

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: **06/05/2001**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bauer**

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

Drafter: **nelsorp1**

May Contact:

Addl. Drafters: **mdsida**

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Bauer -

Topic:

Stanley Correctional Institution

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>
/1	nelsorp1 06/06/2001 mdsida 06/07/2001	wjackson 06/08/2001 jdye 06/08/2001	rschluet 06/08/2001	_____	lrb_docadmin 06/08/2001		
/2		wjackson	haugeca	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		06/14/2001	06/08/2001	_____	06/09/2001		
/3			pgreensl	_____	lrb_docadmin		
			06/14/2001	_____	06/14/2001		

FE Sent For:

<END>

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/2		13 Wlj 6/14 haugeca	_____	6/14 scd	lrb_docadmin		

6/14/01

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			06/08/2001 _____		06/09/2001		

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Requester's email:

Pre Topic:

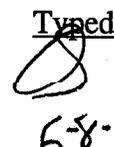
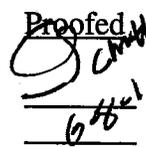
LFB:.....Bauer -

Topic:Stanley correctional institution

Instructions:

See Attached

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/1	nelsorp1	1 WLj 6/8	 6-8-1	 6-8-1			

FE Sent For:

<END>

Representative Kaufert
Representative Gard

Yes

CORRECTIONS -- ADULT CORRECTIONAL FACILITIES

Stanley Correctional Institution

[LFB Paper #327]

Motion:

1. Move to modify the Governor's recommendations as follows:

Stanley Correctional Facility Enumeration -- Approve the Building Commission's recommendation to enumerate a \$79,917,000 project (\$74,915,600 in general fund supported borrowing and \$5,001,400 in federal funds) entitled "Correctional facility purchase-Stanley" in the 2001-03 state building program under the Department of Corrections. Approve the Building Commission's recommendation to modify current law to specify that the correctional institution at Stanley enumerated in the 2001-03 state building program be listed as a state prison and named "the correctional institution at Stanley."

Stanley Correctional Facility Operating Costs

a. Adjust funding by -\$34,500 GPR and -1.3 GPR positions and \$2,800 PR and -0.2 PR position in 2001-02 and -\$138,300 GPR and -1.3 GPR positions and -\$27,600 PR and -0.2 PR position in 2002-03 to reflect the partial PR support of 1.0 storekeeper position, the deletion of 0.5 GPR program assistant for security administration, the deletion of 1.0 PR industries specialist associated with a potential private industry project, adjustments associated with reduced correctional officer preservice training costs, and turnover reduction and overtime calculation modifications.

b. Delete \$11,457,500 GPR in 2001-02 for lease costs. Require DOA to renegotiate the Stanley Correctional Facility lease agreement and submit a report to the Joint Committee on Finance for its approval specifying the final lease payment and the source of that funding.

c. Provide \$2,600,000 GPR in 2001-02 for carrying costs associated with the Facility of \$650,000 per month for up to four months.

d. Remove the provision that would allow Corrections to maintain and govern any correctional institution that has been constructed by a private person and leased or purchased by the state for use by the Department.

e. Specify that the Building Commission may not lease or acquire or authorize the leasing or acquisition of any building, structure, or facility or portion thereof for initial occupancy

by the Department of Corrections for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons or for the purpose of confining juveniles alleged or found to be delinquent unless the construction of the building, structure, or facility or the conversion of the building, structure, or facility into a correctional facility either was completed before January 1, 2001, or began after the building, structure, or facility was enumerated in the authorized state building program.

f. Define the following terms:

1. "Authorized jurisdiction" means a county, two counties, jointly establishing a jail, the United States, or a federally recognized American Indian tribe or band in this state.

2. "Correctional facility" means a building, structure, or facility or portion thereof to be used to confine persons serving a sentence of imprisonment to the Wisconsin state prisons or to confine juveniles alleged or found to be delinquent.

g. Specify that no person may commence construction of a correctional facility or commence the conversion of an existing building, structure, or facility into a correctional facility unless the building, structure, or facility is enumerated in the authorized state building program. This provision does not apply to any of the following:

1. A building, structure, or facility that is constructed or converted under a contract with and for use by an authorized jurisdiction.

2. A building, structure or facility the construction of which commenced before January 1, 2001, if the building, structure, or facility was designed to confine persons convicted of criminal offenses."

