

### Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. AB 544  
Of PRISON LEASING  
Subject PRISON LEASING

BOB FINSLAND  
(Name)

901 N. 21st St  
(Street Address or Route Number)

SUPERIOR 54880  
(City & Zip Code)

SUPERIOR FEDERATION OF LABOR  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:  
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

X

### Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 544  
Of STREET CORRECTIONAL  
Subject STREET CORRECTIONAL

REP. SCOTT SUDER  
(Name)

281 WORTH ST. OGDEN  
(Street Address or Route Number)

WADSWORTH WI 53706  
(City & Zip Code)

69th A.D.  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:  
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: \_\_\_\_\_

Bill No. AB 544  
Of \_\_\_\_\_  
Subject \_\_\_\_\_

Tom Szykora  
(Name)

12688 St Hwy 178  
(Street Address or Route Number)

Chippewa Falls WI  
(City & Zip Code)

67th Assembly  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:  
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: October 20, 1989

Bill No. AB 544

Subject Leave + operation of Cores Facility

Rep. Dean Kaufer  
(Name)

(Street Address or Route Number)

(City & Zip Code)

55th Assembly District  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-89

Bill No. AB 544

Subject \_\_\_\_\_

Margaret Cienne  
(Name)

(Street Address or Route Number)

(City & Zip Code)

Subdivior WI 54880  
City - Douglas County  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/89

Bill No. AB 544

Subject \_\_\_\_\_

Michael Moore  
(Name)

(Street Address or Route Number)

(City & Zip Code)

Madison WI 53707  
Council #1 WEAAC  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 544

Subject:

DAVID W MOOR

305 EAST AND ST.

SUPERIOR WI 54880

(City & Zip Code) Superior - Douglas County  
Chamber of Commerce  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. REP 386715

Subject:

JOHN PICKER

779 E W E AVE

MILWAUKEE

(City & Zip Code) Picky & Careless  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 544

Subject:

STEELE VITO

1407 HAMMOND AVE

SUPERIOR WI 54880

(City & Zip Code) VOT of SUPERIOR  
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: Oct. 20, 1999

Bill No. AB 544

Or Subject Connections Facility

(Name) Franz H. Giesse

(Street Address or Route Number) 10201 Island Lake Rd

(City & ZIP Code) Solon Springs WI 54873

(Representing) Douglas Co / Supervisor

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: Oct 20, 1999

Bill No. AB 5444

Or Subject PRISON

(Name) Prison

(Street Address or Route Number) Lawrence J Duam

(City & ZIP Code) 5622 DAKES AVE

(Representing) Superior WI 54880

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: 10-20-99

Bill No. AB 544

Or Subject \_\_\_\_\_

(Name) Dick Ribauds

(Street Address or Route Number) 6342 E Wey Rd

(City & ZIP Code) SO RANGE WI 54874

(Representing) Douglas County

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# Assembly Hearing Slip

(Please print plainly)

Date: 10/20

Bill No. AB544

Or  
Subject Mary Steppes

Project Return

(Name) 1821 N. 16th St

(Street Address or Route Number)

Phillis WI 53205

(City & ZIP Code)

Project Return

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99  
Bill No. AB 544  
Of: \_\_\_\_\_  
Subject: \_\_\_\_\_

Jon E. Litcher

(Name)  
149 East Wilson St  
(Street Address or Route Number)  
Madison

(City & Zip Code)  
Dept of Corrections  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99  
Bill No. 46544  
Of: \_\_\_\_\_  
Subject: \_\_\_\_\_

Calvin Burgess

(Name)  
450 S. Courman  
(Street Address or Route Number)  
Donard, Or 97034

(City & Zip Code)  
Donard  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99  
Bill No. 46544  
Of: \_\_\_\_\_  
Subject: \_\_\_\_\_

Frank Braswell

(Name)  
30 W Central St  
(Street Address or Route Number)  
Chapman Falls, VT 54729

(City & Zip Code)  
City of Stanley  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. A-B 544

Subject

(Name) HARRY BAIRD

(Street Address or Route Number) 2007 PLANT ST

(City & Zip Code) EAU CLAIRE WI 54703

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-19-99

Bill No. ABBY

Subject

(Name) Bob Sand

(Street Address or Route Number)

(City & Zip Code)

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 20

Bill No. A.B. 544

Subject

(Name) REP, Frank Bayle

(Street Address or Route Number) Saperior WI

(City & Zip Code)

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. ~~AB 544~~ AR 544  
Of Stanley Prison  
Subject

(Name) Senator Zier

(Street Address or Route Number) 23rd Street

(City & Zip Code) Springfield  
(Representing)

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 11-20-99

Bill No. STANLEY PRISON BILL  
Of  
Subject

(Name) DAVID JADKOSKI

(Street Address or Route Number) 995 N. EMERY  
STANLEY VT 54768

(City & Zip Code) ELY OF STANLEY  
(Representing)

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. AR 544  
Of  
Subject

(Name) Douglas Finn

(Street Address or Route Number) 1313 Belknap  
Superior 54880

(City & Zip Code) Superior  
(Representing) Douglas County

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

*[Handwritten mark]*



Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. AB 544

Subject \_\_\_\_\_

(Name) Chuck Jones

(Street Address or Route Number) \_\_\_\_\_

(City & Zip Code) Correctional Properties Trust  
(Representing)

