

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/23/99

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies: JEO  
JTK

**Pre Topic:**

SDC:.....Walter - 2769,

**Topic:**

Eliminate authorization to acquire privately built prison

**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	mdsida 06/24/99	wjackson 06/25/99	kfollet 06/26/99	_____	ismith 06/27/99		
/2	mdsida 06/27/99	wjackson 06/27/99	mclark 06/28/99	_____	lrb_docadmin 06/28/99		
/3	mdsida 06/29/99	wjackson 06/29/99	hhagen 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

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/2	mdsida 06/27/99	wjackson 06/27/99	mclark 06/28/99	_____	lrb_docadmin 06/28/99		

*1/3 6/29 WLj*

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/1	mdsida 06/24/99	wjackson 06/25/99	kfollet 06/26/99	_____	ismith 06/27/99		

FE Sent For:

1/2 WJ 6/27  
MRC 6/27  
MRC/MGD 6/28  
<END>

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**Assembly Amendment (AA-ASA1-AB133)**

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Wanted: As time permits

Identical to LRB:

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This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies: JEO  
JTK  
GMM

**Pre Topic:**

SDC:.....Walter - 2769,

**Topic:**

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**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	mdsida	/1 WLj 6/25	Kjf 6/25	Kjf/mrc 6/26			

FE Sent For:

<END>

yes

SDC

**Agency: Building Program**

caucus number 1701

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Public Broadcasting Conversion to Digital Television.

**other notes**

drafting instructions: See attached.

more instructions:

caucus number 2769

duplicate flag:  
duplicate with:

Other reference numbers:	Paper 247	LFB Sum #:
	FM 474	
bill number/amendment number:		
LRB draft #		LRB P-draft:

description: Delete FM 474 to Paper 247. Delete \$6,778,400 GPR in 99-00 and \$17,427,200 in 00-01 from JFC to reflect the deletion of auth. for use of a private prison facility. Provide \$1,326,800 GPR in 99-00 & \$18,589,500 in 00-01 for contract beds.

**other notes**

drafting instructions: See above and attached.

more instructions:

Agency: **Building Program**

Number of Amendments: 2

2769

Delete freestanding Motion 474 related to paper 247 and the private prisons. Delete \$6,778,400 GPR in 99-00 and 17,427,200 in 00-01 GPR from the Joint Finance appropriation to reflect the deletion of authorization for use of a private prison facility. Instead, provide \$1,326,800 GPR in 99-00 and \$18,589,500 in 00-01 for additional contract beds.

Net Savings: -4.3 million GPR

Building Program

Study Program

-4.3 million

Item 474

yes

SDC

**Agency: Corrections**

caucus number 1845

duplicate flag:  
duplicate with: 1730, 4208

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require fiscal estimates for bills that create a new offense or increase a penalty for an existing criminal offense and establish the Corrections Special Reserve Fund.

**other notes**

drafting instructions: See above and attached.  
more instructions:

caucus number 2314

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require Corrections to return 1,000 WI prisoners from out-of-state facilities in the first quarter of 2001 and place them in county facilities unless no county bid below the maximum daily rate of \$57 per inmate, per day would apply to transfers.

**other notes**

drafting instructions: See above.  
more instructions:

caucus number 3630

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Prohibit Building Commission from releasing funding for the conversion of the Highview Building at the Northern WI Center to a geriatric prison facility for DOC inmates until a county-wide referendum approving the conversion has been approved.

**other notes**

drafting instructions: See above.  
more instructions:

caucus number 4009

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 474 and 875	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 474 - can the Stanley Prison. As fallback, include language from FM 875 item c which basically puts the Doyle opinion into the statutes.

**other notes**

drafting instructions: Freestanding motions 474 and 875. See above.  
more instructions:

SEE: <sup>CM</sup> 2769 Attached to get this done!

