

1999 DRAFTING REQUEST

Bill

Received: 03/30/2000

Received By: mdsida

Wanted: Today

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies: jeo

Pre Topic:

No specific pre topic given

Topic:

Privately built prison in Douglas county

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>Reauired</u>
I?	mdsida 03/30/2000	gilfokm 03/30/2000		_____			State
/1			kfollet 03/30/2000	_____	lrb-docadmin 03/30/2000	lrb_docadminState 03/30/2000	
/2	mdsida 03/30/2000	gilfokm 03/30/2000	kfollet 03/30/2000	_____	lrb-docadmin 03/30/2000	lrb_docadminState 03/30/2000	
/3	mdsida 03/30/2000	gilfokm 03/30/2000	hhagen 03/30/2000	_____	lrb-docadmin 03/30/2000	lrb-docadmin 03/30/2000	

FE sent 03-31-00

1999 DRAFTING REQUEST

Bill

Received: **03/30/2000**

Received By: **mdsida**

Wanted: **Today**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **himself**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **jeo**

Pre Topic:

No specific pre topic given

Topic:

Privately built prison in Douglas county

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 03/30/2000	gilfokm 03/30/2000		_____			State
/1			kfollet 03/30/2000	_____	lrb-docadmin 03/30/2000	lrb_docadminState 03/30/2000	
/2	mdsida 03/30/2000	gilfokm 03/30/2000	kfollet 03/30/2000	_____	lrb-docadmin 03/30/2000	lrb-docadmin 03/30/2000	

FE Sent For: */3 King 3/30* *Wp 3/30* *Self 3/30*

<END>

1999 DRAFTING REQUEST

Bill

Received: **03/30/2000**

Received By: **mdsida**

Wanted: **Today**

Identical to LRB: _____

For: **Scott Walker (608) 266-9180**

By/Representing: **himself**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **jeo**

King

Pre Topic:

No specific pre topic given

Topic:

Privately built prison in Douglas county

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>
I?	mdsida	1 - <i>King</i> 12 - <i>King</i>	10/1 3/30	10/1/11 3/30	10/1/11 3/30	JACKET	
FE Sent For:			3/30 10/1	10/1/11 3/30 <ENB>		1 3/30 12 3/30	



Handwritten signature and scribbles

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Now

Yen. Cat.

1

AN ACT ^C relating to: lease or acquisition of a privately constructed prison in Douglas county.

2

Analysis by the Legislative Reference Bureau

Under current law, the building commission is authorized to lease any facility for use by the department of corrections ~~DOCD~~ as a part of the authorized state building program. Under this bill, if the building commission leases or purchases a correctional facility constructed in Douglas county by a private person, the correctional facility is treated as enumerated in the state building program. In addition, under the bill any such lease or purchase is subject to the approval of the joint committee on finance.

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:

3

SECTION 1. 301.18 (1r) of the statutes is created to read:

4

301.18 (1r) The building commission may lease or purchase any correctional facility constructed in Douglas county by a private person

6

SECTION 2. 301.18 (4) of the statutes is amended to read:

for use by the department of corrections

1 301.18 (4) Any purchase, lease or construction of ~~additional~~ correctional
 2 facilities taking place after the effective date of this subsection . . . [revisor inserts
 3 date] is subject to prior approval by the building commission and the joint committee
 4 on finance.

History: 1989 a. 31, 122; 1991 a. 39; 1995 a. 27 ss. 6363h, 9126 (19); 1995 a. 416; 1997 a. 27; 1999 a. 9.

SECTION 3. 301.18 (5) of the statutes is amended to read:

6 301.18 (5) ~~This~~ Any facility purchased, leased or constructed under this section
 7 constitutes enumeration shall be construed as enumerated in the authorized state
 8 building program for purposes of s. 20.924.

History: 1989 a. 31, 122; 1991 a. 39; 1995 a. 27 ss. 6363h, 9126 (19); 1995 a. 416; 1997 a. 27; 1999 a. 9.