2047
2037
11/13



Note:

[Change to Bill: -\$9,030,300 GPR, -1.30 GPR positions, -\$24,800 PR and \$79,917,000 BR]



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0622/1
RPN&MGD:.....
WJ

LPS: Please fix
request sheet

D-Note

LFB:.....Bauer - Stanley correctional institution

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

Eds/LPS
Plz ignore
electronic insert B

soon

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

2 ~~(insert 398)~~ INSERT A + insert B

3 #1. Page 1516, line 17: after that line insert:

4 "SECTION 3337m. 301.19 of the statutes is created to read:

5 301.19 (insert 1516)

6 (b) A building, structure, or facility the construction of which commenced
7 before January 1, 2001, if the building, structure, or facility was designed to confine
8 persons convicted of a criminal offense."

9 #2. Page 1522, line 10: delete lines 10 and 11 and substitute: No IT

10 "under s. 301.16 (1q), the correctional institution at Stanley, and".

11 #3. Page 1745, line 17: after that line insert:

① (5g) STANLEY PRISON LEASE AND REPORT. The department of administration shall
 2 renegotiate the lease of ~~a new~~ ^{the} correctional ^{facility} located at Stanley, Wisconsin, made on
 3 September 1, 2000, between the department and Stanley Correctional Properties,
 4 L.L.C. The department shall submit the lease and ^{the} report to the joint committee
 5 on finance for the committee's review and approval, specifying the amount of the
 6 lease payment and the source of funding to pay for that lease payment.

(END)

7
 Insert
 C

prepare a report and shall



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0593/1

JTK/RAC/RNK/PJK/TNF:kmg:kjf

LFB:.....Runde (DL) - Capital budget amendment

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

Insert A

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

2 1. Page 184, line 14: after that line insert:

3 "SECTION 104m. 13.48 (7) of the statutes is amended to read:

4 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
5 and formally adopt recommendations for the long-range state building program on
6 a biennial basis. The building commission shall not recommend any project for
7 enumeration in the authorized state building program unless the commission adopts
8 and provides with its recommendation a statement of the amount of the anticipated
9 annual operating costs or the amount of any increased annual operating costs, plus
10 the amount of any anticipated annual debt service costs, generated by the project in
11 the first full year following completion, and the amount of such costs to be funded

1 from each revenue source under s. 20.001 (2). The building commission shall include
2 in its report any projects proposed by the state fair park board involving a cost of not
3 more than \$250,000, together with the method of financing those projects proposed
4 by the board, without recommendation. Unless a later date is requested by the
5 building commission and approved by the joint committee on finance, the building
6 commission shall, no later than the first Tuesday in April of each odd numbered
7 year, transmit the report prepared by the department of administration under s.
8 16.40 (20) and the commission's recommendations for the succeeding fiscal biennium
9 that require legislative approval to the joint committee on finance in the form of
10 proposed legislation prepared in proper form."

11 **2.** Page 184, line 17: after that line insert:

12 "SECTION 105m. 13.48 (12) (b) 2. of the statutes is amended to read:

13 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, if the
14 cost of constructing the facility does not exceed the amount specified in sub. (3)."

15 **#A.** Page 185, line 15: after that line insert:

16 "SECTION 108b. 13.48 (15) of the statutes is amended to read:

17 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
18 requirements of s. 20.924 (1) (i), the building commission shall have the authority to
19 acquire leasehold interests in land and buildings where such authority is not
20 otherwise provided to an agency by law.

21 SECTION 108c. 13.48 (19) of the statutes is amended to read:

22 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
23 commission determines that the use of innovative types of design and construction
24 processes will make better use of the resources and technology available in the

1 building industry, the building commission may waive any or all of s. 16.855 if such
2 action is in the best interest of the state and if the waiver is accomplished through
3 formal action of the building commission. The building commission may authorize
4 the lease, lease purchase or acquisition of such facilities constructed in the manner
5 authorized by the building commission. The Subject to the requirements of s. 20.924
6 (1) (i), the building commission may also authorize the lease, lease purchase or
7 acquisition of existing facilities in lieu of state construction of any project
8 enumerated in the authorized state building program.