Agency: Corrections

Number of Amendments: 4 done

1999-2001 BUDGET AMENDMENTS

+

- 4001 Reverse JFC Jauch action to limit state funding for referenda approved debt to \$420 million as outlined in Motion 888 (item a). Effect would be to maintain current law. Cost = \$13.3 million. Also reverse items g and l in Motion 888 relating to inclining enrollment districts and shifting costs for Milwaukee School Choice and Charter Programs to general school aids.
- 4002 2. Require DOT, not later than June 30, 2001, to conduct a corridor study for USH 8 in Barron, Polk, Price and Rusk Counties and to report the results to the County Boards in each of those counties. Cost = 0
- 4003 3. Modify Decker Motion 531 relating to the Division of Vocational Rehabilitation per the attached language recommended by Secretary Stewart. Cost = 0
- 4004 4. Fund recycling with a \$8 - \$10 tipping fee. (we will decide the amount next week) The program would be structured according to the Decker Recycling Motion 1138. Cost = \$48 to \$60 million SEG
- 4005 5. Provide \$100,000 GPR in 1999-00 to the Arts Board for a one-time grant to a non-profit performing arts foundation. Chvala agreed to this with Greg Huber. This would be in addition to the \$50,000 JFC approved for this project in Motion 1164. Cost = \$100,000
- 4006 6. Wildlife biologist for Marathon County. Cost = \$32,300 SEG 1999-00 and \$43,000 SEG 2000-01 (SEG - Fish & Wildlife Account)
- 4007 7. Group deer bow hunting as outlined in JFC Motion 367, but modified to include antlered deer. Cost = 0
- 4008 8. Stray voltage research study as outlined in JFC Motion 924. Cost = \$400,000 PR
- 4009 9. Can the Stanley Prison as outlined in Motion 474. As fallback, include language from Decker Motion 875 (item c) which basically puts the Doyle opinion into the statutes. Cost = 0
- 4010 10. Use value assessment modifications (developer penalties) as recommended by The Wisconsin Association of Assessing Officers. These modifications are also supported by the League of Municipalities and the Alliance of Cities.
- 4011 11. Rebuild Rib Mountain Chalet. Cost=\$500,000 from Stewardship Fund
- 4012 12. Hospital Rate Setting (1997 Senate Bill 17) modified to clarify that PSC could use a price cap methodology to regulate rates. This is a less labor intensive means of rate regulation and was recommended by PSC Commissioner Mettner as a way of holding down the PSC fiscal note. Cost=0 (assessments on high profit hospitals would pay for the program.)

BUILDING PROGRAM/CORRECTIONS -- ADULT INSTITUTIONS

Stanley Correctional Facility and Regulation of Private Prison Construction  
[Paper #247 Substitute Alternative]

Motion:

Move to amend the bill as follows:

a. Enumerate a project in the 1999-01 state building program under the Department of Corrections titled "Corrections Facilities Expansion" at the cost of \$63,000,000. Provide \$58,000,000 in general fund supported borrowing and \$5,000,000 in Department of Corrections grant funds to fund the project to allow for the lease or purchase of the Stanley facility and the construction of up to four regional probation and parole hold facilities.

 b. Specify that no private person may commence construction of a correctional facility or commence conversion of an existing building, structure or facility into a correctional facility unless all of the following requirements are met: (1) the Building Commission has authorized the lease or acquisition of the building, structure or facility by the state upon the completion of the construction or conversion; and (2) the building, structure or facility is enumerated in the authorized state building program. Specify that buildings, structures or facilities that are constructed or converted under a contract with and for the use by a county, a group of counties, the United States or a federally recognized American Indian tribe or band are not subject to the provision.

c. Define "correctional facility" as a prison, jail, house of correction or lockup facility. Exclude from the definition an institution or facility or a portion of an institution or facility that is used solely to confine juveniles alleged or found to be delinquent.

d. Specify that the Building Commission may not lease or acquire a building, structure or facility for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons unless the person who undertakes construction or conversion of the building, facility or structure has met the requirements identified in item b. above.

e. Specify that the Building Commission may not authorize the acquisition or leasing of any building, structure or facility, or portion thereof, for initial occupancy by Corrections for the purpose of confining persons serving a sentence of imprisonment unless the Department of Workforce Development determines that each employe working on the building, structure or facility who would have been entitled to receive the prevailing wage rate that was in effect for the employe's trade or occupation at the time the building, structure or facility was constructed and

Reduce funding for prison contract beds by \$1,326,800 GPR in 1999-00 and \$18,589,500 GPR in 2000-01 to account for the estimated number of inmates to be placed at the Stanley Correctional Facility.

Note:

This motion approves the Building Commission's recommendation to enumerate a \$63.0 million "Correctional Facilities Expansion" project in the Department of Corrections and creates statutory requirements specifying that privately constructed correctional facilities must be enumerated in the state building program, approved by the Building Commission and constructed under the procedures of the state building program. The motion also requires that any privately constructed facility purchased or leased by the state comply with prevailing wage laws. Nonstatutory provisions are created to: (a) allow the state to lease or purchase privately constructed correctional facilities currently under construction either through negotiation or condemnation; and (b) direct Corrections to utilize any "private correctional facility" located in Wisconsin that is leased or purchased to return inmates from contracted prisons out of state and to reduce the utilization of out-of-state contract beds. The motion requires DOA to acquire or lease correctional facilities identified in the nonstatutory provision and enumerates those correctional facilities. Finally, the motion: (a) provides \$6,788,400 GPR in 1999-00 and \$17,427,200 GPR in 2000-01 in the Joint Committee on Finance's appropriation to staff the Stanley Correctional Facility; (b) reduces funding for prison contract beds by \$1,326,800 GPR in 1999-00 and \$18,589,500 GPR in 2000-01 to account for the estimated number of inmates to be placed at the Stanley Correctional Facility (81 in 1999-00 and 1,132 in 2000-01); and (c) provides \$58.0 million in general fund supported borrowing and \$5 million in Corrections' grant funds for the lease or purchase of the Stanley Facility and the construction of up to four regional probation and parole hold facilities.