Speaking *In favor*:

Speaking *against*:

Registering *In favor*:

Registering *against*:

Speaking for *Information only*:   
Neither for nor *against*:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. AB 544

Subject \_\_\_\_\_

(Name) Geof Wendorf

(Street Address or Route Number) 3163 Lamborn Ave

(City & Zip Code) Superior, WI 54880  
(Representing) Douglas County

Speaking *In favor*:

Speaking *against*:

Registering *In favor*:

Registering *against*:

Speaking for *Information only*:   
Neither for nor *against*:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. Stanley Robinson

Subject Stanley Robinson

(Name) Stanley Robinson

(Street Address or Route Number) 504 W. Franklin

(City & Zip Code) Stanley, WI 54788  
(Representing) City of Stanley

Speaking *In favor*:

Speaking *against*:

Registering *In favor*:

Registering *against*:

Speaking for *Information only*:   
Neither for nor *against*:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB 544

Or Subject Prison

(Name) Bob Browne

(Street Address or Route Number) 422 Fisher Ave

(City & Zip Code) Suzerain, WI

(Representing) Labor & Douglas Co

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/19/99

Bill No. 1

Or Subject Stanley Facility

(Name) Rod Frobenius

(Street Address or Route Number) 520 Kennedy Ave

(City & Zip Code) Sturtevant, WI 53788

(Representing) City of Sturtevant

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 20,

Bill No. LRB 3867/3

Or Subject

(Name) THERESA A. GOLDEN

(Street Address or Route Number) 1808 Taylor Ave

(City & Zip Code) PAINE WI 53403

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. AB 544  
Or  
Subject

(Name) James C Ericksen  
207 N Broadway  
(Street Address or Route Number)  
Sturkey WI 53768  
(City & Zip Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 20 1999

Bill No. LRB 386713  
Or  
Subject

(Name) Lucretia Atherberg  
1828 Taylor Ave  
(Street Address or Route Number)  
Racine WI 53403  
(City & Zip Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: \_\_\_\_\_

Bill No. LRB 31 AB 544  
Or  
Subject

(Name) Mavis Crockett  
1743 Kentucky  
(Street Address or Route Number)  
Racine WI 53405  
(City & Zip Code)

(Representing) NAGP Prison Reform Committee

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: 10-22-99

Bill No. ABS 444  
Or  
Subject

Scott E. Harris D.C.  
(Name)

123 N. Greenway  
(Street Address or Route Number)

Spaul WI 57766  
(City & ZIP Code)

[Signature]  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: Oct 20 99

Bill No. 85544  
Or  
Subject Stanley Correctional Facility

John Hogetz  
(Name)

612 N. State Ave  
(Street Address or Route Number)

Chippewa Falls  
(City & ZIP Code)

Chippewa Co. Econ. Dev. Corp  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: Oct 14 99

Bill No. Stanley Prison 5th  
Or  
Subject

John T. Dickert  
(Name)

777 E. US Ave  
(Street Address or Route Number)

McKinstry WI 53802  
(City & ZIP Code)

[Signature]  
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/20/99

Bill No. ~~AB544~~ AB544

Or Subject

Bill Dawson

(Name)

517 SEFFERSON

(Street Address or Route Number)

STANLEY WI

(City & Zip Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 10-20-99

Bill No. AB544

Or Subject

Catherine Shapiro

(Name)

1831 N. 11th St.

(Street Address or Route Number)

Madison, WI 53205

(City & Zip Code)

(Representing) Budget Return

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

*[Signature]*

Assembly Hearing Slip

(Please print plainly)

Date: October 14, 1999

Bill No. LRB 3712/1

Or Subject Lease + Operation of

Collection / Facilities and a Key an

Construction. Rep. Dean Kaufert

(Name)

(Street Address or Route Number)

(City & Zip Code) 55th Assembly District

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger prom

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/14/99

Bill No. AB 544

Or Subject LR 37101

SENATOR DICK ZINS  
(Name)

176 63RD ST  
(Street Address or Route Number)

ELLEN CLINE VT 54703  
(City & ZIP Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

OCT 19 1999



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

DATE: October 19, 1999  
TO: REPRESENTATIVE SCOTT WALKER  
FROM: Anne Sappenfield, Staff Attorney  
SUBJECT: 1999 Assembly Bill 544, Relating to the Lease and Operation of Correctional Facilities and Provisions of Assembly Substitute Amendment 1 to 1999 Assembly Bill 133, the Biennial Budget Bill, Relating to the Private Prison in Stanley

This memorandum, prepared at your request, describes 1999 Assembly Bill 544, relating to the lease and operation of correctional facilities. 1999 Assembly Bill 544 was introduced by the Assembly Committee on Corrections and the Courts on October 14, 1999. The memorandum also describes provisions of Assembly Substitute Amendment 1 to 1999 Assembly Bill 133 (the biennial budget bill), which was adopted by the Joint Committee on Finance on June 25, 1999, relating to leasing or purchasing the private prison that is currently being constructed by the Dominion Corporation in Stanley. These provisions were not included in the final version of the biennial budget bill.