9 ~~SECTION 108d. 13.48 (25p) of the statutes is created to read:~~

10 ~~13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the~~
11 ~~biostar initiative, for the purpose of providing financial support to attract federal and~~
12 ~~private funds to construct biological sciences facilities to spur biological sciences~~
13 ~~education and research activities at the University of Wisconsin-Madison. Projects~~
14 ~~financed under the program shall be designed to provide biological sciences~~
15 ~~education and research facilities, ancillary systems, and supporting infrastructure.~~
16 ~~Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as~~
17 ~~otherwise provided in the authorized state building program.~~

18 SECTION 108e. 13.48 (27) of the statutes is amended to read:

19 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
20 of s. 20.924 (1) (i), the building commission may lease any facility for use of the
21 department of corrections as a part of the authorized state building program, with
22 an option to purchase the facility by the state. Any lease shall provide for the facility
23 to be constructed in accordance with requirements and specifications approved by
24 the department of administration and shall permit inspection of the site and facility
(25) by agents of the department. "D"

END INSERT A

Go To P. 16
FOR INSERT B

1 **SECTION 108f.** 13.48 (31) of the statutes is created to read:

2 **13.48 (31) DEBT INCREASE FOR CONSTRUCTION OF A BIOMEDICAL RESEARCH AND**
3 **TECHNOLOGY INCUBATOR AT THE MEDICAL COLLEGE OF WISCONSIN, INC.** (a) The
4 legislature finds and determines that it is in the public interest to promote the public
5 health and welfare and to provide for economic development in this state by ensuring
6 a fundamental and expanding capacity to conduct biomedical research and to create
7 new technologies; by training students in the substance and methodology of
8 biomedical research; and by providing scientific support to individuals and
9 organizations in this state who are engaged in biomedical research and technological
10 innovation. It is therefore the public policy of this state to assist the Medical College
11 of Wisconsin, Inc., in the construction of facilities that will be used for biomedical
12 research and the creation of new technologies.

13 (b) On or after July 1, 2003, the building commission may authorize up to
14 \$25,000,000 of general fund supported borrowing to aid in the construction of a
15 biomedical research and technology incubator at the Medical College of Wisconsin,
16 Inc. The state funding commitment for the construction of the incubator shall be in
17 the form of a construction grant to the Medical College of Wisconsin, Inc. Before the
18 building commission may award the construction grant under this paragraph, the
19 Medical College of Wisconsin, Inc., must certify to the building commission that the
20 total funding commitments of the state and nonstate sources will pay for the
21 construction cost of the incubator.

22 (c) If the building commission awards a construction grant to the Medical
23 College of Wisconsin, Inc., under this subsection, the Medical College of Wisconsin,
24 Inc., shall provide the state with an option to purchase the biomedical research and
25 technology incubator under the following conditions:

1 not otherwise specified in this chapter. The state may contract public debt in an
2 amount not to exceed ~~\$1,056,769,500~~ \$1,205,101,000 for this purpose. Of this
3 amount:

4 **SECTION 973p.** 20.866 (2) (z) 3m. of the statutes is created to read:

5 20.866 (2) (z) 3m. An amount equal to \$63,500,000 is allocated for the biostar
6 initiative. The total amount of debt authorized under this subdivision may not
7 exceed the following amounts on the following dates:

8 a. Prior to July 1, 2003, \$18,000,000.

9 b. July 1, 2003, or thereafter, \$63,500,000.

10 **SECTION 973y.** 20.866 (2) (zbh) of the statutes is created to read:

11 20.866 (2) (zbh) *Medical College of Wisconsin, Inc.; biomedical research and*
12 *technology incubator.* From the capital improvement fund, a sum sufficient to
13 provide a grant to the Medical College of Wisconsin, Inc., to aid in the construction
14 of a biomedical research and technology incubator. The state may contract public
15 debt in an amount not to exceed \$25,000,000 for this purpose.”

16 **19.** Page 594, line 10: delete “in an amount not to exceed \$8,658,100 for this
17 purpose.” and substitute “in an amount not to exceed ~~\$8,658,100~~ \$16,658,100 for this
18 purpose before July 1, 2003, and an amount not to exceed \$22,858,100 for this
19 purpose on and after July 1, 2003.”

20 **20.** Page 594, line 15: delete “(a).” and substitute “(a).”.

21 **21.** Page 594, line 16: before that line insert:

22 “**SECTION 977n.** 20.866 (2) (zj) of the statutes is amended to read:

23 20.866 (2) (zj) *Military affairs; armories and military facilities.* From the
24 capital improvement fund, a sum sufficient for the department of military affairs to

1 acquire, construct, develop, enlarge, or improve armories and other military
2 facilities. The state may contract public debt in an amount not to exceed ~~\$20,417,300~~
3 \$22,421,900 for this purpose.”