[Change to Bill: \$4,299,300 GPR, \$58,000,000 BR and \$5,000,000 FED]  
 [Change to Base: \$4,299,300 GPR, \$58,00,000 BR and \$5,000,0000 FED]

BILL/MOTION# 474  
 PREVAIL  
 Burke Y  
 Decker Y  
 Jauch Y  
 Moore Y  
 Shibleski Y  
 Plache Y  
 Cowles N  
 Panzer N  
 Gard N  
 Porter N  
 Kaufert N  
 Albers N  
 Duff N  
 Ward N  
 Huber N  
 Riley N  
 AYES 14  
 NOES 4

BUILDING PROGRAM/CORRECTIONS -- ADULT INSTITUTIONS

Regulation of Private Prison Construction and Prohibition of Privately-Operated Prisons  
[Paper #247]

Move to amend the bill as follows:

a. Specify that no private person may commence construction of a correctional facility or commence conversion of an existing building, structure or facility into a correctional facility unless all of the following requirements are met: (1) the Building Commission has authorized the lease or acquisition of the building, structure or facility by the state upon the completion of the construction or conversion; and (2) the building, structure or facility is enumerated in the authorized state building program. Specify that buildings, structures or facilities that are constructed or converted under a contract with and for the use by a county, a group of counties, the United States or a federally recognized American Indian tribe or band are not subject to the provision.

b. Define "correctional facility" as a prison, jail, house of correction or lockup facility. Exclude from the definition an institution or facility or a portion of an institution or facility that is used solely to confine juveniles alleged or found to be delinquent.

c. Specify that no person, other than Corrections, a law enforcement agency, a county, a group of counties, the United States or a federally recognized American Indian tribe or band or a public, private or voluntary agency under contract with Corrections for operation of a minimum-security correctional institution in a county having a population of 500,000 or more, may confine an individual in a correctional facility.

d. Specify that the Building Commission may not lease or acquire a building, structure or facility for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons unless the person who undertakes construction or conversion of the building, facility or structure has met the requirements identified in item a. above.

e. Specify that the Building Commission may not authorize the acquisition or leasing of any building, structure or facility, or portion thereof, for initial occupancy by Corrections for the purpose of confining persons serving a sentence of imprisonment unless the Department of Workforce Development determines that each employe working on the building, structure or facility who would have been entitled to receive the prevailing wage rate that was in effect for the employe's trade or occupation at the time the building, structure or facility was constructed and who would not have been required or permitted to work more than the prevailing hours of labor then in effect, if the building, structure or facility had been a project of public works was paid not less than that prevailing wage rate and was not required or permitted to work more than those prevailing hours of labor. Provide that the provision would first apply to buildings, structures or

P/c to Lance Walter

Canon 2769 ~~etc~~ includes what SDC wants. —

~~Details from 4009~~ • Details from 4009, so don't  
worry abt 4009 discussion of Stanley

Asked him what to do abt. prohibition on private  
prisons in 4009

He will call me back.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1202/1  
MGD: /:....  
Wlj

D-Note

SDC:.....Walter - 2769, Eliminate authorization to acquire privately built prison

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 8, line 15: delete the material beginning with that line and ending with

3 page 9, line 9, and substitute:

4 "SECTION 3c. 13.48 (19) of the statutes is amended to read:

5 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building  
6 commission determines that the use of innovative types of design and construction  
7 processes will make better use of the resources and technology available in the  
8 building industry, the building commission may waive any or all of s. 16.855 if such  
9 action is in the best interest of the state and if the waiver is accomplished through  
10 formal action of the building commission. The Subject to the requirements of s.

1 20.924 (1) (j), the building commission may authorize the lease, lease purchase or  
 2 acquisition of such facilities constructed in the manner authorized by the building  
 3 commission. The building commission may also authorize the lease, lease purchase  
 4 or acquisition of existing facilities in lieu of state construction of any project  
 5 enumerated in the authorized state building program.”.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237.

6 ✓ **2.** Page 11, line 1: delete lines 1 to 8 and substitute:

*Note quotes*

**SECTION 3he. 13.48 (27) of the statutes is amended to read:**

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

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237.