### **A. ASSEMBLY BILL 544**

Under current law, the Building Commission may lease any facility for use by the Department of Corrections (DOC) with an option for the state to purchase the facility. Any lease must provide that the facility is in accordance with requirements and specifications approved by the Department of Administration (DOA) and must permit inspection of the site and facility by agents of the DOA. Also, under current law, there is an appropriation in the DOC for corrections contracts and agreements for the placement of prisoners in facilities owned by entities other than this state.

The bill amends the appropriation for corrections contracts to allow the DOC to use the funds to make payments to lease correctional facilities in this state and for the operation of these facilities. The bill specifies that the use of the appropriation for this purpose is subject to the approval of the Joint Committee on Finance.

The bill also includes correctional facilities that are leased and operated by the DOC in the list of state prisons under s. 301.01, Stats. Therefore, under the bill, all current statutes and rules relating to state prisons are also applicable to leased prisons.

**B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO THE BIENNIAL BUDGET BILL**

Assembly Substitute Amendment 1 to the biennial budget included a nonstatutory provision relating to the private prison that is being constructed in Stanley. The substitute amendment required the DOA to commence efforts, no later than the 30th day after the effective date of the biennial budget bill (i.e., the day after publication), to negotiate with the owner of each private correctional facility located in this state to purchase or lease the facility. "Private correctional facility" was defined to mean a building, structure or facility, along with the land on which it is situated, that meets all of the following requirements:

1. The building, structure or facility has been or is being constructed on the effective date of the biennial budget bill.
2. 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 DOC's classification system.
3. The building, structure or facility has not been and is not being constructed under a contract with: (a) the DOC, a county, a group of counties acting under s. 302.44, Stats., regarding housing prisoners in jails; (b) the DOC and any county or group of counties acting under s. 302.45, Stats., regarding state-local shared correctional facilities; (c) the United States; or (d) a federally recognized American Indian tribe or band in this state.

Under the substitute amendment, if the DOA reached an agreement to purchase or lease the facility, the purchase or lease would be subject to approval by the Building Commission and the Joint Committee on Finance. If the DOA were unable to reach an agreement, the Building Commission would be permitted to acquire the facility by condemnation.

Under the substitute amendment, the DOC would have been required to use the increase in beds resulting from any lease or acquisition, as described above, to reduce its reliance on contracts for the transfer and confinement of Wisconsin prisoners in other states and to return prisoners who are confined in other states under those contracts to correctional facilities in Wisconsin.

The substitute amendment provided \$63,000,000 (\$58,000,000 in general fund supported borrowing and \$5,000,000 in DOC grant funds) for use by the Building Commission to lease or purchase the Stanley facility and for the construction of up to four regional probation and parole facilities. In addition, the substitute amendment placed funding of \$6,788,400 general purpose revenue (GPR) in 1999-00 and \$17,427,000 GPR in 2000-01 in the Joint Committee on Finance's appropriation for release to the DOC after approval of the lease or purchase of the Stanley Correctional Facility for purposes of staffing the facility. Finally, the substitute amendment reduced funding in the Joint Committee on Finance appropriation 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 facility.

As noted above, these provisions are not included in the version of the biennial budget bill passed by the Assembly and the Senate.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:jal;ksm



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

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**DATE:** October 19, 1999 (Revised October 19, 1999)

**TO:** REPRESENTATIVE SCOTT WALKER

**FROM:** Anne Sappenfield, Staff Attorney

**SUBJECT:** 1999 Assembly Bill 544, Relating to the Lease and Operation of Correctional Facilities and Provisions of Assembly Substitute Amendment 1 to 1999 Assembly Bill 133, the Biennial Budget Bill, Relating to the Private Prison in Stanley

This memorandum, prepared at your request, describes 1999 Assembly Bill 544, relating to the lease and operation of correctional facilities. 1999 Assembly Bill 544 was introduced by the Assembly Committee on Corrections and the Courts on October 14, 1999. The memorandum also describes provisions of Assembly Substitute Amendment 1 to 1999 Assembly Bill 133 (the biennial budget bill), which was adopted by the Joint Committee on Finance on June 25, 1999, relating to leasing or purchasing the private prison that is currently being constructed by the Dominion Corporation in Stanley. These provisions were not included in the final version of the biennial budget bill.

### **A. ASSEMBLY BILL 544**

Under current law, the Building Commission may lease any facility for use by the Department of Corrections (DOC) with an option for the state to purchase the facility. Any lease must provide that the facility is in accordance with requirements and specifications approved by the Department of Administration (DOA) and must permit inspection of the site and facility by agents of the DOA. Also, under current law, there is an appropriation in the DOC for corrections contracts and agreements for the placement of prisoners in facilities owned by entities other than this state.

The bill amends the appropriation for corrections contracts to allow the DOC to use the funds to make payments to lease correctional facilities in this state and for the operation of these facilities. The bill specifies that the use of the appropriation for this purpose is subject to the approval of the Joint Committee on Finance.

The bill also includes correctional facilities that are leased and operated by the DOC in the list of state prisons under s. 301.01, Stats. Therefore, under the bill, all current statutes and rules relating to state prisons are also applicable to leased prisons.