4 **22.** Page 594, line 20: after that line insert:

5 “SECTION 978b. 20.866 (2) (zp) of the statutes is amended to read:

6 20.866 (2) (zp) *Veterans affairs; self-amortizing facilities.* From the capital
7 improvement fund, a sum sufficient for the department of veterans affairs to acquire,
8 construct, develop, enlarge or improve facilities at state veterans homes. The state
9 may contract public debt in an amount not to exceed ~~\$15,941,000~~ \$29,520,900 for this
10 purpose.

11 SECTION 978h. 20.866 (2) (zx) of the statutes is amended to read:

12 20.866 (2) (zx) *State fair park board; board facilities.* From the capital
13 improvement fund, a sum sufficient for the state fair park board to acquire,
14 construct, develop, enlarge, or improve state fair park board facilities. The state may
15 contract public debt in an amount not to exceed ~~\$3,887,100~~ \$4,587,100 for this
16 purpose.

17 SECTION 978p. 20.866 (2) (zz) of the statutes is amended to read:

18 20.866 (2) (zz) *State fair park board; self-amortizing facilities.* From the
19 capital improvement fund, a sum sufficient to the state fair park board to acquire,
20 construct, develop, enlarge, or improve facilities at the state fair park in West Allis.
21 The state may contract public debt not to exceed ~~\$44,787,100~~ \$45,787,100 for this
22 purpose.”

LPS: STET



INSERT B

23 **23.** Page 598, line 14: after that line insert:

24 “SECTION 994d. 20.924 (1) (i) of the statutes is created to read:

1 20.924 (1) (i) Shall not acquire or lease or authorize the acquisition or leasing
2 of any building, structure, or facility, or portion thereof, for initial occupancy by the
3 department of corrections for the purpose of confining persons serving a sentence of
4 imprisonment in the Wisconsin state prisons or for the purpose of confining juveniles
5 alleged or found to be delinquent unless the construction of the building, structure,
6 or facility or the conversion of the building, structure, or facility ^{into a correctional facility} ~~for that purpose~~ was
7 either completed before January 1, 2001, or began after the building, structure, or
8 facility was enumerated in the authorized state building program.”

END INSERT B

9 ~~24. Page 614, line 17: after that line insert:~~

10 ~~“SECTION 1034h. 23.0917 (3) (a) of the statutes is amended to read:~~

11 ~~23.0917 (3) (a) Beginning with fiscal year 2000-01 and ending with fiscal year~~
12 ~~2009-10, the department may obligate moneys under the subprogram for land~~
13 ~~acquisition for the activities specified in s. 23.197 (7) and to acquire land for the~~
14 ~~purposes specified in s. 23.09 (2) (d) and grants for these purposes under s. 23.096.~~

15 ~~SECTION 1034p. 23.0917 (4) (a) of the statutes is amended to read:~~

16 ~~23.0917 (4) (a) Beginning with fiscal year 2000-01 and ending with fiscal year~~
17 ~~2009-10, the department may obligate moneys under the subprogram for property~~
18 ~~development and local assistance. Moneys obligated under this subprogram may be~~
19 ~~only used for nature-based outdoor recreation and for the activities specified in s.~~
20 ~~23.197 (8).”.~~

21 25. Page 615, line 20: after that line insert:

22 “SECTION 1039c. 23.197 (3m) of the statutes is renumbered 23.197 (3m) (a) and
23 amended to read:

1 23.197 (3m) (a) From the appropriation under s. 20.866 (2) (ta) or (tz) or both,
2 the department shall provide funding in the amount of \$50,000 to rebuild ~~a~~ the
3 chalet at Rib Mountain State Park. The department shall determine how the moneys
4 being provided under this subsection paragraph will be allocated between the
5 appropriations under s. 20.866 (2) (ta) and (tz). For purposes of s. 23.0915 (1),
6 moneys provided from the appropriation under s. 20.866 (2) (tz) shall be treated as
7 moneys expended for general property development. For purposes of s. 23.0917,
8 moneys provided from the appropriation under s. 20.866 (2) (ta) shall be treated as
9 moneys obligated under the subprogram for property development and local
10 assistance.