15 ✓ **3.** Page 185, line 0: increase the dollar amount for fiscal year 1999-00 by  
 16 \$1,326,800 and increase the dollar amount for fiscal year 2000-01 by \$18,589,500 for  
 17 the purpose of contracting for additional beds for prisoners.

18 **4.** Page 275, line 5: decrease the dollar amount for fiscal year 1999-00 by  
 19 \$6,778,400 and decrease the dollar amount for fiscal year 2000-01 by \$17,427,200  
 20 for the purpose of precluding acquisition of a privately built correctional facility.

*eliminating funding for*



1999

Date (time) needed \_\_\_\_\_

LRB b 1202 / 1

CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]

mgd : \_\_\_\_\_ : \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

INSERT  
3-2

CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

√ #. Page <sup>1091</sup>....., line 14:: delete "(i) 1., 2. and 3. and"

delete  
sub  
treatment

√ #. Page <sup>1092</sup>....., line 19::

~~delete " (i) 1., 2. and 3. and "~~  
delete "(i) 1., 2., or 3. or"

√ #. Page <sup>1092</sup>....., line 20::

#. Page <sup>1194</sup>....., line 6::

on lines 6 and 8

delete "~~(i) 3.~~ "(i) 3. or"

#. Page <sup>1317</sup>....., line 8::

delete the material beginning with that line and ending with page 1318, line 13.

#. Page <sup>1437</sup>....., line 17::

~~delete " (i) 3. or "~~  
on lines 17 and 18



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1202/lins  
MGD:.....

1

~~INSERT~~ (C)

2

Private prisons prohibited.

3

# 4. Page 1324, line 14: after that line insert:

4

"SECTION 2718ay. 302.28 of the statutes is created to read:

5

302.28 ~~(1)~~ (1) In this section, "correctional facility" means a prison, jail,

6

house of correction or lockup facility but does not include an institution or facility or

7

a portion of an institution or facility that is used solely to confine juveniles alleged

8

or found to be delinquent under ch. 48, 1993 stats., or ch. 938.

9

(2) No person, other than the department, a law enforcement agency, as defined

10

in s. 165.83 (1) (b), a county, a group of counties acting under s. 302.44, the United

11

States, a federally recognized American Indian tribe or band in this state or a public,

12

private or voluntary agency under contract with the department under s. 301.08 (1)

13

(b) 2., may confine an individual in a correctional facility."

# 4. Page 1437, line 11: on lines 11 <sup>and</sup> 18, delete

"(i) 3. or"

3. Page 1437, line 11



1999

Date (time) needed \_\_\_\_\_

LRB b \_\_\_\_\_ / \_\_\_\_\_

CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

✓ #. Page <sup>1437</sup>....., line <sup>25</sup>.....: delete "(i)".

✓ #. Page <sup>1438</sup>....., line <sup>3</sup>.....: delete "3. or".

✓ #. Page <sup>1438</sup>....., line <sup>8</sup>.....: delete "(i)3. or".  
*ON lines 8 and 16,*

✓ #. Page <sup>1439</sup>....., line <sup>1</sup>.....: delete "(i)3. or".

✓ #. Page <sup>1509</sup>....., line <sup>23</sup>.....: delete the material beginning with that line and ending with ~~the~~ page 1511, line 12.

✓ #. Page <sup>1588</sup>....., line <sup>16</sup>.....: delete the material beginning with that line and ending with page 1588,  
*delete lines 16 to 23.*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1202/1dn

MGD/.....

WLJ

June 24, 1999

Lance:

In one of our phone conversations, you indicated that caucus amendment 2769 provided instructions for accomplishing the objectives in caucus amendment 4009. But while caucus amendment 4009 seeks to prohibit private persons from operating prisons and jails, caucus amendment 2769 does not address that issue. Since I have not yet heard from you regarding how the issue is to be treated in consolidating the two requests, I have followed the instructions for caucus amendment 4009 in this draft and have incorporated a provision prohibiting private prisons and jails.

You should be aware, however, of the risks involved with including such a provision if it does not become law. Its inclusion might be used to support the claim that under current law, a private person has the authority to confine an individual (for example, someone who has been convicted in a court of another state) in a prison. (The private person would argue that if he or she were already precluded from confining prisoners, the legislature would have no need to enact such a prohibition.)

If that provision should not be included, please let me know, and I will redraft the amendment.

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

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1202/1dn  
MGD:wlj:kjf

June 25, 1999

Lance:

In one of our phone conversations, you indicated that caucus amendment 2769 provided instructions for accomplishing the objectives in caucus amendment 4009. But while caucus amendment 4009 seeks to prohibit private persons from operating prisons and jails, caucus amendment 2769 does not address that issue. Since I have not yet heard from you regarding how the issue is to be treated in consolidating the two requests, I have followed the instructions for caucus amendment 4009 in this draft and have incorporated a provision prohibiting private prisons and jails.