**B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO THE BIENNIAL BUDGET BILL**

Assembly Substitute Amendment 1 to the biennial budget included a nonstatutory provision relating to the private prison that is being constructed in Stanley. The substitute amendment required the DOA to commence efforts, no later than the 30th day after the effective date of the biennial budget bill (i.e., the day after publication), to negotiate with the owner of each private correctional facility located in this state to purchase or lease the facility. "Private correctional facility" was defined to mean a building, structure or facility, along with the land on which it is situated, that meets all of the following requirements:

1. The building, structure or facility has been or is being constructed on the effective date of the biennial budget bill.
2. 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 DOC's classification system.
3. The building, structure or facility has not been and is not being constructed under a contract with: (a) the DOA; (b) a county; (c) a group of counties acting under s. 302.44, Stats., regarding housing prisoners in jails; (d) the DOC and any county or group of counties acting under s. 302.45, Stats., regarding state-local shared correctional facilities; (e) the United States; or (f) a federally recognized American Indian tribe or band in this state.

Under the substitute amendment, if the DOA reached an agreement to purchase or lease the facility, the purchase or lease would be subject to approval by the Building Commission and the Joint Committee on Finance. If the DOA were unable to reach an agreement, the Building Commission would be permitted to acquire the facility by condemnation.

Under the substitute amendment, the DOC would have been required to use the increase in beds resulting from any lease or acquisition, as described above, to reduce its reliance on contracts for the transfer and confinement of Wisconsin prisoners in other states and to return prisoners who are confined in other states under those contracts to correctional facilities in Wisconsin.


The substitute amendment provided \$63,000,000 (\$58,000,000 in general fund supported borrowing and \$5,000,000 in DOC grant funds) for use by the Building Commission to lease or purchase the Stanley facility and for the construction of up to four regional probation and parole facilities. In addition, the substitute amendment placed funding of \$6,788,400 general purpose revenue (GPR) in 1999-00 and \$17,427,000 GPR in 2000-01 in the Joint Committee on Finance's appropriation for release to the DOC after approval of the lease or purchase of the Stanley Correctional Facility for purposes of staffing the facility. Finally, the substitute amendment reduced funding in the Joint Committee on Finance appropriation 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 facility.

As noted above, these provisions are not included in the version of the biennial budget bill passed by the Assembly and the Senate.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:jal;ksm

<b>1999 Session</b>		LRB Number <b>LRB-3712/1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		Bill Number <b>AB 544</b>
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
<b>Subject: Relating to the lease and operation of correctional facilities and making an appropriation.</b>		Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<b>Fund Sources Affected</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b> s. 20.410 (1) (ab)
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p>This bill permits the Department to lease and operate a correctional facility, and to fund such a lease and operating expenses from s. 20.410 (1) (ab), which is the appropriation relating to payment for contract beds. The use of funds for these lease payments and for operations costs from this appropriation is subject to approval by the Joint Committee on Finance.</p> <p>This bill provides general statutory authority that does not mandate any expenditure of funds. However, for illustrative purposes, the Department will use the Stanley medium security facility as an example. There are a number of assumptions in establishing these costs. It is assumed that positions for the facility will be authorized about December 1, 1999, and that lease or lease/purchase negotiations will be completed by March 1, 2000. It is further assumed that inmate populations will be phased in at a rate of 30 per week, beginning on October 1, 2000. The total capacity of 1,200 would be reached on July 1, 2001. There would not be any inmates received by the institution in FY 00. The average daily population in FY 01 would be 472. By FY 02, the institution would be up to full capacity of 1,200. Projected lease costs of \$6,000,000 annually are included in these estimates.</p> <p>During the first year, FY 00, there would be \$3,900,000 in moveable equipment, \$2,216,000 in building modifications, and \$3,171,500 in one-time start-up costs, for a total of \$9,287,500 in one-time costs. There would also be \$643,200 in salary and fringe and \$705,800 in supplies and services. Lease cost in FY 00 is estimated at \$2,000,000. The total costs for FY 00 would be \$12,636,500 GPR and 47.0 GPR FTE. The Department would also need approximately \$10,000 in expenditure authority and position authority for 1.0 PRO FTE to support prison industries. If the total GPR of \$12,636,500 were paid out of existing contract bed funds it would result in a reduced average daily population (ADP) of 769 contract beds.</p>		
<b>Long-Range Fiscal Implications</b>		
Prepared by: <b>Barbara Carlson</b>	Telephone No. <b>266-9340</b>	Agency <b>Corrections</b>
Authorized Signature:  <b>Robert Margolies</b>	Telephone No. <b>266-2931</b>	Date <b>October 20, 1999</b>

In FY 01, the Department would need to provide \$10,468,600 in salary and fringe, \$2,356,600 in supplies and services, \$820,500 for a health care contract, \$6,000,000 in lease costs, and \$209,400 in one-time costs, for a total of \$19,855,100 GPR and 353 GPR FTE. In FY 01, the Department would also need approximately \$150,100 (salary, fringe and supplies and services) in expenditure authority and position authority for 4.00 PRO FTE to support prison industries. If the total GPR of \$19,855,100 were paid out of existing contract bed funds it would result in a reduced average daily population (ADP) of 736 contract beds.

On an annual basis, total GPR costs would be \$12,879,300 in salary and fringe, \$4,150,100 in supplies and services, \$2,504,400 for the health care contract, and \$6,000,000 in lease costs, for a total of \$25,533,700 and 353 FTE. Total PRO expenditure authority would be \$150,400 in salary and fringe, and \$19,200 in supplies and services. If the total GPR of \$25,533,700 was paid out of existing contract bed funds it would result in a reduced average daily population (ADP) of 355 contract beds annually.