11 **SECTION 1039d.** 23.197 (3m) (b) of the statutes is created to read:

12 23.197 (3m) (b) In addition to the amounts provided under par. (a), the
13 department shall provide, from the appropriation under s. 20.866 (2) (ta), funding
14 in the amount of \$1,000,000 to reconstruct the chalet at Rib Mountain State Park for
15 which funding is provided under par. (a). For purposes of s. 23.0917, moneys
16 provided under this paragraph shall be treated as moneys obligated under any of the
17 subprograms under s. 23.0917, or any combination of those subprograms, as
18 determined by the department.

19 **SECTION 1039n.** 23.197 (7) of the statutes is created to read:

20 23.197 (7) WISCONSIN AGRICULTURAL STEWARDSHIP INITIATIVE FACILITY. From the
21 appropriation under s. 20.866 (2) (ta), the department shall provide funding in the
22 amount of \$1,000,000 for the Wisconsin agricultural stewardship initiative at the
23 University of Wisconsin-Platteville and the University of Wisconsin-Madison, to
24 construct a facility to be used for conducting research and for training farmers
25 concerning the development of sound environmental farming practices. For

Insert C

1 by which the University of Wisconsin-Extension and the educational
2 communications board can improve coordination with regard to provision of public
3 broadcasting services in this state. The report shall include specific identification
4 of methods by which the University of Wisconsin-Extension and the educational
5 communications board can achieve operational efficiencies through greater
6 cooperation and sharing of resources between the agencies.

7 (2y) REPORT ON EFFORTS TO SECURE FUNDING FOR DIGITAL TELEVISION CONVERSION
8 PROJECT. No later than June 1, 2003, the president of the University of Wisconsin
9 System and the educational communications board shall submit a report to the
10 building commission concerning their efforts to secure federal financial participation
11 to finance the digital television conversion project enumerated under SECTION 9107
12 (1) (c) of this act.

13 (2z) REVIEW OF SPACE NEEDS OF DEPARTMENT OF VETERANS AFFAIRS. The
14 department of veterans affairs and the department of administration shall jointly
15 conduct a review of the current and future space needs of the department of veterans
16 affairs for departmental offices and for the Wisconsin veterans museum. The review
17 shall include an analysis of the options available to meet those needs. No later than
18 July 1, 2002, the department of veterans affairs and the department of
19 administration shall jointly submit a report to the building commission describing
20 the review and providing recommendations and alternatives for action to meet the
21 space needs.”

22 **35.** Page 1793, line 20: after that line insert:

BILL

Insert 1516

1 referral to a health care provider for emergency physical or mental health treatment,
2 and the referral to a specialist for physical and mental health services.

3 (b) Notwithstanding sub. (1), the department shall provide primary care to
4 inmates of a Type 1 prison exclusively through employees of the department. This
5 requirement does not apply to a Type 1 prison in which the department provides
6 primary care to inmates for less than 20 hours per week on a regular basis.

7 **SECTION 11.** 301.18 (1g) of the statutes is created to read:

8 301.18 (1g) The department of administration may acquire or lease private
9 correctional facilities defined under 2001 Wisconsin Act ... (this act), section 15 (1).

10 **SECTION 12.** 301.19 of the statutes is created to read:

11 ~~301.19~~ **Construction of correctional facilities by private persons.** (1)

12 In this section:

13 (a) "Authorized jurisdiction" means a county, ~~a group of counties~~ *jointly* acting under
14 s. 302.44, the United States, or a federally recognized American Indian tribe or band
15 in this state.

to the Wisconsin state prisons or to confine

16 (b) "Correctional facility" means a ~~prison, jail, house of correction, or lockup~~ *building or structure*
17 ~~facility but does not include an institution~~ *a building or structure* or facility or a portion of an ~~institution~~ *persons serving a sentence of imprisonment* or
18 facility that is used ~~solely~~ *to confine* juveniles alleged or found to be delinquent under
19 ~~ch. 48, 1993 stats. or ch. 938.~~

20 (2) No ~~person~~ person may commence construction of a correctional facility or
21 commence conversion of an existing building, structure, or facility into a correctional
22 facility unless ~~all of the following requirements are met:~~ *(No if)*

23 ~~The building commission has authorized the lease or acquisition of the~~
24 building, structure, or facility ~~by the state upon the completion of the construction~~

is enumerated in the authorized state building program

BILL

1 or conversion or has approved the construction or conversion of the building,
2 structure, or facility.

3 (b) The private person agrees to comply with s. 20.924 (1) (i) 1., 2., and 3.