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If that provision should not be included, please let me know, and I will redraft the amendment.

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

modify

SDC

**Agency: Building Program**

caucus number 2769

duplicate flag: y  
duplicate with: 4009

Other reference numbers: Paper 247	LFB Sum #:
FM 474	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete FM 474 to Paper 247. Delete \$6,778,400 GPR in 99-00 and \$17,427,200 in 00-01 from JFC to reflect the deletion of auth. for use of a private prison facility. Provide \$1,326,800 GPR in 99-00 & \$18,589,500 in 00-01 for contract beds.

other notes **Modify to: Delete the enumeration of the Stanley Prison, but retain the language on the process for future acquisition of privately-constructed facilities, as modified by the attached alt. B which should replace alt. B from motion 474**

drafting instructions: See above and attached.

more instructions:

Agency: **Building Program**

Number of Amendments: 1

The Stanley prison drafting instructions should be modified to delete the enumeration of the Stanley prison, but retain the language on the process for future acquisition of privately-constructed facilities, as modified by drafting instructions to be sent ~~to [redacted]~~

attached

CN 2709

Here is the change in the JFC version of the bill regarding private prison construction that needs to be added to the Senate version of the bill.

Modify the provisions adopted in JFC motion 474 concerning the requirements for a private person to commence construction of a correctional facility or commence conversion of an existing building, structure or facility into a correctional facility by deleting section b. in motion 474 and substituting the following:

2769

**“b. Specify that no private person may commence construction of a correctional facility or commence conversion of an existing building, structure or facility into a correctional facility unless the Building Commission has authorized the lease or acquisition of the building, structure or facility by the state or has approved construction or conversion of the building, structure or facility. Specify that buildings, structures or facilities that are constructed or converted under a contract with and for the use by a county, a group of counties, the United States or a federally recognized American Indian tribe or band are not subject to the provision.**

**BUILDING PROGRAM/CORRECTIONS -- ADULT INSTITUTIONS**

Stanley Correctional Facility and Regulation of Private Prison Construction  
[Paper #247 Substitute Alternative]

2769

Motion:

Move to amend the bill as follows:

a. Enumerate a project in the 1999-01 state building program under the Department of Corrections titled "Corrections Facilities Expansion" at the cost of \$63,000,000. Provide \$58,000,000 in general fund supported borrowing and \$5,000,000 in Department of Corrections grant funds to fund the project to allow for the lease or purchase of the Stanley facility and the construction of up to four regional probation and parole hold facilities.

b. Specify that no private person may commence construction of a correctional facility or commence conversion of an existing building, structure or facility into a correctional facility unless all of the following requirements are met: (1) the Building Commission has authorized the lease or acquisition of the building, structure or facility by the state upon the completion of the construction or conversion; and (2) the building, structure or facility is enumerated in the authorized state building program. Specify that buildings, structures or facilities that are constructed or converted under a contract with and for the use by a county, a group of counties, the United States or a federally recognized American Indian tribe or band are not subject to the provision.

c. Define "correctional facility" as a prison, jail, house of correction or lockup facility. Exclude from the definition an institution or facility or a portion of an institution or facility that is used solely to confine juveniles alleged or found to be delinquent.

d. Specify that the Building Commission may not lease or acquire a building, structure or facility for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons unless the person who undertakes construction or conversion of the building, facility or structure has met the requirements identified in item b. above.

e. Specify that the Building Commission may not authorize the acquisition or leasing of any building, structure or facility, or portion thereof, for initial occupancy by Corrections for the purpose of confining persons serving a sentence of imprisonment unless the Department of Workforce Development determines that each employe working on the building, structure or facility who would have been entitled to receive the prevailing wage rate that was in effect for the employe's trade or occupation at the time the building, structure or facility was constructed and

who would not have been required or permitted to work more than the prevailing hours of labor then in effect, if the building, structure or facility had been a project of public works was paid not less than that prevailing wage rate and was not required or permitted to work more than those prevailing hours of labor. Provide that the provision would first apply to buildings, structures or facilities for which construction or conversion for confinement purposes is commenced on the effective date of the bill.

f. Create a nonstatutory provision specifying:

(1) The Department of Administration shall, no later than 30 days after the effective date of the bill, commence efforts to negotiate with the owner of each private correctional facility located in this state to purchase the facility or to lease the facility with an option to purchase the facility;

(2) If DOA reaches an agreement to purchase or lease the facility, the purchase or lease is subject to approval of the Building Commission and the Joint Committee on Finance;