If the Department is not provided with additional resources in its contract appropriation it is anticipated that DOC would experience a reduction in available bed capacity. The following table illustrates the impact of totally funding Stanley out of existing contract bed funding. To avoid the reduction of available bed capacity would require additional GPR funding of \$12.6M in FY 00, \$12.2 M in FY 01 and \$5.8M on an annual basis thereafter.

	<u>FY 00</u>	<u>FY 01</u>	<u>Annualized</u>
Total Costs	\$12.6M	\$19.9M	\$25.5M
Stanley ADP	-0-	472	1,200
Corresponding Contract Bed Funds	-0-	\$7.8M	\$19.7M
GPR Shortfall	\$12.6M	\$12.2M	\$5.8M
Loss of Contract Beds	-769	-736	-355

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 10/14/99  
 Moved by: Goetsch      Seconded by: Balow  
 AB: \_\_\_\_\_      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_      Other: CRS 3712/1  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage                 | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Tabling                 |
| <input type="checkbox"/> Adoption                | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection               | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	_____	<u>4</u>	_____

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 10/27/99  
 Moved by: Gundrum      Seconded by: Hahn  
 AB: 544      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>1</u>	<u>1</u>	_____



# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Thursday, October 14, 1999  
10 AM – Room 225 NW

- I. Call to Order
- II. Roll Call
- III. Public Hearing
  - A. **AB 497** (*Walker/Wasserman/Darling*) time limits for prosecution of certain crimes of sexual assault.
  - B. **AB 519** (*Walker*) construction and operation of private prisons, requiring the exercise of rule-making authority and making an appropriation.
- IV. Executive Session
  - A. Introduction of **LRB 3712/1** (*Committee*) lease and operation of correctional facilities and making an appropriation.
- V. Announcements
  - A. Next meeting – Oct. 20
- VI. Adjournment

AB 544-

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, October 20, 1999  
11 AM – North Hearing Room

- I. Call to Order
- II. Roll Call
- III. Public Hearing
  - A. **AB 544** (*Committee*) the lease and operation of correctional facilities and making an appropriation.
- IV. Executive Session
  - A. **AB 497** (*Walker/Wasserman/Darling*) time limits for prosecution of certain crimes of sexual assault.
  - B. **AB 519** (*Walker*) construction and operation of private prisons, requiring the exercise of rule-making authority and making an appropriation.
- V. Announcements
  - A. Next meeting – Oct. 27
- VI. Adjournment

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, October 27, 1999  
2 PM – Room 415 NW

- I. Call to Order
- II. Roll Call
- III. Executive Session
  - A. **AB 544** (*Committee*) the lease and operation of correctional facilities and making an appropriation.
- IV. Public Hearing
  - A. **AB 558** (*Kaufert/Drzewiecki*) grants to law enforcement agencies for the purchase of photographic equipment and making an appropriation.
  - B. **AB 533** (*Joint Legislative Council*) authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.
- V. Announcements
  - A. Next meeting – Nov. 4
- VI. Adjournment



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

**DATE:** November 1, 1999

**TO:** SENATOR ROBERT JAUCH AND REPRESENTATIVE SCOTT WALKER

**FROM:** Anne Sappenfield, Senior Staff Attorney

**SUBJECT:** 1999 Assembly Bill 544, Relating to the Lease and Operation of Correctional Facilities and Limiting the Transfer to Out-of-State Facilities Based on the Capacity of Each Leased Facility

This memorandum, prepared at your request, discusses 1999 Assembly Bill 544, relating to the lease and operation of correctional facilities and a proposed amendment to the bill that would limit the Department of Corrections' (DOC) authority to transfer inmates to out-of-state facilities based on the capacity of each leased facility. Assembly Bill 544 was introduced by the Assembly Committee on Corrections and the Courts on October 14, 1999. The Committee held a public hearing on the bill on October 20, 1999 and voted to recommend passage of the bill on October 27, 1999.

### *1. Assembly Bill 544*

Under current law, the Building Commission may lease any facility for use by the DOC with an option for the state to purchase the facility. Any lease must provide that the facility is in accordance with requirements and specifications approved by the Department of Administration (DOA) and must permit inspection of the site and facility by agents of the DOA. Also, under current law, there is an appropriation in the DOC for corrections contracts and agreements for the placement of prisoners in facilities owned by entities other than this state.

The bill amends the appropriation for corrections contracts to allow the DOC to use the funds to make payments to lease correctional facilities in this state and for the operation of these facilities. The bill specifies that the use of the appropriation for this purpose is subject to the approval of the Joint Committee on Finance.

2. LRBa0845/1

In response to requests that Assembly Bill 544 contain a provision under which prisoners would be returned to Wisconsin from out-of-state correctional facilities or that additional prisoners would not be transferred to out-of-state facilities if there were available beds in a facility leased by the DOC, you had LRBa0845/1 drafted as an amendment to the bill. LRBa0845/1 creates a nonstatutory provision under which the DOC may not increase the number of prisoners confined outside of this state unless each correctional facility that the DOC has leased in this state is at, or substantially at, capacity.