(END)

9

Insert
2/8 ✓

SENATE BILL 277

SECTION 12

NSent
218

SEC. #. AM; 302.01, as affected by 1999 Wisconsin Act 9,

302.01 State prisons named and defined ~~listed~~ e penitentiary

2 institution at Waupun is named "Waupun Correctional Institution". The
3 correctional treatment center at Waupun is named "Dodge Correctional Institution".
4 The ~~penitentiary~~ institution at Green Bay is named "Green Bay Correctional
5 Institution". The medium/maximum ~~penitentiary~~ institution at Portage is named
6 "Columbia Correctional Institution". The medium security institution at Oshkosh
7 is named "Oshkosh Correctional Institution". The medium security ~~penitentiary~~
8 institution near Fox Lake is named "Fox Lake Correctional Institution". The
9 ~~penitentiary~~ institution at Taycheedah is named "Taycheedah Correctional
10 Institution". The medium security ~~penitentiary~~ institution at Plymouth is named
11 "Kettle Moraine Correctional Institution". The ~~penitentiary~~ institution at the
12 village of Sturtevant in Racine county is named "Racine Correctional Institution".
13 The medium security ~~penitentiary~~ institution at Racine is named "Racine Youthful
14 Offender Correctional Facility". The resource facility at Oshkosh is named
15 "Wisconsin Resource Center". The institutions named in this section, the
16 correctional institutions authorized under s. 301.16 (1n) and (Iv), correctional
17 institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional
18 institution authorized under s. 301.046 (1), correctional institution authorized under
19 s. 301.048 (4) (b), minimum security correctional institutions authorized under s.
20 301.13, the probation and parole holding facilities authorized under s. 301.16 (1q),
21 any correctional institution acquired or leased under s. 301.18 (1g) and state-local
22 shared correctional facilities when established under s. 301.14, are state prisons.

SECTION 13. 302.11 (1g) (am) of the statutes is amended to read:

24 302.11 (1g) (am) The mandatory release date established in sub. (1) is a
25 presumptive mandatory release date for an inmate who is serving a sentence for a

SENATE BILL 277

1 **(2)** The availability of, and the prisoner's preference for, placement in a
2 correctional institution in this state.

3 **(3)** The availability of education, treatment and other rehabilitative programs
4 that are appropriate for the prisoner.

5 **(4)** Any other factors that the department considers appropriate to consider in
6 order to discharge its duties and further its mission and goals.

7 **SECTION 9.** 301.08 (1m) of the statutes is created to read:

8 301.08 **(1m)** (a) In this subsection, "primary care" means basic health care
9 services, including general assessment, treatment and management of common
10 acute and chronic physical and mental health conditions, health promotion and
11 disease prevention, routine prenatal and postpartum care and the referral to a
12 specialist for physical and mental health services.

13 (b) Notwithstanding sub. (1), the department shall provide primary care to
14 inmates of a Type 1 prison exclusively through employees of the department.

15 **SECTION 10.** 301.18 (1g) of the statutes is created to read:

16 301.18 **(1g)** The department of administration may acquire or lease
17 correctional facilities defined under 1999 Wisconsin Act ... (this act), section 35 (1),
18 (b).

19 **SECTION 11.** 301.235 (2) (dm) of the statutes is created to read:

20 301.235 **(2)** (dm) The department may not lease any building or any portion of
21 a building under this section unless the construction of the building or its conversion
22 into a correctional facility began before October 1, 1999.

23 **SECTION 12.** 302.01 of the statutes, as affected by 1999 Wisconsin Act 9, is
24 amended to read:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4865/1
MGD:kmg:kjf

Handwritten notes:
C. J. G.
23
RMR

Handwritten notes:
the building commission ~~may~~ may not lease or purchase any such building unless the person constructing it has complied with ~~current~~ ^{or} ~~has~~ prevailing wage requirements ^{TS} applicable to public works projects ^{TS}

1999 BILL

ANAL INSERT A ✓

NOV

1 AN ACT *to amend* 301.18 (4), 301.18 (5) and 302.01; and *to create* 301.18 (1r) of
2 the statutes; **relating to:** lease or ~~acquisition~~ ^{purchase} of a privately constructed prison
3 in Douglas County.

Analysis by the Legislative Reference Bureau

Under current law, the building commission is authorized to lease any facility for use by the department of corrections as a part of the authorized state building program. Under this bill, if the building commission leases or purchases a correctional facility constructed in Douglas County by a private person, the correctional facility is treated as enumerated in the state building program. In addition, under the bill, any such lease or purchase is subject to the approval of the joint committee on finance.