(3) If DOA is unable to reach an agreement with the owner, the Building Commission may acquire the private correctional facility by condemnation and a determination of the necessity of taking is created;

(4) Define "private correctional facility" as, along with the land on which it is situated, a building, structure or facility meeting all of the following requirements: (a) the building, structure or facility has been or is being constructed on the effective date of the bill; (b) the building, structure or facility has been or is being constructed for the confinement of one or more individuals who, as a result of a court order from any jurisdiction, are in custody for the commission or alleged commission of a crime and who would be classified as medium or maximum security under the Department of Corrections' security classification system; and (c) the building, structure or facility has not been and is not being constructed under a contract with DOA, a county, a group of counties, Corrections and any county or group of counties, the United States or a federally recognized American Indian tribe or band in this state.

(5) Specify that the nonstatutory provision does not apply to a building, structure or facility that has been or is being constructed solely to confine juveniles alleged or found to be delinquent.

g. Create a statutory provision requiring DOA to acquire or lease correctional facilities identified in the nonstatutory provision. This provision constitutes an enumeration for purposes of the state building program.

h. Create a nonstatutory provision requiring Corrections to utilize any "private correctional facility" located in Wisconsin that is leased or purchased to return inmates from contracted prisons out of state and to reduce the utilization of out-of-state contract beds.

i. Provide \$6,788,400 GPR in 1999-00 and \$17,427,200 GPR in 2000-01 to staff the Stanley Correctional Facility. Place funding in the Joint Committee on Finance's appropriation for release to Corrections after approval of the lease or purchase of the facility.

j. Reduce funding for prison contract beds by \$1,326,800 GPR in 1999-00 and \$18,589,500 GPR in 2000-01 to account for the estimated number of inmates to be placed at the Stanley Correctional Facility.

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Note:

This motion approves the Building Commission's recommendation to enumerate a \$63.0 million "Correctional Facilities Expansion" project in the Department of Corrections and creates statutory requirements specifying that privately constructed correctional facilities must be enumerated in the state building program, approved by the Building Commission and constructed under the procedures of the state building program. The motion also requires that any privately constructed facility purchased or leased by the state comply with prevailing wage laws. Nonstatutory provisions are created to: (a) allow the state to lease or purchase privately constructed correctional facilities currently under construction either through negotiation or condemnation; and (b) direct Corrections to utilize any "private correctional facility" located in Wisconsin that is leased or purchased to return inmates from contracted prisons out of state and to reduce the utilization of out-of-state contract beds. The motion requires DOA to acquire or lease correctional facilities identified in the nonstatutory provision and enumerates those correctional facilities. Finally, the motion: (a) provides \$6,788,400 GPR in 1999-00 and \$17,427,200 GPR in 2000-01 in the Joint Committee on Finance's appropriation to staff the Stanley Correctional Facility; (b) reduces funding for prison contract beds by \$1,326,800 GPR in 1999-00 and \$18,589,500 GPR in 2000-01 to account for the estimated number of inmates to be placed at the Stanley Correctional Facility (81 in 1999-00 and 1,132 in 2000-01); and (c) provides \$58.0 million in general fund supported borrowing and \$5 million in Corrections' grant funds for the lease or purchase of the Stanley Facility and the construction of up to four regional probation and parole hold facilities.

[Change to Bill: \$4,299,300 GPR, \$58,000,000 BR and \$5,000,000 FED]  
[Change to Base: \$4,299,300 GPR, \$58,00,000 BR and \$5,000,0000 FED]

Plc to Jere

1. ~~1~~ Changes to B.C. auth. re future acq.
2. Delete non-stat, delete enumerations.
3. Reverse ~~a~~ § changes caused by Vaukh motion



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb12029  
MGD:wlj:kjf

2

D-Note

RMR

SDC:.....Walter - 2769, Eliminate authorization to acquire privately built prison

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

~~scribble~~

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

~~1. Page 8, line 15: delete the material beginning with that line and ending with page 9, line 9, and substitute:~~

~~"SECTION 3c. 13.48 (19) of the statutes is amended to read:~~

~~13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. 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.~~

1 20.924 (1) (j), the building commission may authorize the lease, lease purchase or  
 2 acquisition of such facilities constructed in the manner authorized by the building  
 3 commission. The building commission may also authorize the lease, lease purchase  
 4 or acquisition of existing facilities in lieu of state construction of any project  
 5 enumerated in the authorized state building program.”

6 **2.** Page 11, line 1: delete lines 1 to 8 and substitute:

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

14 **3.** Page 275, line 5: increase the dollar amount for fiscal year 1999-00 by  
 15 \$1,326,800 and increase the dollar amount for fiscal year 2000-01 by \$18,589,500 for  
 16 the purpose of contracting for additional beds for prisoners.