At the public hearing on Assembly Bill 544, Jon Litscher, Secretary of Corrections, stated that having additional prison space in a leased facility in Wisconsin would decrease the number of inmates who are transferred to out-of-state facilities. However, he raised general concerns regarding linking the use of a leased facility to decisions to transfer inmates to or from out-of-state facilities. He said that the DOC needs flexibility in determining where prisoners will be housed and raised the concern that if the DOC were forced to return prisoners from out-of-state facilities, these prisoners' treatment programs would be interrupted.

If you have any questions or would like further information on this topic, please feel free to call me at the Legislative Council Staff offices.

AS:jal:rv;jal

# LEASING OF STANLEY FACILITY

## ASSUMPTIONS

- Population will be 1,200 (600 cells doubled)
- Position authorization date is December 1, 1999
- Assumes lease is finalized by March 1, 2000
- Anticipated DOC opening date of this facility will be October 1, 2000
- The Stanley facility will be a medium security institution
- Inmate populations are phased in at a rate of 30 per week starting October 1, 2000
- The Stanley facility average daily population (ADP) for FY 01 is 472.
- Total capacity of 1,200 is reached on July 1, 2001.
- DOC will need to purchase all moveable equipment (\$3.9M) and building modifications (\$2.2M) out of operating funds
- Programming at this facility will be focused on work, education and long term treatment
- Health care will be contracted (\$2.5M annually)
- This facility will contain a full production kitchen
- An industry (laundry) is included but assumes a program revenue operation

**DOC'S THREE YEAR PROJECTED GPR COST ESTIMATES FOR STANLEY FACILITY**

	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u> ANNUALIZED
Salary and Fringe	\$ 643,200	\$ 10,468,600	\$ 12,879,300
Supplies	\$ 705,800	\$ 2,356,600	\$ 4,150,000
Healthcare	\$ -	\$ 820,500	\$ 2,504,400
* Projected Lease Costs	\$ 2,000,000	\$ 6,000,000	\$ 6,000,000
** One-Time Moveable Equipment	\$ 3,900,000		
** One-Time Building Modifications	\$ 2,216,000		
** One-Time Startup Costs	\$ 3,171,500	\$ 209,400	
<b>FISCAL YEAR TOTAL COSTS</b>	<b>\$ 12,636,500</b>	<b>\$ 19,855,100</b>	<b>\$ 25,533,700</b>
<b>Anticipated Stanley ADP</b>	<b>-</b>	<b>472</b>	<b>1,200</b>
Funds Transferrable from Contract Appropriation	\$ -	\$ 7,752,600	\$ 19,710,000
<b>Shortfall</b>	<b>\$ (12,636,500)</b>	<b>\$ (12,102,500)</b>	<b>\$ (5,823,700)</b>

\* Projected Lease costs per DOA are based on projected debt service for a comparably sized facility.  
 \*\* Summarized Item Listing Attached

Prepared By: Lucie Widzinski-Pollock, Budget and Policy Supervisor  
 266-5070

## EXAMPLES OF ONE TIME ITEMS

### MOVEABLE EQUIPMENT

- Computers, desks, chairs, systems furniture
- Security detection equipment (ID camera, metal detectors)
- Cabinets and Shelving
- Conference Room tables and chairs
- Weapons
- Maintenance tools and equipment
- Waxers, industrial vacuums, heavy duty cleaning equipment
- Recreation equipment
- Medical equipment

### BUILDING MODIFICATIONS

- Integrated voice and data system which meets state specifications
- Two way radio communications, including tower
- Enclosed elevated officer station at sallyport truck gate
- Emergency fuel backup for heating systems

### START-UP COSTS

- Inventory of inmate clothing
- Sheets, towels, blankets and other linens as needed
- Canteen inventory
- Kitchen utensils, trays, pots and pans
- Paper products and food inventory
- Cleaning products and brushes, mops, etc.
- Signage
- Office supplies
- Officer uniforms
- Ammunition
- Officer Preservice Costs



## STAFF AND PHASING

Planned staff for the Stanley facility includes :

- 26 staff for Administration, Personnel, and Business
- 22 in Education
- 29 in Treatment and Programs
- 10 in Housing Unit Management and Support
- 30 in Maintenance, Stores, and Food Service
- 13 in Inmate Records, Classification, and Complaints
- 17 in Security Supervision
- 45 Officer 3's
- 161 Officer 1-2's
- 4 positions funded by program revenue for industries

**The total staff request is about 357.**

- Gradual phase in of Staff, based on routine planning and startup and inmate phase in schedule of 30 per week.
- First inmates received approximately October, 2000
- The institution should reach capacity of 1,200 about July 1, 2001

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# MEMORANDUM

---

October 20, 1999

To: Jon Litscher  
From: ~~David C.~~ Whitcomb  
Re: *Evers et al. V. Sullivan et al.*  
Case No. 98 CV 2282 (Dane County Circuit Court)

1. This case was filed in July 1998 as a certiorari proceeding by four Wisconsin inmates. Currently it is a declaratory judgment action. It is not a class action. Technically, any final order and judgment will apply to only the named plaintiffs.

William Evers, an inmate at Oshkosh Correctional Institution, is the "lead" plaintiff.