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. insert
1/3 →

4 SECTION 1. 301.18 (1r) of the statutes is created to read:

BILL

1 301.18 **(lr)** The building commission may lease or purchase, for use by the
2 department of corrections, any correctional facility constructed in Douglas County
3 by a private person.

4 **SECTION 2.** 301.18 (4) of the statutes is amended to read:

5 301.18 (4) Any purchase, lease or construction of ~~additional~~ correctional
6 facilities taking place after the effective date of this subsection ... [revisor inserts
7 date], is subject to prior approval by the building commission and the joint committee
8 on finance.

9 **SECTION 3.** 301.18 (5) of the statutes is amended to read:

10 301.18 (5) ~~This Any facility purchased, leased or constructed under this section~~
11 ~~constitutes enumeration~~ shall be construed as enumerated in the authorized state
12 building program for purposes of s. 20.924.

13 **SECTION 4.** 302.01 of the statutes, as affected by 1999 Wisconsin Act 9, is
14 amended to read:

15 **302.01 State prisons named and defined listed.** The ~~penitentiary~~
16 institution at Waupun is named "Waupun Correctional Institution". The
17 correctional treatment center at Waupun is named "Dodge Correctional Institution".
18 "The ~~penitentiary~~ institution at Green Bay is named "Green Bay Correctional
19 Institution". The medium/maximum ~~penitentiary~~ institution at Portage is named
20 "Columbia Correctional Institution". The medium security institution at Oshkosh
21 is named "Oshkosh Correctional Institution". The medium security ~~penitentiary~~
22 institution near Fox Lake is named "Fox Lake Correctional Institution". The
23 ~~penitentiary~~ institution at Taycheedah is named "Taycheedah Correctional
24 Institution". The medium security ~~penitentiary~~ institution at Plymouth is named
25 "Kettle Moraine Correctional Institution". The ~~penitentiary~~ institution at the

BILL

1 village of Sturtevant in Racine county is named "Racine Correctional Institution".
2 The medium security ~~penitentiary~~ institution at Racine is named "Racine Youthful
3 Offender Correctional Facility". The resource facility at Oshkosh is named
4 "Wisconsin Resource Center". The institutions named in this section, the
5 correctional institutions authorized under s. 301.16 (1n) and (Iv), correctional
6 institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional
7 institution authorized under s. 301.046 (1), correctional institution authorized under
8 s. 301.048 (4) (b), minimum security correctional institutions authorized under s.
9 301.13, the probation and parole holding facilities authorized under s. 301.16 (1q),
10 any correctional institution leased or purchased under s. 301.18 (1r) and state-local
11 shared correctional facilities when established under s. 301.14, are state prisons.

12

→ INS 3/11

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

AB 977 - Sec. Sub
Art. 4 + mcdp 7A ss.
Sub
LRB-3635(1)
MCD:kmg&jlg/mrc

1999 BILL

1 **AN ACT** to renumber and amend 13.48 (19); to amend 13.48 (27), 109.09 (1),
2 111.322 (2m)(c), 227.01 (13) (t), 301.235 (2) (e), 946.15 (1), 946.15 (2), 946.15 (3)
3 and 946.15 (4); and to create 13.48 (19) (b), 20.924 (1) (i) and 301.19 of the
4 statutes; relating to: the construction of correctional facilities by private
5 persons.

AA

Analysis by the Legislative Reference Bureau

Under current law, the construction of correctional facilities by the state is subject to prior approval by the building commission and the joint committee on finance. Moreover, current law imposes certain "prevailing wage" requirements on contractors and subcontractors working on state public works projects, including correctional facilities. Under these requirements: 1) a laborer, worker, mechanic or truck driver working on a public works project may not be paid less than the prevailing wage rate in the same or most similar trade or occupation in the area; and 2) a laborer, worker, mechanic or truck driver may not be permitted to work a greater number of hours per day or per calendar week than the prevailing hours of labor in the area, unless he or she is paid at least 1.5 times his or her hourly basic rate of pay for overtime hours. Current law also requires contractors and subcontractors to make records regarding hours and pay available to the department of workforce development.