17 **4.** Page 275, line 5: decrease the dollar amount for fiscal year 1999-00 by  
 18 \$6,778,400 and decrease the dollar amount for fiscal year 2000-01 by \$17,427,200  
 19 for the purpose of eliminating funding for ~~acquisition of~~ <sup>Staffing</sup> a privately built correctional  
 20 facility.

21 **5.** Page 415, line 20: delete the material beginning with that line and ending  
 22 with page 416, line 19.

23 **6.** Page 1091, line 14: delete “(i) 1., 2. and 3. and”

24 **7.** Page 1092, line 19: delete “(i) 1., 2. or 3. or”.

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8. Page 1092, line 20: delete "(i) 1., 2. or 3. or".

9. Page 1194, line 6: on lines 6 and 8, delete "(i) 3. or".

10. Page 1317, line 8: delete the material beginning with that line and ending with page 1318, line 12. *lines 8 to 10*

11. Page 1324, line 14: after that line insert:

"SECTION 2718ay. 302.28 of the statutes is created to read:

**302.28 Private prisons prohibited.** (1) In this section, "correctional facility" means a prison, jail, house of correction or lockup facility but does not include an institution or facility or a portion of an institution or facility that is used solely to confine juveniles alleged or found to be delinquent under ch. 48, 1993 stats., or ch. 938.

(2) No person, other than the department, a law enforcement agency, as defined in s. 165.83 (1) (b), a county, a group of counties acting under s. 302.44, the United States, a federally recognized American Indian tribe or band in this state or a public, private or voluntary agency under contract with the department under s. 301.08 (1) (b) 2., may confine an individual in a correctional facility."

12. Page 1437, line 11: on lines 11 and 18, delete "(i) 3. or".

13. Page 1437, line 25: delete "(i)".

14. Page 1438, line 1: delete "3. or".

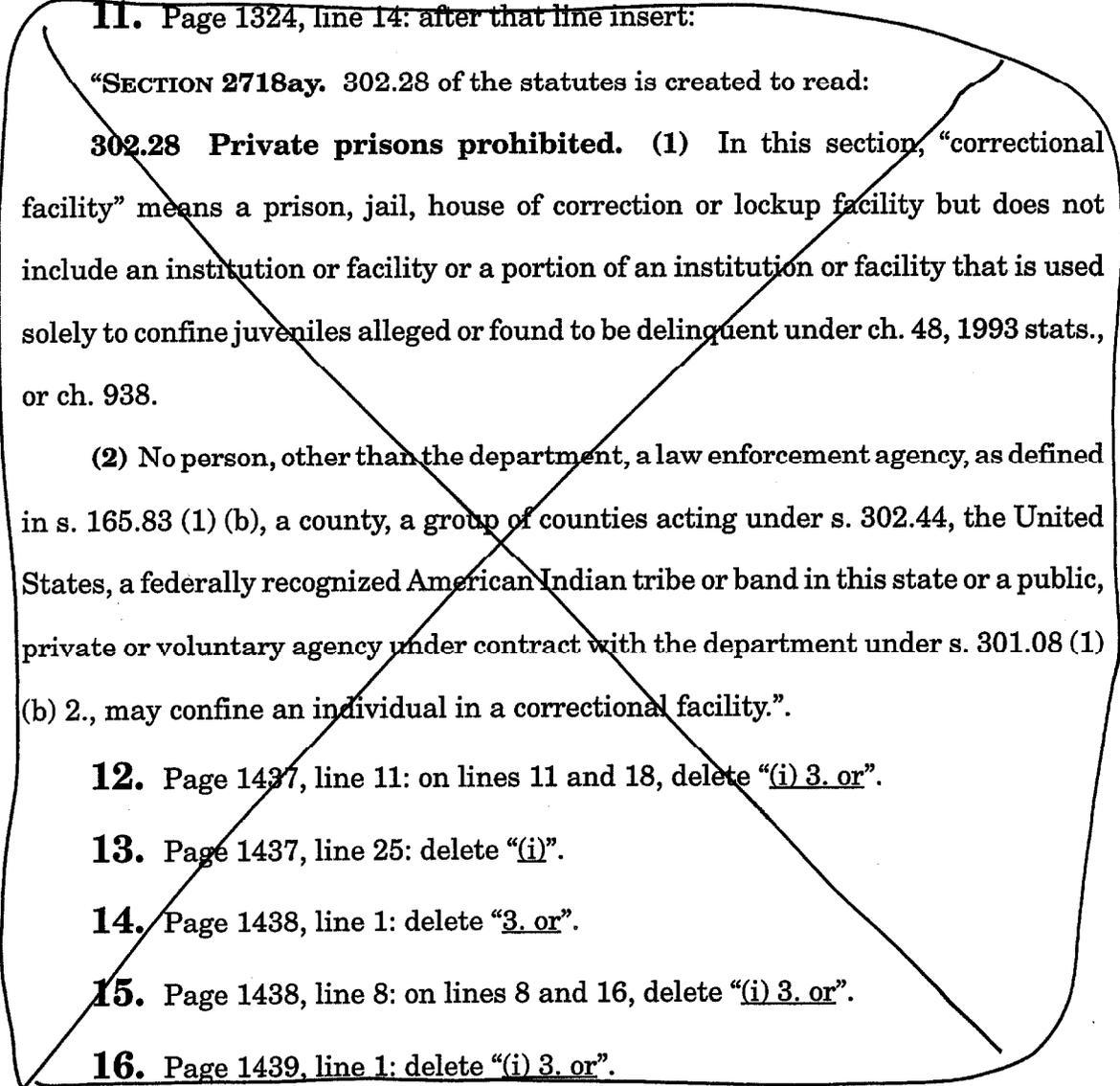
15. Page 1438, line 8: on lines 8 and 16, delete "(i) 3. or".