4 (3) Subsection (2) does not apply to buildings, structures, or facilities that are
any of the following: (a) A

5 constructed or converted under a contract with and for use by an authorized
6 jurisdiction.

(end of insert)

7 SECTION 13. 301.235 (2) (e) of the statutes is amended to read:

8 301.235 (2) (e) All laws, except s. 20.924 (1) (i) and ch. 150, conflicting with this
9 section are, insofar as they conflict with this section and no further, superseded by
10 this section.

11 SECTION 14. 302.01 of the statutes is amended to read:

12 **302.01 State prisons named and defined listed.** The penitentiary
13 institution at Waupun is named "Waupun Correctional Institution". The
14 correctional treatment center at Waupun is named "Dodge Correctional Institution".
15 The penitentiary institution at Green Bay is named "Green Bay Correctional
16 Institution". The medium/maximum penitentiary institution at Portage is named
17 "Columbia Correctional Institution". The medium security institution at Oshkosh
18 is named "Oshkosh Correctional Institution". The medium security penitentiary
19 institution near Fox Lake is named "Fox Lake Correctional Institution". The
20 penitentiary institution at Taycheedah is named "Taycheedah Correctional
21 Institution". The medium security penitentiary institution at Plymouth is named
22 "Kettle Moraine Correctional Institution". The penitentiary institution at the
23 village of Sturtevant in Racine county is named "Racine Correctional Institution".
24 The medium security penitentiary institution at Racine is named "Racine Youthful
25 Offender Correctional Facility". The resource facility at Oshkosh is named

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0622/1

MGD: /.....

WJ

1. This amendment's definition of "correctional facility" in s. 301.19 (1) (b) does not cover a prison that is built to confine another state's prisoners. As a result, the language in the amendment could be interpreted to permit the construction of such a prison without enumeration. That interpretation, however, may be difficult to maintain, in view of the attorney general's opinion that private prisons may not house out-of-state prisoners in Wisconsin. Op. Att'y Gen. no. 2-99 (1999) at 3-7. Presumably, if private prisons may not house out-of-state prisoners, any claim that a prison is being built for that purpose would lack credibility. The attorney general's opinion, however, is not dispositive, and it did not address whether a ban on confining out-of-state prisoners would survive a challenge under the federal constitution's commerce clause. There is a distinct possibility that it would not. See *Oregon Waste Systems v. Department of Environmental Quality*, 511 U.S. 93, 99 (1994) (state regulation unconstitutional if "burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits"); *Philadelphia v. New Jersey*, 437 U.S. 617, 622 (1978) ("[a]ll objects of interstate trade merit [c]ommerce [c]lause protection; see also *Edwards v. California*, 314 U.S. 160, 172 (1941) (transportation of individuals "is 'commerce' within the meaning of" the commerce clause).

2. Because it includes the "unless the construction..." clause, s. 20.924 (1) (i) does not affect the building commission's authority to lease or acquire a building if construction of the building was completed before January 1, 2001. That clause, however, does not specify that the building had to be constructed as a prison. Thus, the building commission could lease or acquire such a building, with or without enumeration, if it were constructed as something other than a prison before January 1, 2001, but converted into a prison after that date.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0622/1dn

MGD:wlj:rs

June 8, 2001

1. This amendment's definition of "correctional facility" in s. 301.19 (1) (b) does not cover a prison that is built to confine another state's prisoners. As a result, the language in the amendment could be interpreted to permit the construction of such a prison without enumeration. That interpretation, however, may be difficult to maintain, in view of the attorney general's opinion that private prisons may not house out-of-state prisoners in Wisconsin. Op. Att'y Gen. no. 2-99 (1999) at 3-7. Presumably, if private prisons may not house out-of-state prisoners, any claim that a prison is being built for that purpose would lack credibility. The attorney general's opinion, however, is not dispositive, and it did not address whether a ban on confining out-of-state prisoners would survive a challenge under the federal constitution's commerce clause. There is a distinct possibility that it would not. See *Oregon Waste Systems v. Department of Environmental Quality*, 511 U.S. 93, 99 (1994) (state regulation unconstitutional if "burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits); *Philadelphia v. New Jersey*, 437 U.S. 617, 622 (1978) ("[a]ll objects of interstate trade merit [c]ommerce [c]lause protection; see also *Edwards v. California*, 314 U.S. 160, 172 (1941) (transportation of individuals "is 'commerce' within the meaning of" the commerce clause).