This bill regulates the construction of correctional facilities by private persons. Under the bill, a private person may not commence construction of a correctional

ANAL
insert
A

BILL

facility or conversion of an existing building into a correctional facility unless: 1) the building commission has authorized the lease or acquisition of the correctional facility or has approved the construction or conversion; and 2) the person agrees to comply with current law prevailing wage requirements. The bill prohibits the building commission from leasing or acquiring a correctional facility if these requirements are not met.

The bill does not apply to a correctional facility built or converted for a county, a group of counties, the United States or a federally recognized American Indian tribe or band in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.48 (19) of the statutes is renumbered 13.48 (19) (a) and amended
2 to read:

3 13.48 (19) (a) Whenever the building commission determines that the use of
4 innovative types of design and construction processes will make better use of the
5 resources and technology available in the building industry, the building commission
6 may waive any or all of s. 16.855 if such action is in the best interest of the state and
7 if the waiver is accomplished through formal action of the building commission. The
8 Subject to the requirements of par. (b) and s. 20.924 (1) (i), the building commission
9 may authorize the lease, lease purchase or acquisition of such facilities constructed
10 in the manner authorized by the building commission. ~~The~~ Subject to the
11 requirements of par. (b) and s. 20.924 (1) (i), the building commission may also
12 authorize the lease, lease purchase or acquisition of existing facilities in lieu of state
13 construction of any project enumerated in the authorized state building program.

14 **SECTION 2.** 13.48 (19) (b) of the statutes is created to read:

15 13.48 (19) (b) The building commission may not lease or acquire a building,
16 structure or facility for the purpose of confining persons serving a sentence of
17 imprisonment to the Wisconsin state prisons under ch. 973 unless the person who



AS Y A M E N D M E ,
TO 1999 AS LY BILL 54

5

~~November 2, 1999 - Offered by Representatives TRAVIS, WALKER, MEYER, VRAKAS,
BALOW and SYKORA.~~

*WPO's -
Thaw all §
section nos.*

*Insert
1/3*

At the locations indicated, amend &&+& as follows:

~~1. Page 1, line 4: before that line insert:~~

~~SECTION 13.48 (19) of the statutes is amended to read:~~

13.48 (19) Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855 if such action is in the best interest of the state and if the waiver is accomplished through formal action of the building commission. The Subject to the requirements of s. 20.924 (1)(i), the building commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized by the building commission. The Subject to the requirements of s. 20.924 (1)(i), the building commission may also authorize the lease, lease purchase

1 or acquisition of existing facilities in lieu of state construction of any project
2 enumerated in the authorized state building program.

3 SECTION ~~13.48~~ 13.48 (27) of the statutes is amended to read:

4 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to s. 20.924 (1)(i),
5 the building commission may lease any facility for use of the department of
6 corrections as a part of the authorized state building program, with an option to
7 purchase the facility by the state. Any lease shall provide for the facility to be
8 constructed in accordance with requirements and specifications approved by the
9 department of administration and shall permit inspection of the site and facility by
10 agents of the department.*

11 **2.** Page 1, line 4: delete "SECTION 1" and substitute "SECTION 11".

12 **3.** Page 2, line 6: after that line insert:

13 **SECTION 20.924 (1) (i)** of the statutes is created to read:

14 20.924 (1) (i) ~~shall~~ ^{May} not lease ^{or purchase} or authorize the leasing ^{lease or p-A--} of any building, structure
15 or facility, or portion thereof for initial occupancy by the department of corrections
16 for the purpose of confining persons serving a sentence of imprisonment to the
17 Wisconsin state prisons under ch. 973 unless the construction of the building,
18 structure or facility or its conversion into a correctional facility began before October
19 1, 1999, ~~or~~ unless the lessor ^{or seller} has done all of the following:

20 **1.** Not permit ^{ret} any employe working on the building, structure or facility, or
21 portion thereof, who would be entitled to receive the prevailing wage rate under s.
22 103.49 and who would not be required or permitted to work more than the prevailing
23 hours of labor, if the building, structure or facility, or portion thereof, were a project
24 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or

under s. 301.18 (1r)

20

1 to be required or permitted to work more than the prevailing hours of labor, except
2 as permitted under s. 103.49 (2). ^{ed}

3 2. Require ~~any~~ ^{ried} contractor, subcontractor or agent thereof performing work on
4 the building, structure or facility, or portion thereof, to keep and permit inspection
5 of records in the same manner as a contractor, subcontractor or agent thereof
6 performing work on a project of public works that is subject to s. 103.49 is required
7 to keep and permit inspection of records under s. 103.49 (5).