2. Judge Krueger's October 14, 1999, decision and order concluded that the DOC lacks statutory authority to involuntarily transfer inmates out of state prisons. She did not find against DOC on any federal or constitutional question. It is strictly a statutory construction case.

It is DOJ's and DOC's legal opinion that her decision is clearly erroneous.

3. There is no final order. However, it is clear that Judge Krueger has issued her final decision. The decision orders the plaintiffs to submit by November 16, 1999, a draft declaratory judgment; the defendants have until December 6, 1999, to submit any objections.

4. Two critical rulings adversely effect DOC interests:

First, although DOC clearly has the authority to contract for the out of state transfer of inmates, and the legislature has appropriated money for that purpose, the legislature has not specifically granted to DOC the authority to involuntarily transfer inmates out of state.

Second, the inmates are not required to exhaust administrative remedies because the inmates' complaint does not come within the

scope of the Inmate Complaint Review System and there is no other administrative remedy available to them.

5. DOC's statutory and constitutional authority to transfer inmates out of state has been upheld in state and federal courts on numerous occasions.
6. Since there is no final order, Judge Krueger's decision is not appealable as a matter of right. DOJ and DOC are working on pleadings for a discretionary appeal of a non-final order.

Draft revisions to the statutes and DOC administrative rules have been drafted, which will make it unequivocally clear that DOC has the authority to involuntarily transfer inmates out of state.

dcw



Tommy G. Thompson  
Governor

Jon E. Litscher  
Secretary

State of Wisconsin  
Department of Corrections

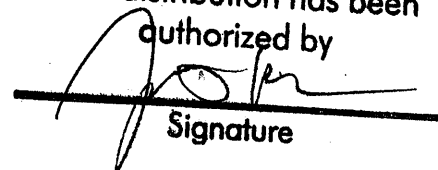
Mailing Address

149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471  
Fax (608) 267-3661

October 29, 1999

Representative Spencer Coggs  
State Capitol, Room 214 North  
Madison, WI

This distribution has been  
authorized by



Signature

Dear Representative Coggs:

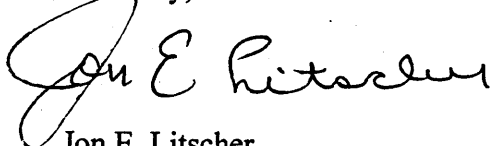
As you know, I have stated that it is my intent to minimize the growth of out-of-state placements as much as feasible. However, the Department's ultimate responsibility is to keep inmates and staff in a safe environment, and if there are not enough beds in Wisconsin, we have to continue to look elsewhere.

I want to assure you that if the Legislature provides us additional beds within the State, (i.e. leased prisons) those beds will be fully utilized to the extent that we are provided adequate funding for them. This will lead to fewer out-of-state placements. New correctional institutions are not fully occupied overnight. Historically, we have brought new prisons and staff on line gradually in order to obtain a smooth implementation of the facility. Our fiscal estimate on AB 544 assumed 30 inmates/week beginning on October 1, 2000 for the Stanley institution. If appropriate funding is allocated and the facility eventually reaches its 1200 bed capacity, that will eliminate the need for many offenders to be placed out-of-state.

Future initiatives from this Department will expand the use of community corrections to try and minimize the need for future prison space. I strongly believe that is one major piece of the puzzle that still needs to be addressed.

I look forward to continue to work with you in order to find innovative ways of addressing the continuing problem of prison overcrowding. Thank you for your interest and leadership in this area.

Sincerely,



Jon E. Litscher  
Secretary



Bill Fendel, President  
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# Wisconsin State Employees Union Council #24

**AFL-CIO**

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Testimony on Stanley Prison  
Submitted by Marty Beil, Executive Director,  
AFSCME Council 24, AFL-CIO  
Before the Assembly Corrections & Courts Committee  
Wednesday, October 20, 1999

Dear Representative Walker & Committee Members:

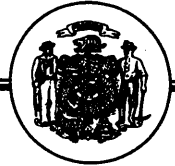
I would like to express our union's support for legislation that will allow the state of Wisconsin to lease and operate the recently constructed prison located in Stanley, Wisconsin.

While we are unequivocally opposed to the speculative, profit-driven motives of private, for-profit prisons and the manner in which this facility was constructed, we believe the overriding need to find beds for Wisconsin inmates placed out of state warrant the lease and operation of this facility.

Clearly, the process that allowed speculators to enter our state and seduce an economically depressed community with promises of jobs without regard to the policy priorities of the legislature and administration must be changed. Failure to do so will encourage an entourage of snake oil salesmen travelling from small town to town hawking the financial benefits of locking up more people and throwing away the key.

The population pressures in our prisons are reaching a critical mass. Overcrowding places officers and inmates at risk. As the Legislature grapples with the significant questions regarding truth in sentencing and other criminal justice legislative initiatives it's obligation to ensure safe and adequate facilities to house the increasing inmate population should be a priority. Allowing the Wisconsin DOC to lease and operate this facility will be an important step in that direction.

Thank you for your consideration.



**FOR RELEASE Sunday  
October 24, 1999**

**CONTACT Rep. Larry Balow  
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## **Prison Space Problem Will Worsen, Legislator Says**

### **New Budget Increases Out-of-State Beds by 60% 51 of 72 Counties Consider Jail Expansions**

Madison – Freshman Rep. Larry Balow (D-Eau Claire) represents the City of Stanley in the State Assembly and has actively lobbied members of the Legislature to lease the prison being constructed there by the Dominion Venture Group.