2. Because s. 20.924 (1) (i) includes the "unless the construction ..." clause, it does not affect the building commission's authority to lease or acquire a building if construction of the building was completed before January 1, 2001. That clause, however, does not specify that the building had to be constructed as a prison. Thus, the building commission could lease or acquire such a building, with or without enumeration, if it were constructed as something other than a prison before January 1, 2001, but converted into a prison after that date.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

f/c from Jere

change 3/21 from "commenced" to
'was completed'

(part of "clean-up") ~~changes~~



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0622/1
RPN&MGD:wlj:rs

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LFB:.....Bauer – Stanley Correctional Institution

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

Handwritten note: retrieve from hold

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

2 1. Page 185, line 15: after that line insert:

3 "SECTION 108b. 13.48 (15) of the statutes is amended to read:

4 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
5 requirements of s. 20.924 (1) (i), the building commission shall have the authority to
6 acquire leasehold interests in land and buildings where such authority is not
7 otherwise provided to an agency by law.

8 SECTION 108c. 13.48 (19) of the statutes is amended to read:

9 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
10 commission determines that the use of innovative types of design and construction
11 processes will make better use of the resources and technology available in the
12 building industry, the building commission may waive any or all of s. 16.855 if such

1 action is in the best interest of the state and if the waiver is accomplished through
2 formal action of the building commission. The building commission may authorize
3 the lease, lease purchase or acquisition of such facilities constructed in the manner
4 authorized by the building commission. The Subject to the requirements of s. 20.924
5 (1) (i), the building commission may also authorize the lease, lease purchase or
6 acquisition of existing facilities in lieu of state construction of any project
7 enumerated in the authorized state building program.

8 **SECTION 108e.** 13.48 (27) of the statutes is amended to read:

9 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
10 of s. 20.924 (1) (i), the building commission may lease any facility for use of the
11 department of corrections as a part of the authorized state building program, with
12 an option to purchase the facility by the state. Any lease shall provide for the facility
13 to be constructed in accordance with requirements and specifications approved by
14 the department of administration and shall permit inspection of the site and facility
15 by agents of the department.”.

16 **2.** Page 598, line 14: after that line insert:

17 **“SECTION 994d.** 20.924 (1) (i) of the statutes is created to read:

18 20.924 (1) (i) Shall not acquire or lease or authorize the acquisition or leasing
19 of any building, structure, or facility, or portion thereof, for initial occupancy by the
20 department of corrections for the purpose of confining persons serving a sentence of
21 imprisonment in the Wisconsin state prisons or for the purpose of confining juveniles
22 alleged or found to be delinquent unless the construction of the building, structure,
23 or facility or the conversion of the building, structure, or facility into a correctional

Restriction on (B)

1 facility was either completed before January 1, 2001, or began after the building,
2 structure, or facility was enumerated in the authorized state building program.”.

3 **3.** Page 1516, line 17: after that line insert:

4 “SECTION 3337m. 301.19 of the statutes is created to read:

5 **301.19) Construction of correctional facilities by persons.** (1) In this
6 section:

7 (a) “Authorized jurisdiction” means a county, 2 counties acting jointly under s.
8 302.44, the United States, or a federally recognized American Indian tribe or band
9 in this state.

10 (b) “Correctional facility” means a building, structure, or facility or a portion
11 of a building, structure, or facility that is used to confine persons serving a sentence
12 of imprisonment to the Wisconsin state prisons or to confine juveniles alleged or
13 found to be delinquent.

14 (2) No person may commence construction of a correctional facility or
15 commence conversion of an existing building, structure, or facility into a correctional
16 facility unless the building, structure, or facility is enumerated in the authorized
17 state building program.

18 (3) Subsection (2) does not apply to any of the following:

19 (a) A building, structure, or facility that is constructed or converted under a
20 contract with and for use by an authorized jurisdiction. *was completed*

21 (b) A building, structure, or facility the construction of which commenced
22 before January 1, 2001, if the building, structure, or facility was designed to confine
23 persons convicted of a criminal offense.”.

1 **4.** Page 1522, line 10: delete lines 10 and 11 and substitute “under s. 301.16
2 (1q), the correctional institution at Stanley, and”.