8 3. Otherwise comply ^{ried} with s. 103.49 in the same manner as a state agency
9 contracting for the erection, construction, remodeling, repairing or demolition of a
10 project of public works is required to comply, with s. 103.49 and to require any
11 contractor, subcontractor or agent thereof performing work on the building,
12 structure or facility, or portion thereof, to comply with s. 103.49 in the same manner
13 as a contractor, subcontractor or agent thereof performing work on a project of public
14 works that is subject to s. 103.49 is required to comply with s. 103.49.

15 ~~SECTION 2g.~~ SECTION 109.09 (1) of the statutes is amended to read:

16 109.09 (1) The department shall investigate and attempt equitably to adjust
17 controversies between employers and employes as to alleged wage claims. The
18 department may receive and investigate any wage claim which is filed with the
19 department, or received by the department under s. 109.10 (4), no later than 2 years
20 after the date the wages are due. The department may, after receiving a wage claim,
21 investigate any wages due from the employer against whom the claim is filed to any
22 employe during the period commencing 2 years before the date the claim is filed. The
23 department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2. and 3., 66.293,
24 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, the department may
25 sue the employer on behalf of the employe to collect any wage claim or wage

1 deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except
 2 for actions under s. 109.10, the department may refer such an action to the district
 3 attorney of the county in which the violation occurs for prosecution and collection and
 4 the district attorney shall commence an action in the circuit court having appropriate
 5 jurisdiction. Any number of wage claims or wage deficiencies against the same
 6 employer may be joined in a single proceeding, but the court may order separate
 7 trials or hearings. In actions that are referred to a district attorney under this
 8 subsection, any taxable costs recovered by the district attorney shall be paid into the
 9 general fund of the county in which the violation occurs and used by that county to
 10 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
 11 the district attorney who prosecuted the action.

12 **SECTION ~~2k~~. 111.322** (2m) (c) of the statutes is amended to read:

13 **111.322 (2m)** (c) The individual files a complaint or attempts to enforce a right
 14 under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49 or testifies or assists in any action
 or proceeding under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49.

15 **SECTION ~~2c~~. 227.01** (13) (t) of the statutes is amended to read:

16 **227.01 (13)** (t) Ascertains and determines prevailing wage rates and prevailing
 17 hours of labor under ss. s. 20.924 (1) (i), 66.293, 103.49 and or 103.50, except that any
 18 action or inaction which ascertains and determines prevailing wage rates ~~and~~
 19 ~~prevailing hours of labor~~ under ss. s. 20.924 (1) (i), 66.293, 103.49 and or 103.50 is
 20 subject to judicial review under s. 227.40.

21 **SECTION 2x. 301.235** (2) (dm) of the statutes is created to read:

22 **301.235 (2)** (dm) The department may not lease any building or any portion of
 23 a building under this section unless the construction of the building or its conversion
 24 into a correctional facility began before October 1, 1999, or unless the lessor has met
 25

en 159
 AB-409
 16
 17
 18
 19
 20

1999 Wisconsin
 Act... (Assembly
 Bill 409)

end of insert

leg

1 the requirements of s. 20.924 (1) (i) that would apply if the building or the portion
2 of the building were being leased by the building commission.”

3 ~~4. Page 3, line 11 after that line insert:~~

4 ~~SECTION 3d.~~ 946.15 (1) of the statutes is amended to read:

5 946.15 (1) Any employer, or any agent or employe of an employer, who induces
6 any person who seeks to be or is employed pursuant to a public contract as defined
7 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
8 wage rate determination has been issued by the department of workforce
9 development under s. 20.924 (1)(i), 66.293 (3), 103.49 (3) or 103.50 (3) or by a local
10 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive
11 or return any part of the compensation to which that person is entitled under his or
12 her contract of employment or under the prevailing wage rate determination issued
13 by the department or local governmental unit, or who reduces the hourly basic rate
14 of pay normally paid to an employe for work on a project on which a prevailing wage
15 rate determination has not been issued under s. 20.924 (1)(i), 66.293 (3) or (6), 103.49
16 (3) or 103.50 (3) during a week in which the employe works both on a project on which
17 a prevailing wage rate determination has been issued and on a project on which a
18 prevailing wage rate determination has not been issued, is guilty of a Class E felony.