Balow said today that the state's prison space shortage will worsen quickly in the coming years. "Leasing 1,620 beds at Stanley is an essential first step," Balow said. "Then the Legislature has to address the larger problem, which poses difficult questions for our state government. It's going to take some time for us to come up with a sensible set of answers."

"I don't think the press accounts portray the full dimensions of the unfolding prison space crisis in Wisconsin," Balow said. "We ought to be focusing on 6,500 out-of-state prisoners in 18 months, rather than the 4,100 figure today."

"The budget bill on Governor Thompson's desk will fund a 60% increase in out-of-state prison beds by June 2001, when we expect to have 6,473 inmates – that's 27% of Wisconsin's prisoners – held outside the state. The cost for taxpayers in the next two years is \$208 million dollars spent to the benefit of other states."

In addition, Balow revealed, the Corrections Department has reported that 51 of Wisconsin's 72 counties this year are either debating or constructing an expansion in the capacity of their jails.

"Our legal system is overloaded with prisoners at the county level too," Balow observed. An expansion of county jails may provide a few new temporary beds for state prisoners, according to Balow, but the counties are acting to meet their own individual requirements.

The county jail space shortage could swell the state prison population in two ways, Balow said. "Counties currently hold 425 state convicts for probation and patrol holds, for which they reimbursed by the state. Counties have the right to send these inmates into state custody if they need bed space for local sentences. And at some point – a point beyond our 2001 budget projections – many of these new county cells will hold people enroute to our state prison system."

In Madison, Balow noted, Dane County opened a \$21 million addition to its jail in late 1994, doubling its capacity to its present level of 942. On one day last month the Dane County Jail held 1,091 persons. The Dane County Board is now considering whether to construct still more space. Sheriff Hamblin estimates it would cost \$26 million to add on three floors and 600 more beds.

51 COUNTIES OF MILWAUKEE HOC EXPANSION INCLUDED (COMPLETED 6/99)

Wisconsin County Jail Planning/Construction Summary

The following counties are in some phase of planning, design or construction. Some projects will be completed in phases. Additional beds and dates of completion are preliminary estimates.

County	Current Capacity	Present Action (Estimated Date of Completion)
<b>Western</b>		
Barron	52	Discussing 100 additional beds
Buffalo	26	Discussion stage
Burnet	25	Discussion stage
Chippewa	79	Planning 130 additional beds (unknown)
Douglas	67	Planning 100 additional beds (2001)
Eau Claire	336	Adding 160 additional beds
Jackson	60	Discussion stage
La Crosse	223	Planning 60-bed addition for females (1/00)
Monroe	69	Planning 120 additional beds
Peplin	11	Designing 15 additional beds (1/00)
Pierce	29	Designing 120 additional beds (2001)
Polk	55	Planning addition (unknown)
Trempealeau	34	Designing 100 additional beds (unknown)
Vernon	27	Discussion stage
Washburn	30	Planning addition
<b>Northeastern</b>		
Brown	268	Constructing 500-bed facility (2001)
Brown Juv.	12	Constructing 44 additional beds (2001)
Calumet	39	Discussion stage
Door	40	Planning 202-bed facility (2001)
Green Lake	37	Discussion stage
Kewaunee	22	Planning 80 or 96-bed facility (2001)
Marricette	60	Planning 120-bed facility (2001)
Oconto	45	Discussing 150 additional beds
Oconto Juv.	12	Discussion stage
Outagamie	507	Discussing up to 300 additional Huber beds
Sheboygan Juv.	19	Constructed up to 31 juvenile beds (complete)
Waupaca	79	Planning 260-bed addition (2001)
Waushara	44	Constructing 120-bed facility (1/00)
Winnebago	268	Planning 300 or 400-bed facility (2001)

County	Current Capacity	Present Action (Estimated Date of Completion)
<b>Southeastern</b>		
Kenosha	189	Constructing Addition (1/99)
Milw. HOC	1,892	400 beds opening in 6/99
Ozaukee	158	Constructing 150 bed addition (9/99)
Racine	618	Discussion Stage
Waunago	238	Discussion Stage
Washington	100	Planning 280-bed project (26 Juvenile) (2000)
Waukesha	526	Discussion Stage
<b>Southern</b>		
Dane	893	Discussing Renovation of CCB Jail
Dane Juv.	18	Planning New Center 2002
Dodge	96	Constructing 350 Beds (9/00)
Grant	66	Discussion stage
Green	51	Planning 20 additional beds (8/99)
Juneau	28	Planning additional Beds
Richland	38	Planning to add 10 beds (1/2/99)
Rock	477	Discussion Stage
Sauk	157	Planning stage
<b>Northern</b>		
Bayfield	28	Discussion stage, 70 additional beds
Florence	2	Discussion stage, 25-28 bed facility
Iron	14	Discussing 25 - 40 additional beds
Langlade	31	Constructing 110-bed facility (1/2000)
Lincoln	38	Discussion stage
Marathon	143	Constructing 115-bed addition (8/99)
Portage	79	Discussion stage
Portage Juv.	14	Discussion stage
Price	22	Discussion stage
Wood	131	Discussion stage