3 **5.** Page 1745, line 17: after that line insert:

4 “(5gk) STANLEY PRISON LEASE AND REPORT. The department of administration
5 shall renegotiate the lease of the correctional facility located at Stanley, Wisconsin,
6 between the department and Stanley Correctional Properties, L.L.C. The
7 department shall prepare a report specifying the amount of the lease payment and
8 the source of funding to pay for that lease payment and shall submit the lease and
9 the report to the joint committee on finance for the committee’s review and
10 approval.”.

11 **6.** Page 1794, line 17: after that line insert:

12 “(1xk) LEASE OR ACQUISITION OF STATE BUILDINGS. The treatment of sections 13.48
13 (15), (19), and (27) and 20.924 (1) (i) of the statutes first applies to contracts that are
14 entered into, or extended, modified, or renewed, on the effective date of this
15 subsection.”.

16

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0622/2
RPN&MGD:wlj&jld:mkh

3

LFB:.....Bauer - Stanley Correctional Institution

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

SOON

retrieve
from hold

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

2 1. Page 185, line 15: after that line insert:

3 "SECTION 108b. 13.48 (15) of the statutes is amended to read:

4 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
5 requirements of s. 20.924 (1) (i), the building commission shall have the authority to
6 acquire leasehold interests in land and buildings where such authority is not
7 otherwise provided to an agency by law.

8 SECTION 108c. 13.48 (19) of the statutes is amended to read:

9 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
10 commission determines that the use of innovative types of design and construction
11 processes will make better use of the resources and technology available in the
12 building industry, the building commission may waive any or all of s. 16.855 if such

1 action is in the best interest of the state and if the waiver is accomplished through
 2 formal action of the building commission. The building commission may authorize
 3 the lease, lease purchase or acquisition of such facilities constructed in the manner
 4 authorized by the building commission. The Subject to the requirements of s. 20.924
 5 (1) (i), the building commission may also authorize the lease, lease purchase or
 6 acquisition of existing facilities in lieu of state construction of any project
 7 enumerated in the authorized state building program.

8 **SECTION 108e.** 13.48 (27) of the statutes is amended to read:

9 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
 10 of s. 20.924 (1) (i), the building commission may lease any facility for use of the
 11 department of corrections as a part of the authorized state building program, with
 12 an option to purchase the facility by the state. Any lease shall provide for the facility
 13 to be constructed in accordance with requirements and specifications approved by
 14 the department of administration and shall permit inspection of the site and facility
 15 by agents of the department.”.

16 **2.** Page 598, line 14: after that line insert:

17 “SECTION 994d. 20.924 (1) (i) of the statutes is created to read:

18 20.924 (1) (i) Shall not acquire or lease or authorize the acquisition or leasing
 19 of any building, structure, or facility, or portion thereof, for initial occupancy by the
 20 department of corrections for the purpose of confining persons serving a sentence of
 21 imprisonment ^{to} in the Wisconsin state prisons or for the purpose of confining juveniles
 22 alleged or found to be delinquent unless the construction of the building, structure,
 23 or facility or the conversion of the building, structure, or facility into a correctional

1 facility was either completed before January 1, 2001, or began after the building,
2 structure, or facility was enumerated in the authorized state building program.”

3 **3.** Page 1516, line 17: after that line insert:

4 “SECTION 3337m. 301.19 of the statutes is created to read:

5 **301.19 Restriction on construction of correctional facilities.** (1) In this
6 section:

7 (a) “Authorized jurisdiction” means a county, 2 counties acting jointly under s.
8 302.44, the United States, or a federally recognized American Indian tribe or band
9 in this state.

10 (b) “Correctional facility” means a building, structure, or facility or a portion
11 of a building, structure, or facility that is used to confine persons serving a sentence
12 of imprisonment to the Wisconsin state prisons or to confine juveniles alleged or
13 found to be delinquent.

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15 commence conversion of an existing building, structure, or facility into a correctional
16 facility unless the building, structure, or facility is enumerated in the authorized
17 state building program.

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19 (a) A building, structure, or facility that is constructed or converted under a
20 contract with and for use by an authorized jurisdiction.

21 (b) A building, structure, or facility the construction of which was completed
22 before January 1, 2001, if the building, structure, or facility was designed to confine
23 persons convicted of a criminal offense.”

LFB:.....Bauer - Stanley Correctional Institution

FOR 2001 03 BUDGET NOT READY FOR INTRODUCTION

LFB AMENDMENT

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23 or facility or the conversion of the building, structure, or facility into a correctional

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