19 ~~SECTION 3e!~~ 946.15 (2) of the statutes is amended to read:

20 946.15 (2) Any person employed pursuant to a public contract as defined in s.
21 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
22 has been issued by the department of workforce development under s. 20.924 (1)(i),
23 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s.
24 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer or

Insert
3/11
↓

1 agent of the employer any part of the compensation to which the employe is entitled
2 under his or her contract of employment or under the prevailing wage determination
3 issued by the department or local governmental unit, or who gives up any part of the
4 compensation to which he or she is normally entitled for work on a project on which
5 a prevailing wage rate determination has not been issued under s. 20.924 (1) (i),
6 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works
7 part-time on a project on which a prevailing wage rate determination has been
8 issued and part-time on a project on which a prevailing wage rate determination has
9 not been issued, is guilty of a Class C misdemeanor.

10 **SECTION ~~31~~** 946.15 (3) of the statutes is amended to read:

11 946.15 (3) Any employer or labor organization, or any agent or employe of an
12 employer or labor organization, who induces any person who seeks to be or is
13 employed on a project on which a prevailing wage rate determination has been issued
14 by the department of workforce development under s. 20.924 (1) (i), 66.293 (3), 103.49
15 (3) or 103.50 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under
16 s. 66.293 (6) to permit any part of the wages to which that person is entitled under
17 the prevailing wage rate determination issued by the department or local
18 governmental unit to be deducted from the person's pay is guilty of a Class E felony,
19 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
20 is working on a project that is subject to **40 USC 276c**.

21 **SECTION ~~32~~** 946.15 (4) of the statutes is amended to read:

22 946.15 (4) Any person employed on a project on which a prevailing wage rate
23 determination has been issued by the department of workforce development under
24 s. 20.924 (1) (i), 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit,
25 as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any part of the wages

1 to which that person is entitled under the prevailing wage rate determination issued
2 by the department or local governmental unit to be deducted from his or her pay is
3 guilty of a Class C misdemeanor, unless the deduction would be permitted under 29
4 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC
5 276c.

6

(END)



1999 ASSEMBLY BILL

Now

Jim Cat

1 **AN ACT to amend** 13.48 (19), 13.48 (27), 109.09 (l), 111.322 (2m) (c), 227.01 (13)
2 (t), 301.18 (4), 301.18 (5), 302.01, 946.15 (l), 946.15 (2), 946.15 (3) and 946.15
3 (4); and **to create** 20.924 (1) (i) and 301.18 (lr) of the statutes; **relating to:**
4 lease or purchase of a privately constructed prison in Douglas County.

Analysis by the Legislative Reference Bureau

Under current law, the building commission is authorized to lease any facility for use by the department of corrections as a part of the authorized state building program. Moreover, current law imposes certain "prevailing wage" requirements on contractors and subcontractors working on state public works projects, including correctional facilities. Under these requirements: 1) a laborer, worker, mechanic or truck driver working on a public works project may not be paid less than the prevailing wage rate in the same or most similar trade or occupation in the area; and 2) a laborer, worker, mechanic or truck driver may not be permitted to work a greater number of hours per day or per calendar week than the prevailing hours of labor in the area, unless he or she is paid at least 1.5 times his or her hourly basic rate of pay for overtime hours. Current law also requires contractors and subcontractors to make records regarding hours and pay available to the department of workforce development.

Under this bill, if the building commission leases or purchases a correctional facility constructed in Douglas County by a private person, the correctional facility is treated as enumerated in the state building program. In addition, under the bill, the building commission may not lease or purchase any such building unless the

ASSEMBLY BILL

person constructing it has complied with prevailing wage requirements applicable to public works projects.

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 **SECTION 1.** 13.48 (19) of the statutes is amended to read:

2 13.48 (19) Whenever the building commission determines that the use of
3 innovative types of design and construction processes will make better use of the
4 resources and technology available in the building industry, the building commission
5 may waive any or all of s. 16.855 if such action is in the best interest of the state and
6 if the waiver is accomplished through formal action of the building commission. ~~The~~
7 Subject to the requirements of s. 20.924 (1) (i), the building commission may
8 authorize the lease, lease purchase or acquisition of such facilities constructed in the
9 manner authorized by the building commission. ~~The Subject to the requirement, &~~
10 s. 20.924 (1) (i), the building commission may also authorize the lease, lease purchase
11 or acquisition of existing facilities in lieu of state construction of any project
12 enumerated in the authorized state building program.

