience for those inmates. The business would not be run as a prison industry, except in regard to approval of the business by the prison industries board, payment and disposition of inmate wages, eligibility of inmate employes for worker's compensation benefits and the authority of DOC to maintain security and control in correctional institutions. The private business would not be subject to prison industry provisions that do all of the following:

- 1. Require a hearing about the proposed industry by the joint committee on finance.
- 2. Require adherence to state purchasing requirements, such as the general requirement to purchase from the lowest responsible bidder.
  - 3. Prohibit the sale of many products on the open market.
  - 4. Require the sale of products by prison industries sales personnel.
- 5. Include all the industries in a manufacturing and marketing plan and a separate accounting system.

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

303.01 (2) (er) Lease space, with or without equipment, within the precincts of state prisons, as specified in s. 302.02, to one private business to employ prison inmates to provide services to that business consistent with the goal of providing training and work experience for those inmates. The private business may conduct its operations as a private business, subject to the wage standards under sub. (4), the disposition of earnings under sub. (8), the requirement for prison industries board approval under s. 303.015 (1) (b) and the authority of the department to maintain security and control in its institutions. The private business and its operations are not a prison industry and are not subject to sub. (1) (c) or funding under s. 20.410 (1) (km). Inmates employed by the private business are not subject to the requirements of inmates participating in prison industries, except as provided in this paragraph;

**Section 2.** 303.06 (1) of the statutes is amended to read:

303.06 (1) Except as authorized in sub. subs. (2) and (3), no goods, except farm machinery, farm implements and tools, cordage rope and ply goods, manufactured wholly or partly by inmates in any state, city or county penal institution may be offered for sale in the open market.

**Section 3.** 303.06 (3) of the statutes is created to read:

303.06 (3) A private business may sell, in the open market, products, components or services for which inmates have provided services under s. 303.01 (2) (er). Products, components or services from a prison industry program from another state, for which inmates have provided services similar to those provided by inmates under s. 303.01 (2) (er), may be sold in the open market.