



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3197/2
CMH&JK:klm

2017 SENATE BILL 228

May 4, 2017 - Introduced by Senator LASEE, cosponsored by Representatives STEFFEN, KITCHENS, E. BROOKS, HORLACHER, KOOYENGA, MACCO, TITTL and RIPP. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to repeal* 13.48 (8) and 302.01 (4); *to amend* 302.02 (1m) (b) and 302.21
2 (title) and (1); and *to create* 20.835 (5) (b), 70.1191, 301.16 (1p), 301.19 (3) (c)
3 and 302.01 (1) (k) of the statutes; **relating to:** sale of Green Bay Correctional
4 Institution and construction and lease with a purchase option of a correctional
5 institution in Brown County or an adjacent county and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Administration to solicit public bids to sell the Green Bay Correctional Institution and other specified parcels of land in the village of Allouez. This bill also requires DOA to solicit bids for a contract to build per DOA's specifications, and lease to the state with an option to purchase, a prison facility in Brown County or in an adjacent county to have an occupancy date of no later than November 1, 2022. This bill requires that the facility be managed and staffed by employees of the Department of Corrections. Under this bill, DOA must also enter into a lease with the purchaser of the GBCI that will allow the state to continue to use the institution and property until the occupancy date of the new facility. If the state purchases the new facility, the state will make an annual payment to the municipality where the facility is located equal to the property taxes paid by the owner of the facility for the last year in which the property was subject to taxation.

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For further information see the *state and local* 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1 **SECTION 1.** 13.48 (8) of the statutes is repealed.

2 **SECTION 2.** 20.835 (5) (b) of the statutes is created to read:

3 20.835 (5) (b) *Payment in lieu of taxes; correctional institution.* A sum sufficient
4 to make the payments in lieu of taxes under s. 70.1191.

5 **SECTION 3.** 70.1191 of the statutes is created to read:

6 **70.1191 Payment in lieu of taxes; correctional institution.** If the state
7 exercises its option to purchase the facility described under 2017 Wisconsin Act ...
8 (this act), section 9101 (1) (b), the department of administration shall make a
9 payment from the appropriation account under s. 20.835 (5) (b) to the municipality
10 where the facility is located equal to the amount of the property taxes paid by the
11 previous owner of the facility for the last year in which the property was subject to
12 taxation. The department shall make the payment on or before July 31 of each year
13 beginning with the year in which the facility becomes exempt from taxation under
14 s. 70.11 (1). The department shall make the payment under this section for every
15 year in which the facility is exempt under s. 70.11 (1).

16 **SECTION 4.** 301.16 (1p) of the statutes is created to read:

17 301.16 (1p) In addition to the institutions under sub. (1), the department shall
18 lease the facility under 2017 Wisconsin Act ... (this act), section 9101 (1) (b), to use
19 as a correctional institution. The institution shall be staffed with Wisconsin state
20 employees in the classified service.

21 **SECTION 5.** 301.19 (3) (c) of the statutes is created to read:

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1 301.19 (3) (c) A facility described under 2017 Wisconsin Act (this act),
2 section 9101 (1) (b).

3 **SECTION 6.** 302.01 (1) (k) of the statutes is created to read:

4 302.01 (1) (k) The correctional institution under 2017 Wisconsin Act (this
5 act), section 9101 (1) (b).

6 **SECTION 7.** 302.01 (4) of the statutes is repealed.

7 **SECTION 8.** 302.02 (1m) (b) of the statutes is amended to read:

8 302.02 (1m) (b) ~~Green Bay Correctional Institution.~~ The ~~Green Bay~~
9 ~~Correctional Institution~~ correctional institution under 2017 Wisconsin Act (this
10 act), section 9101 (1) (b) and its precincts are considered to be in ~~Brown County, and~~
11 ~~the Brown County~~ the county in which the institution is physically located, and that
12 county's circuit court has jurisdiction of all crimes committed within the county.

13 **SECTION 9.** 302.21 (title) and (1) of the statutes are amended to read:

14 **302.21 (title) Vocational education program in auto body repair at the**
15 **Green Bay Correctional Institution.** (1) The department may maintain and
16 operate a vocational education program in auto body repair at the ~~Green Bay~~
17 ~~Correctional Institution~~ correctional institution under 2017 Wisconsin Act (this
18 act), section 9101 (1) (b). Notwithstanding s. 303.06 (1), in connection with the
19 vocational education program the institution may receive from licensed automobile
20 dealers and regularly established automobile repair shops vehicles to be repaired,
21 painted or otherwise processed by residents enrolled in the program.

22 **SECTION 9101. Nonstatutory provisions; Administration.**

23 (1) SALE OF GREEN BAY CORRECTIONAL INSTITUTION; LEASE OF NEW FACILITY.

24 (a) Notwithstanding sections 13.48 (14) (am), 16.848 (1), and 301.24 (4) of the
25 statutes, the department of administration shall solicit public bids for the purchase

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1 of the Green Bay Correctional Institution, including the parcels of land in the village
2 of Allouez AL-119, AL-119-9, and AL-119-10, contingent upon a contract under
3 paragraph (b). The department of administration reserves the right to reject any bid
4 in the best interest of the state. If the department of administration receives no
5 acceptable bid under this paragraph, paragraph (b) does not apply. If the department
6 of administration accepts a bid, the department shall enter into a lease with the
7 purchaser that will allow the state to use the institution and parcels until November
8 1, 2022, or a later date as agreed upon by the department and the purchaser.

9 (b) Notwithstanding section 301.18 (4) of the statutes, the department of
10 administration shall solicit bids to contract with a person to build and lease to the
11 state, with the option to purchase, a prison facility in Brown County or an adjacent
12 county that shall have an occupancy date of not later than November 1, 2022. The
13 contract shall have a provision that its terms are contingent upon an accepted bid
14 under paragraph (a). The department of administration shall, in consultation with
15 the department of corrections, ensure that the contract establishes construction and
16 design specifications for the prison facility, including a requirement that the facility's
17 design and function shall reasonably accommodate at least 100 inmates, who may
18 not be maximum security inmates in a segregated portion of the facility. The
19 specifications shall be in compliance with American Corrections Association
20 standards. The contract shall permit inspection of the site and facility by agents of
21 the department of administration. The contract shall contain the requirement that
22 the facility be managed and staffed by employees of the department of corrections.

23 (c) When the department of administration determines the occupancy date
24 under paragraph (b), the department shall provide notice to the legislative reference
25 bureau of the occupancy date. If the department does not provide notice by

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1 November 22, 2022, the treatment of sections 13.48 (8), 301.16 (1p), 301.19 (3) (c),
2 302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the statutes is void.

3 **SECTION 9452. Effective dates; Other.**

4 (1) CORRECTIONAL INSTITUTIONS. The treatment of sections 13.48 (8), 301.16 (1p),
5 301.19 (3) (c), 302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the
6 statutes takes effect on the day after the occupancy date provided by the department
7 of administration under SECTION 9101 (1) (c) of this act.

8 (END)