16. Page 1439, line 1: delete "(i) 3. or".

17. Page 1509, line 23: delete the material beginning with that line and ending with page 1511, line 12.

*WPD:  
change  
component  
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*Insert  
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~~18. Page 1588, line 16: delete lines 16 to 23.~~

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(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

1202/2 ins

LRB 0787/1

MGD&JEO:kmg:km

ARC.....Rindfleisch - AM57 Eliminate preconstruction enumeration requirement for privately built prisons; delete reporting requirement regarding out-of-state transfers; prohibit sentence of probation for certain OWI offenses

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

Insert ~~2-20~~  
2-20  
✓

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

2 ~~4~~ 4. Page 415, line 22: delete that line and substitute "structure or facility, or  
3 portion thereof, under s. 301.19 (2) (a) or approve the construction or conversion of  
4 any building, structure or facility under s. 301.19 (2) (a) for initial occupancy".

5 ~~1~~ 1. Page 1318, line 3: delete that line and substitute "conversion or has  
6 approved the construction or conversion of the building, structure or facility."

7 ~~13~~ 13. Page 1318, line 4: delete lines 4 and 5.

Insert  
~~3-4~~  
3-4

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1202/2dn

MGD: /:....

WJ

June 27, 1999

The changes in this amendment are based on instructions from Jere Bauer at the Fiscal Bureau.

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

---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1202/2dn  
MGD:wlj:mrc

June 27, 1999

The changes in this amendment are based on instructions from Jere Bauer at the Fiscal Bureau.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1202/3  
MGD:wlj:mrc

3

RMR

SDC:.....Walter - 2769, Eliminate authorization to acquire privately built  
prison

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

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

2 1. Page 275, line 5: increase the dollar amount for fiscal year 1999-00 by  
3 \$1,326,800 and increase the dollar amount for fiscal year 2000-01 by \$18,589,500 for  
4 the purpose of contracting for additional beds for prisoners.

5 2. Page 275, line 5: decrease the dollar amount for fiscal year 1999-00 by  
6 \$6,778,400 and decrease the dollar amount for fiscal year 2000-01 by \$17,427,200  
7 for the purpose of eliminating funding for staffing a privately built correctional  
8 facility.





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1202/3  
MGD:wj:ksh

SDC:.....Walter - 2769, Eliminate authorization to acquire privately built  
prison

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2 1. Page 275, line 5: increase the dollar amount for fiscal year 1999-00 by  
3 \$1,326,800 and increase the dollar amount for fiscal year 2000-01 by \$18,589,500 for  
4 the purpose of contracting for additional beds for prisoners.

5 2. Page 275, line 5: decrease the dollar amount for fiscal year 1999-00 by  
6 \$6,788,400 and decrease the dollar amount for fiscal year 2000-01 by \$17,427,200  
7 for the purpose of eliminating funding for staffing a privately built correctional  
8 facility.

1           **3.** Page 415, line 22: delete that line and substitute “structure or facility, or  
2 portion thereof, under s. 301.19 (2) (a) or approve the construction or conversion of  
3 any building, structure or facility under s. 301.19 (2) (a) for initial occupancy”.

4           **4.** Page 1317, line 8: delete lines 8 to 10.

5           **5.** Page 1318, line 3: delete that line and substitute “conversion or has  
6 approved the construction or conversion of the building, structure or facility.”.

7           **6.** Page 1318, line 4: delete lines 4 and 5.

8           **7.** Page 1509, line 23: delete the material beginning with that line and ending  
9 with page 1511, line 12.

10

(END)