13 **SECTION 2.** 13.48 (27) of the statutes is amended to read:

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

ASSEMBLY BILL

1 **SECTION 3.** 20.924 (1) (i) of the statutes is created to read:

2 20.924 (1) (i) May not lease or purchase or authorize the lease or purchase of
3 any building, structure or facility, or portion thereof unless the lessor or seller has
4 done all of the following:

under s. 301.18 (1r)

5 1. Not permitted any employe working on the building, structure or facility, or
6 portion thereof, who would be entitled to receive the prevailing wage rate under s.
7 103.49 and who would not be required or permitted to work more than the prevailing
8 hours of labor, if the building, structure or facility, or portion thereof, were a project
9 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
10 to be required or permitted to work more than the prevailing hours of labor, except
11 as permitted under s. 103.49 (2).

12 2. Required any contractor, subcontractor or agent thereof performing work on
13 the building, structure or facility, or portion thereof, to keep and permit inspection
14 of records in the same manner as a contractor, subcontractor or agent thereof
15 performing work on a project of public works that is subject to s. 103.49 is required
16 to keep and permit inspection of records under s. 103.49 (5).

17 3. Otherwise complied with s. 103.49 in the same manner as a state agency
18 contracting for the erection, construction, remodeling, repairing or demolition of a
19 project of public works is required to comply with s. 103.49 and to require any
20 contractor, subcontractor or agent thereof performing work on the building,
21 structure or facility, or portion thereof, to comply with s. 103.49 in the same manner
22 as a contractor, subcontractor or agent thereof performing work on a project of public
23 works that is subject to s. 103.49 is required to comply with s. 103.49.

24 . **SECTION 4.** 109.09 (1) of the statutes is amended to read:

ASSEMBLY BILL

1 109.09 **(1)** The department shall investigate and attempt equitably to adjust
2 controversies between employers and employes as to alleged wage claims. The
3 department may receive and investigate any wage claim which is filed with the
4 department, or received by the department under s. 109.10 (4), no later than 2 years
5 after the date the wages are due. The department may, after receiving a wage claim,
6 investigate any wages due from the employer against whom the claim is filed to any
7 employe during the period commencing 2 years before the date the claim is filed. The
8 department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2. and 3., 66.293,
9 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, the department may
10 sue the employer on behalf of the employe to collect any wage claim or wage
11 deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. **Except**
12 for actions under s. 109.10, the department may refer such an action to the district
13 attorney of the county in which the violation occurs for prosecution and collection and
14 the district attorney shall commence an action in the circuitcourt having appropriate
15 jurisdiction. Any number of wage claims or wage deficiencies against the same
16 employer may be joined in a single proceeding, but the court may order separate
17 trials or hearings. In actions that are referred to a district attorney under this
18 subsection, any taxable costs recovered by the district attorney shall be paid into the
19 general fund of the county in which the violation occurs and used by that county to
20 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
21 the district attorney who prosecuted the action.

22 **SECTION 5.** 111.322 (2m) (c) of the statutes is amended to read:

23 111.322 **(2m)**(c) The individual files a complaint or attempts to enforce a right
24 under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49 or testifies or assists in any action
25 or proceeding under s. 20.924 (1) (i) 1., 2. or 3., 66.293 or 103.49.

ASSEMBLY BILL

1 SECTION 6. 227.01 (13) (t) of the statutes, as affected by 1999 Wisconsin Act
2 (Assembly Bill 409), is amended to read:

3 227.01 (13) (t) Ascertains and determines prevailing wage rates under ~~ss. s.~~
4 20.924 (1)(i), 66.293, 103.49 and or 103.50, except that any action or inaction which
5 ascertains and determines prevailing wage rates under ~~ss. s. 20.924 (1)(i),~~ 66.293,
6 103.49 ~~and or~~ 103.50 is subject to judicial review under s. 227.40.

7 SECTION 7. 301.18 (lr) of the statutes is created to read:

8 301.18 (**1r**) The building commission may lease or purchase, for use by the
9 department of corrections, any correctional facility constructed in Douglas County
10 by a private person.

11 SECTION 8. 301.18 (4) of the statutes is amended to read:

12 301.18 (4) Any purchase, lease or construction of ~~additional~~ correctional
13 facilities taking place after the effective date of this subsection [revisor inserts
14 date], is subject to prior approval by the building commission and the joint committee
15 on finance.

16 SECTION 9. 301.18 (5) of the statutes is amended to read:

17 301.18 (5) This Any facility purchased, leased or constructed under this section
18 constitutes enumeration shall be construed as enumerated in the authorized state
19 building program for purposes of s. 20.924.

20 SECTION 10. 302.01 of the statutes, as affected by 1999 Wisconsin Act 9, is
21 amended to read:

22 **302.01 State prisons named and defined listed.** The ~~penitentiary~~
23 institution at Waupun is named "Waupun Correctional Institution". The
24 correctional treatment center at Waupun is named "Dodge Correctional Institution".
25 The ~~penitentiary~~ institution at Green Bay is named "Green Bay Correctional

1 Institution". The medium/maximum ~~penitentiary~~ institution at Portage is named
2 "Columbia Correctional Institution". The medium security institution at Oshkosh
3 is named "Oshkosh Correctional Institution". The medium security ~~penitentiary~~
4 institution near Fox Lake is named "Fox Lake Correctional Institution". The
5 ~~penitentiary~~ institution at Taycheedah is named "Taycheedah Correctional
6 Institution". The medium security ~~penitentiary~~ institution at Plymouth is named
7 "Kettle Moraine Correctional Institution". The ~~penitentiary~~ institution at the
8 village of Sturtevant in Racine county is named "Racine Correctional Institution".
9 The medium security ~~penitentiary~~ institution at Racine is named "Racine Youthful
10 Offender Correctional Facility". The resource facility at Oshkosh is named
11 "Wisconsin Resource Center". The institutions named in this section, the
12 correctional institutions authorized under s. 301.16 (1n) and (1v), correctional
13 institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional
14 institution authorized under s. 301.046 (l), correctional institution authorized under
15 s. 301.048 (4) (b), minimum security correctional institutions authorized under s.
16 301.13, the probation and parole holding facilities authorized under s. 301.16 (1q),
17 any correctional institution leased or purchased under s. 301.18 (1r) and state-local
18 shared correctional facilities when established under s. 301.14, are state prisons.

19 **SECTION 11.** 946.15 (1) of the statutes is amended to read:

20 946.15 (1) Any employer, or any agent or employe of an employer, who indu ces
21 any person who seeks to be or is employed pursuant to a public contract as defined
22 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
23 wage rate determination has been issued by the department of workforce
24 development under s. 20.924 (1) (i), 66.293 (3), 103.49 (3) or 103.50 (3) or by a local
25 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive

ASSEMBLY BILL

1 or return any part of the compensation to which that person is entitled under his or
2 her contract of employment or under the prevailing wage rate determination issued
3 by the department or local governmental unit, or who reduces the hourly basic rate
4 of pay normally paid to an employe for work on a project on which a prevailing wage
5 rate determination has not been issued under s. 20.924 (1) (i), 66.293 (3) or (6), 103.49
6 (3) or 103.50 (3) during a week in which the employe works both on a project on which
7 a prevailing wage rate determination has been issued and on a project on which a
8 prevailing wage rate determination has not been issued, is guilty of a Class E felony.

9 **SECTION 12.** 946.15 (2) of the statutes is amended to read:

10 946.15 (2) Any person employed pursuant to a public contract as defined in s.
11 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
12 has been issued by the department of workforce development under s. 20.924 (1) (i),
13 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s.
14 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the employer or
15 agent of the employer any part of the compensation to which the employe is entitled
16 under his or her contract of employment or under the prevailing wage determination
17 issued by the department or local governmental unit, or who gives up any part of the
18 compensation to which he or she is normally entitled for work on a project on which
19 a prevailing wage rate determination has not been issued under s. 20.924 (1) (i),
20 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the person works
21 part-time on a project on which a prevailing-wage rate determination has been
22 issued and part-time on a project on which a prevailing wage rate determination has
23 not been issued, is guilty of a Class C misdemeanor.

24 **SECTION 13.** 946.15 (3) of the statutes is amended to read:

