

2001 DRAFTING REQUEST

Bill

Received: **02/14/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Chief Clerk 6-1803**

By/Representing: **Donna**

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

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Leasing of correctional facilities

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 02/26/2001	jdyer 02/27/2001	kfollet 02/27/2001	_____	lrb_docadmin 02/27/2001	lrb_docadmin 02/27/2001	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 02/14/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Chief Clerk 6-1803

By/Representing: Donna Doyle

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Leasing of correctional facilities

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	nelsorp1	Checked by Jey D	Engrossed by K 2/27	KP/IF 2/27			
FE Sent For:							
<END>							

Due 2/27 PM

RPN: _____
JMGD

(To Be Printed for Legislature)

ENGROSSED 2001 Assembly BILL 42

(Date) Feb. 14, 2001 - Printed by direction of Senate CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

Orig SubAmdt

204811

Amendments to above (if none, write "NONE"): _____

AA 2, AA 1 to AA 2, AA 3, AA 4

Corrections - show date (if none, write "NONE"): NONE

2/15/01
Date

[Signature]
Drafter

Editor

ELECTRONIC PROCEDURE: Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.

LEGISLATIVE PROCESSING SPECIALIST: Give paper copy of engrossed bill to drafter for final check before forwarding.

Make 15 copies of ENGROSSED BILL: Enter introductory information on engrossed bill cover sheet corresponding to the house of the chief clerk who directed the engrossed bill printed. Distribute copies and send copy of engrossed bill electronically to DOA for printing.

DISTRIBUTION:

DIRECTING CHIEF CLERK:

- Cover sheet and 9 copies

LRB:

- Drafting file original

- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Bill index librarian 1 copy

ASSEMBLY BILL 42 (LRB-2048)

An Act to repeal 20.410 (1) (ed); to amend 13.48 (19), 13.48 (27), 20.410 (1) (ab), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 302.01, 946.15 (1), 946.15 (2), 946.15 (3) and 946.15 (4); and to create 20.924 (1) (i) and 301.235 (2) (dm) of the statutes; relating to: the lease and operation of correctional facilities, making an appropriation, and providing penalties. (FE)

2001

- 01-25. A. Introduced by Representative Walker; cosponsored by Senator Jauch.
- 01-25. A. Read first time and referred to committee on Corrections and the Courts
- 30
- 01-31. A. Public hearing held .
- 02-07. A. Executive action taken .
- 02-07. A. Assembly amendment 1 offered by committee on Corrections and the Courts (LRB a0104)
- 68
- 02-07. A. Assembly amendment 2 offered by committee on Corrections and the Courts (LRB a0126)
- 68
- 02-07. A. Assembly amendment 3 offered by committee on Corrections and the Courts (LRB a0130)
- 68
- 02-07. A. Assembly amendment 4 offered by committee on Corrections and the Courts (LRB a0144)
- 68
- 02-08. A. Fiscal estimate received .
- 02-08. A. Report Assembly amendment 1 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0
- 69
- 02-08. A. Report Assembly amendment 2 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0
- 69
- 02-08. A. Report Assembly amendment 3 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0
- 69
- 02-08. A. Report Assembly amendment 4 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0
- 69
- 02-08. A. Report passage as amended recommended by committee on Corrections and the Courts, Ayes 6, Noes 1
- 69
- 02-08. A. Referred to committee on Rules
- 69
- 02-08. A. Placed on calendar 2-14-2001 by committee on Rules .

- 02-13. A. Emergency statement attached by Governor pursuant to
s. 16.47 (2) Wisconsin Statutes
75
- 02-14. A. Read a second time
86
- 02-14. A. Point of order that Assembly amendment 1 not germane
well taken
86
- 02-14. A. Assembly amendment 1 to Assembly amendment 2 offered
by Representatives Balow and Walker (LRB a0158)
86
- 02-14. A. Assembly amendment 1 to Assembly amendment 2 adopted .
86
- 02-14. A. Assembly amendment 2 adopted
86
- 02-14. A. Assembly amendment 3 adopted
86
- 02-14. A. Assembly amendment 4 adopted
86
- 02-14. A. Assembly amendment 5 offered by Representatives Young,
Morris-Tatum, Coggs and Riley (LRB a0229)
86
- 02-14. A. Assembly amendment 5 laid on table, Ayes 63, Noes 34 .
86
- 02-14. A. Placed on the calendar following Assembly Bill 2
86
- 02-14. A. Assembly amendment 6 offered by Representatives
Morris-Tatum, Young and Coggs (LRB a0241)
88
- 02-14. A. Assembly amendment 6 laid on table, Ayes 56, Noes 40 .
88
- 02-14. A. Ordered to a third reading
88
- 02-14. A. Rules suspended
88
- 02-14. A. Read a third time and passed, Ayes 93, Noes 3,
Paired 2
88
- 02-14. A. Ordered immediately messaged
88
- 02-15. S. Received from Assembly
83
- 02-15. S. Read first time and referred to committee on
Economic Development and Corrections
84
- 02-15. S. Printed engrossed by the direction of the Senate
Chief Clerk .

BILL HISTORY FOR ASSEMBLY BILL 42 (LRB -2048)

An Act to repeal 20.410 (1) (ed); to amend 13.48 (19), 13.48 (27), 20.410 (1) (ab), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 302.01, 946.15 (1), 946.15 (2), 946.15 (3) and 946.15 (4); and to create 20.924 (1) (i) and 301.235 (2) (dm) of the statutes; relating to: the lease and operation of correctional facilities, making an appropriation, and providing penalties. (FE)

2001

01-25. A.	Introduced by Representative Walker ; cosponsored by Senator Jauch .	
01-25. A.	Read first time and referred to committee on Corrections and the Courts	30
01-31. A.	Public hearing held.	
02-07. A.	Executive action taken.	
02-07. A.	Assembly amendment 1 offered by committee on Corrections and the Courts (LRB a0104)	68
02-07. A.	Assembly amendment 2 offered by committee on Corrections and the Courts (LRB a0126)	68
02-07. A.	Assembly amendment 3 offered by committee on Corrections and the Courts (LRB a0130)	68
02-07. A.	Assembly amendment 4 offered by committee on Corrections and the Courts (LRB a0144)	68
02-08. A.	Fiscal estimate received.	
02-08. A.	Report Assembly amendment 1 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0	69
02-08. A.	Report Assembly amendment 2 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0	69
02-08. A.	Report Assembly amendment 3 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0	69
02-08. A.	Report Assembly amendment 4 adoption recommended by committee on Corrections and the Courts, Ayes 7, Noes 0	69
02-08. A.	Report passage as amended recommended by committee on Corrections and the Courts, Ayes 6, Noes 1	69
02-08. A.	Referred to committee on Rules	69
02-08. A.	Placed on calendar 2-14-2001 by committee on Rules.	
02-13. A.	Emergency statement attached by Governor pursuant to s. 16.47 (2) Wisconsin Statutes	75
02-14. A.	Read a second time	86
02-14. A.	Point of order that Assembly amendment 1 not germane well taken	86
02-14. A.	Assembly amendment 1 to Assembly amendment 2 offered by Representatives Balow and Walker (LRB a0158)	86
02-14. A.	Assembly amendment 1 to Assembly amendment 2 adopted	86
02-14. A.	Assembly amendment 2 adopted	86
02-14. A.	Assembly amendment 3 adopted	86
02-14. A.	Assembly amendment 4 adopted	86
02-14. A.	Assembly amendment 5 offered by Representatives Young, Morris-Tatum, Coggs and Riley (LRB a0229)	86
02-14. A.	Assembly amendment 5 laid on table, Ayes 63, Noes 34	86
02-14. A.	Placed on the calendar following Assembly Bill 2	86
02-14. A.	Assembly amendment 6 offered by Representatives Morris-Tatum, Young and Coggs (LRB a0241)	88
02-14. A.	Assembly amendment 6 laid on table, Ayes 56, Noes 40	88
02-14. A.	Ordered to a third reading	88
02-14. A.	Rules suspended	88
02-14. A.	Read a third time and passed , Ayes 93, Noes 3, Paired 2	88
02-14. A.	Ordered immediately messaged	88

2001 ASSEMBLY BILL 42

January 25, 2001 – Introduced by Representative WALKER, cosponsored by Senator JAUCH. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 20.410 (1) (ed); *to amend* 13.48 (19), 13.48 (27), 20.410 (1) (ab),
2 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), 302.01, 946.15 (1), 946.15 (2), 946.15
3 (3) and 946.15 (4); and *to create* 20.924 (1) (i) and 301.235 (2) (dm) of the
4 statutes; **relating to:** the lease and operation of correctional facilities, making
5 an appropriation, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, as a part of the authorized state building program, the building commission may lease any facility, with an option to purchase the facility by the state, for use by the department of corrections (DOC). Current law also appropriates money to DOC for making payments under certain contracts. This bill amends the appropriation provision relating to contract payments to authorize DOC to use the money appropriated under that provision, subject to the approval of the joint committee on finance, to lease correctional facilities in this state and to operate the correctional facilities that it leases.

Current law imposes certain “prevailing wage” requirements on employers working on state or local public works projects and establishes enforcement mechanisms for those requirements, including criminal penalties. The bill regulates the construction of additional correctional facilities by private persons. Under the bill, a private person may not commence construction of a correctional facility or conversion of an existing building into a correctional facility unless: 1) the building commission has authorized the lease or acquisition of the correctional facility or has

ASSEMBLY BILL 42

approved the construction or conversion; and 2) the person agrees to comply with current prevailing wage law. The bill prohibits the building commission from leasing or acquiring a correctional facility if these requirements are not met.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

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

ASSEMBLY BILL 42

1 department of administration and shall permit inspection of the site and facility by
2 agents of the department.

3 **SECTION 3.** 20.410 (1) (ab) of the statutes is amended to read:

4 20.410 (1) (ab) *Corrections contracts ~~and~~, agreements and leases.* The amounts
5 in the schedule for payments made in accordance with contracts entered into under
6 ss. 301.21, 302.25 and 302.27, contracts entered into with the federal government
7 under 18 USC 5003 and intra-agency agreements relating to the placement of
8 prisoners and, subject to the approval of the joint committee on finance, for payments
9 made to lease correctional facilities in this state under s. 13.48 (27) and for the
10 operation of those facilities.

11 **SECTION 4.** 20.410 (1) (ed) of the statutes is repealed.

12 **SECTION 5.** 20.924 (1) (i) of the statutes is created to read:

13 20.924 (1) (i) May not lease or authorize the leasing of any building, structure,
14 or facility, or portion thereof for initial occupancy by the department of corrections
15 for the purpose of confining persons serving a sentence of imprisonment to the
16 Wisconsin state prisons under ch. 973 unless the construction of the building,
17 structure or facility or its conversion into a correctional facility began before October
18 1, 1999, or unless the lessor has done all of the following:

19 1. Not permit any employee working on the building, structure, or facility, or
20 portion thereof, who would be entitled to receive the prevailing wage rate under s.
21 103.49 and who would not be required or permitted to work more than the prevailing
22 hours of labor, if the building, structure, or facility, or portion thereof, were a project
23 of public works subject to s. 103.49, to be paid less than the prevailing wage rate or
24 to be required or permitted to work more than the prevailing hours of labor, except
25 as permitted under s. 103.49 (2).

ASSEMBLY BILL 42

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

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

13 **SECTION 6.** 109.09 (1) of the statutes is amended to read:

14 109.09 (1) The department shall investigate and attempt equitably to adjust
15 controversies between employers and employees as to alleged wage claims. The
16 department may receive and investigate any wage claim which is filed with the
17 department, or received by the department under s. 109.10 (4), no later than 2 years
18 after the date the wages are due. The department may, after receiving a wage claim,
19 investigate any wages due from the employer against whom the claim is filed to any
20 employee during the period commencing 2 years before the date the claim is filed.
21 The department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2., and 3., 66.0903,
22 103.02, 103.49, 103.82, 104.12 and 229.8275. In pursuance of this duty, the
23 department may sue the employer on behalf of the employee to collect any wage claim
24 or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions.
25 Except for actions under s. 109.10, the department may refer such an action to the

ASSEMBLY BILL 42

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

10 **SECTION 7.** 111.322 (2m) (c) of the statutes is amended to read:

11 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
12 under s. 20.924 (1) (i) 1., 2., or 3., 66.0903, 103.49 or 229.8275 or testifies or assists
13 in any action or proceeding under s. 20.924 (1) (i) 1., 2., or 3., 66.0903, 103.49 or
14 229.8275.

15 **SECTION 8.** 227.01 (13) (t) of the statutes is amended to read:

16 227.01 (13) (t) Ascertains and determines prevailing wage rates under ~~ss. s.~~
17 20.924 (1) (i), 66.0903, 103.49, 103.50 ~~and, or~~ 229.8275, except that any action or
18 inaction which ascertains and determines prevailing wage rates under ~~ss. s.~~ 20.924
19 (1) (i), 66.0903, 103.49, 103.50 ~~and, or~~ 229.8275 is subject to judicial review under s.
20 227.40.

21 **SECTION 9.** 301.235 (2) (dm) of the statutes is created to read:

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

ASSEMBLY BILL 42

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

3 **SECTION 10.** 302.01 of the statutes is amended to read:

4 **302.01 State prisons named and defined.** The penitentiary at Waupun is
5 named “Waupun Correctional Institution”. The correctional treatment center at
6 Waupun is named “Dodge Correctional Institution”. The penitentiary at Green Bay
7 is named “Green Bay Correctional Institution”. The medium/maximum penitentiary
8 at Portage is named “Columbia Correctional Institution”. The medium security
9 institution at Oshkosh is named “Oshkosh Correctional Institution”. The medium
10 security penitentiary near Fox Lake is named “Fox Lake Correctional Institution”.
11 The penitentiary at Taycheedah is named “Taycheedah Correctional Institution”.
12 The medium security penitentiary at Plymouth is named “Kettle Moraine
13 Correctional Institution”. The penitentiary at the village of Sturtevant in Racine
14 County is named “Racine Correctional Institution”. The medium security
15 penitentiary at Racine is named “Racine Youthful Offender Correctional Facility”.
16 The resource facility at Oshkosh is named “Wisconsin Resource Center”. $\sqrt{\text{The}}$
17 institutions named in this section, the correctional institutions authorized under s.
18 301.16 (1n) and (1v), correctional institution authorized under 1997 Wisconsin Act
19 4, section 4 (1) (a), correctional institution authorized under s. 301.046 (1),
20 correctional institution authorized under s. 301.048 (4) (b), minimum security
21 correctional institutions authorized under s. 301.13, correctional facilities leased
22 and operated by the department under s. 13.48 (27), the probation and parole holding
23 facilities authorized under s. 301.16 (1q) and state-local shared correctional
24 facilities when established under s. 301.14, are state prisons.

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

ASSEMBLY BILL 42

1 946.15 (1) Any employer, or any agent or employee of an employer, who induces
2 any person who seeks to be or is employed pursuant to a public contract as defined
3 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
4 wage rate determination has been issued by the department of workforce
5 development under s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3)
6 or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6)
7 to give up, waive or return any part of the compensation to which that person is
8 entitled under his or her contract of employment or under the prevailing wage rate
9 determination issued by the department or local governmental unit, or who reduces
10 the hourly basic rate of pay normally paid to an employee for work on a project on
11 which a prevailing wage rate determination has not been issued under s. 20.924 (1)
12 (i), 66.0903 (3) or (6), 103.49 (3), 103.50 (3) or 229.8275 (3) during a week in which
13 the employee works both on a project on which a prevailing wage rate determination
14 has been issued and on a project on which a prevailing wage rate determination has
15 not been issued, is guilty of a Class E felony.

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

17 946.15 (2) Any person employed pursuant to a public contract as defined in s.
18 66.0901 (1) (c) or employed on a project on which a prevailing wage rate
19 determination has been issued by the department of workforce development under
20 s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
21 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who gives up,
22 waives or returns to the employer or agent of the employer any part of the
23 compensation to which the employee is entitled under his or her contract of
24 employment or under the prevailing wage determination issued by the department
25 or local governmental unit, or who gives up any part of the compensation to which

ASSEMBLY BILL 42**SECTION 12**

1 he or she is normally entitled for work on a project on which a prevailing wage rate
2 determination has not been issued under s. 20.924 (1) (i), 66.0903 (3) or (6), 103.49
3 (3), 103.50 (3) or 229.8275 (3) during a week in which the person works part-time on
4 a project on which a prevailing wage rate determination has been issued and
5 part-time on a project on which a prevailing wage rate determination has not been
6 issued, is guilty of a Class C misdemeanor.

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

8 946.15 (3) Any employer or labor organization, or any agent or employee of an
9 employer or labor organization, who induces any person who seeks to be or is
10 employed on a project on which a prevailing wage rate determination has been issued
11 by the department of workforce development under s. 20.924 (1) (i), 66.0903 (3),
12 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in
13 s. 66.0903 (1) (d), under s. 66.0903 (6) to permit any part of the wages to which that
14 person is entitled under the prevailing wage rate determination issued by the
15 department or local governmental unit to be deducted from the person's pay is guilty
16 of a Class E felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6
17 from a person who is working on a project that is subject to 40 USC 276c.

18 **SECTION 14.** 946.15 (4) of the statutes is amended to read:

19 946.15 (4) Any person employed on a project on which a prevailing wage rate
20 determination has been issued by the department of workforce development under
21 s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
22 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who permits
23 any part of the wages to which that person is entitled under the prevailing wage rate
24 determination issued by the department or local governmental unit to be deducted
25 from his or her pay is guilty of a Class C misdemeanor, unless the deduction would

ASSEMBLY BILL 42

1 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
2 is subject to 40 USC 276c.

3 **SECTION 15. Nonstatutory provisions.**

4 (1) For the 2001–02 and 2002–03 fiscal years, the department of corrections
5 may request the joint committee of finance to supplement the department’s budget
6 under section 20.410 (1) (a) of the statutes for the purpose of staffing any leased
7 correctional facility. Notwithstanding the fact that no emergency exists, the joint
8 committee on finance may approve any such request under section 13.101 (3) (a) of
9 the statutes.

10 **SECTION 16. Effective date.**

11 (1) This act takes effect on the day after publication of the 2001–03 biennial
12 budget act.

13

(END)

**ASSEMBLY AMENDMENT 2,
TO 2001 ASSEMBLY BILL 42**

February 7, 2001 – Offered by COMMITTEE ON CORRECTIONS AND THE COURTS.

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

2 1. Page 1, line 4: delete “lease” and substitute “construction, lease,”.

3 2. Page 2, line 7: after “(i)” insert “and (j)”.

4 3. Page 2, line 10: after “(i)” insert “and (j)”.

5 4. Page 2, line 14: after “(i)” insert “and (j)”.

6 5. Page 4, line 12: after that line insert:

7 “SECTION 5g. 20.924 (1) (j) of the statutes is created to read:

8 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition
9 of any building, structure, or facility or portion thereof for initial occupancy by the
10 department of corrections for the purpose of confining persons serving a sentence of
11 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of
12 confining juveniles alleged or found to be delinquent unless the construction of the
13 building, structure, or facility or the conversion of the building, structure, or facility

1 (into a correctional facility began either before October 1, 1999, or after the building,
2 structure, or facility was enumerated in the authorized state building program.

3 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

4 59.53 (8) REHABILITATION FACILITIES. The board may establish and maintain
5 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff
6 as an extension of the jail, or separate from the jail under jurisdiction of a
7 superintendent, to provide any person sentenced to the county jail with a program
8 of rehabilitation for such part of the person's sentence or commitment as the court
9 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities
10 may be located outside of the county under a cooperative agreement under s. 302.44
11 (1).

12 **SECTION 5r.** 59.54 (14) (a) of the statutes is amended to read:

13 59.54 (14) (a) A county shall provide a courthouse, fireproof offices and other
14 necessary buildings at the county seat and keep them in good repair. A county shall
15 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the
16 cooperative establishment and use of a jail. The jail and rehabilitation facilities as
17 extensions of the jail need not be at the county seat and may be located outside of the
18 county under a cooperative agreement under s. 302.44 (1).”.

19 **6.** Page 5, line 20: after that line insert:

20 “**SECTION 8m.** 301.19 of the statutes is created to read:

21 **301.19 Construction of correctional facilities by private persons. (1)**

22 In this section:

1 (a) "Authorized jurisdiction" means a county, two counties acting under s.
2 302.44 (1), the United States, or a federally recognized American Indian tribe or band
3 in this state.

4 (b) "Correctional facility" means a building, structure, or facility or portion
5 thereof to be used to confine persons serving a sentence of imprisonment to the
6 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be
7 delinquent.

8 (2) No person may commence construction of a correctional facility or
9 commence the conversion of an existing building, structure, or facility into a
10 correctional facility unless the building, structure, or facility is enumerated in the
11 authorized state building program.

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

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

15 (b) A building, structure, or facility that is constructed or converted under a
16 contract with the department if the contract was entered into on or before the
17 effective date of this paragraph ... [revisor inserts date].

18 (c) A building, structure, or facility the construction of which commenced before
19 October 1, 1999, if the building, structure, or facility was designed to confine persons
20 convicted of criminal offenses."

THIS CHANGED

21 **7.** Page 5, line 24: delete "the" and substitute "all of the following apply:

22 "1. Tho".

23 **8.** Page 6, line 2: after that line insert:

1 “2. The building was enumerated in the authorized state building program
2 before the construction or conversion began.”.

3 **9.** Page 6, line 24: after that line insert:

4 “SECTION 10g. 302.34 of the statutes is amended to read:

5 **302.34 Use of jail of another county.** Courts, judges, and officers of any
6 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,
7 commit, or deliver any person to the jail of any other county as if that jail existed in
8 their own county. The sheriff of the other county shall receive and keep the prisoner
9 in all respects as if committed from his or her county. The cost of the keep shall be
10 paid by the county from which the prisoner was sentenced, committed, or delivered.

11 **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to
12 read:

13 302.44 (1) ~~Two or more~~ Subject to sub. (2), two counties may agree under s.
14 66.0301 for the cooperative establishment and use of the jails and rehabilitation
15 facilities of any of them for the detention or imprisonment of prisoners before, during
16 and after trial and for sharing the expense without reference to s. 302.34. The
17 sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility
18 authorized by the agreement and shall endorse the commitment, if any, under s.
19 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of
20 another county. Only jails and rehabilitation facilities approved by the department
21 for the detention of prisoners may be used under the agreement. The sheriff of the
22 county of arrest shall transport the prisoner to and from court and to any other
23 institution whenever necessary.

24 **SECTION 10n.** 302.44 (2) of the statutes is created to read:

1 302.44 (2) No more than two counties may enter into an agreement for the
2 establishment or use of a single jail or rehabilitation facility under sub. (1).”

3 **10.** Page 9, line 2: after that line insert:

4 “**SECTION 14m.** 973.03 (1) of the statutes is amended to read:

5 973.03 (1) If at the time of passing sentence upon a defendant who is to be
6 imprisoned in a county jail there is no jail in the county suitable for the defendant
7 and no cooperative agreement under s. 302.44 (1), the court may sentence the
8 defendant to any suitable county jail in the state. The expenses of supporting the
9 defendant there shall be borne by the county in which the crime was committed.”

10

(END)

**ASSEMBLY AMENDMENT 3,
TO 2001 ASSEMBLY BILL 42**

February 7, 2001 – Offered by COMMITTEE ON CORRECTIONS AND THE COURTS.

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

2 **1.** Page 9, line 3: delete lines 3 to 9.

3 (END)

**ASSEMBLY AMENDMENT 4,
TO 2001 ASSEMBLY BILL 42**

February 7, 2001 – Offered by COMMITTEE ON CORRECTIONS AND THE COURTS.

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

2 **1.** Page 6, line 16: after “Center.” insert “The penitentiary near Stanley is
3 named “Stanley Correctional Institution”.”

4 (END)



D-note

↓
LMGD

ENGROSSED 2001 ASSEMBLY BILL 42

February 14, 2001 - Printed by direction of SENATE CHIEF CLERK.

1 AN ACT *to repeal* 20.410 (1) (ed); *to renumber and amend* 302.44; *to amend*
 2 13.48 (19), 13.48 (27), 20.410 (1) (ab), 59.53 (8), 59.54 (14) (a), 109.09 (1), 111.322
 3 (2m) (c), 227.01 (13) (t), 302.01, 302.34, 946.15 (1), 946.15 (2), 946.15 (3), 946.15
 4 (4) and 973.03 (1); and *to create* 20.924 (1) (i), 20.924 (1) (j), 301.19, 301.235
 5 (2) (dm) and 302.44 (2) of the statutes; **relating to:** the construction, lease, and
 6 operation of correctional facilities, making an appropriation, and providing
 7 penalties.

Analysis by the Legislative Reference Bureau

Under current law, as a part of the authorized state building program, the building commission may lease any facility, with an option to purchase the facility by the state, for use by the department of corrections (DOC). Current law also appropriates money to DOC for making payments under certain contracts. This bill amends the appropriation provision relating to contract payments to authorize DOC to use the money appropriated under that provision, subject to the approval of the joint committee on finance, to lease correctional facilities in this state and to operate the correctional facilities that it leases.

Current law imposes certain "prevailing wage" requirements on employers working on state or local public works projects and establishes enforcement mechanisms for those requirements, including criminal penalties. The bill regulates

insert
an l-eng =

✓
ANALYSIS
insert

ENGROSSED ASSEMBLY BILL 42

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

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

⑨ The bill also names the penitentiary near Stanley the "Stanley Correctional Institution"

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

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

14 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to s. 20.924 (1) (i) and
15 (j), the building commission may lease any facility for use of the department of
16 corrections as a part of the authorized state building program, with an option to
17 purchase the facility by the state. Any lease shall provide for the facility to be

ENGROSSED ASSEMBLY BILL 42

1 constructed in accordance with requirements and specifications approved by the
2 department of administration and shall permit inspection of the site and facility by
3 agents of the department.

4 **SECTION 3.** 20.410 (1) (ab) of the statutes is amended to read:

5 20.410 (1) (ab) *Corrections contracts and, agreements and leases.* The amounts
6 in the schedule for payments made in accordance with contracts entered into under
7 ss. 301.21, 302.25 and 302.27, contracts entered into with the federal government
8 under 18 USC 5003 and intra-agency agreements relating to the placement of
9 prisoners and, subject to the approval of the joint committee on finance, for payments
10 made to lease correctional facilities in this state under s. 13.48 (27) and for the
11 operation of those facilities.

12 **SECTION 4.** 20.410 (1) (ed) of the statutes is repealed.

13 **SECTION 5.** 20.924 (1) (i) of the statutes is created to read:

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

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

ENGROSSED ASSEMBLY BILL 42**SECTION 5**

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

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

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

15 **SECTION 5g.** 20.924 (1) (j) of the statutes is created to read:

16 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition
17 of any building, structure, or facility or portion thereof for initial occupancy by the
18 department of corrections for the purpose of confining persons serving a sentence of
19 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of
20 confining juveniles alleged or found to be delinquent unless the construction of the
21 building, structure, or facility or the conversion of the building, structure, or facility
22 into a correctional facility either was completed before January 1, 2001, or began
23 after the building, structure, or facility was enumerated in the authorized state
24 building program.

25 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 42

1 **59.53 (8) REHABILITATION FACILITIES.** The board may establish and maintain
2 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff
3 as an extension of the jail, or separate from the jail under jurisdiction of a
4 superintendent, to provide any person sentenced to the county jail with a program
5 of rehabilitation for such part of the person's sentence or commitment as the court
6 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities
7 may be located outside of the county under a cooperative agreement under s. 302.44
8 (1).

9 **SECTION 5r.** 59.54 (14) (a) of the statutes is amended to read:

10 **59.54 (14) (a)** A county shall provide a courthouse, fireproof offices and other
11 necessary buildings at the county seat and keep them in good repair. A county shall
12 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the
13 cooperative establishment and use of a jail. The jail and rehabilitation facilities as
14 extensions of the jail need not be at the county seat and may be located outside of the
15 county under a cooperative agreement under s. 302.44 (1).

16 **SECTION 6.** 109.09 (1) of the statutes is amended to read:

17 **109.09 (1)** The department shall investigate and attempt equitably to adjust
18 controversies between employers and employees as to alleged wage claims. The
19 department may receive and investigate any wage claim which is filed with the
20 department, or received by the department under s. 109.10 (4), no later than 2 years
21 after the date the wages are due. The department may, after receiving a wage claim,
22 investigate any wages due from the employer against whom the claim is filed to any
23 employee during the period commencing 2 years before the date the claim is filed.
24 The department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2., and 3., 66.0903,
25 103.02, 103.49, 103.82, 104.12 and 229.8275. In pursuance of this duty, the

ENGROSSED ASSEMBLY BILL 42**SECTION 6**

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

13 **SECTION 7.** 111.322 (2m) (c) of the statutes is amended to read:

14 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
15 under s. 20.924 (1) (i) 1., 2., or 3., 66.0903, 103.49 or 229.8275 or testifies or assists
16 in any action or proceeding under s. 20.924 (1) (i) 1., 2., or 3., 66.0903, 103.49 or
17 229.8275.

18 **SECTION 8.** 227.01 (13) (t) of the statutes is amended to read:

19 227.01 (13) (t) Ascertains and determines prevailing wage rates under ~~ss. s.~~
20 20.924 (1) (i), 66.0903, 103.49, 103.50 ~~and, or~~ 229.8275, except that any action or
21 inaction which ascertains and determines prevailing wage rates under ~~ss. s.~~ 20.924
22 (1) (i), 66.0903, 103.49, 103.50 ~~and, or~~ 229.8275 is subject to judicial review under s.
23 227.40.

24 **SECTION 8m.** 301.19 of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 42**1 301.19 Construction of correctional facilities by private persons. (1)**

2 In this section:

3 (a) “Authorized jurisdiction” means a county, two counties acting under s.
4 302.44 (1), the United States, or a federally recognized American Indian tribe or band
5 in this state.

6 (b) “Correctional facility” means a building, structure, or facility or portion
7 thereof to be used to confine persons serving a sentence of imprisonment to the
8 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be
9 delinquent.

10 (2) No person may commence construction of a correctional facility or
11 commence the conversion of an existing building, structure, or facility into a
12 correctional facility unless the building, structure, or facility is enumerated in the
13 authorized state building program.

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

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

17 (c) A building, structure, or facility the construction of which was completed
18 before January 1, 2001, if the building, structure, or facility was designed to confine
19 persons convicted of criminal offenses.

20 **SECTION 9.** 301.235 (2) (dm) of the statutes is created to read:

21 301.235 (2) (dm) The department may not lease any building or any portion of
22 a building under this section unless the construction of the building or its conversion
23 into a correctional facility began before October 1, 1999, or unless all of the following
24 apply:

ENGROSSED ASSEMBLY BILL 42**SECTION 9**

1 1. The lessor has met the requirements of s. 20.924 (1) (i) that would apply if
2 the building or the portion of the building were being leased by the building
3 commission.

4 2. The building was enumerated in the authorized state building program
5 before the construction or conversion began.

6 **SECTION 10.** 302.01 of the statutes is amended to read:

7 **302.01 State prisons named and defined.** The penitentiary at Waupun is
8 named “Waupun Correctional Institution”. The correctional treatment center at
9 Waupun is named “Dodge Correctional Institution”. The penitentiary at Green Bay
10 is named “Green Bay Correctional Institution”. The medium/maximum penitentiary
11 at Portage is named “Columbia Correctional Institution”. The medium security
12 institution at Oshkosh is named “Oshkosh Correctional Institution”. The medium
13 security penitentiary near Fox Lake is named “Fox Lake Correctional Institution”.
14 The penitentiary at Taycheedah is named “Taycheedah Correctional Institution”.
15 The medium security penitentiary at Plymouth is named “Kettle Moraine
16 Correctional Institution”. The penitentiary at the village of Sturtevant in Racine
17 County is named “Racine Correctional Institution”. The medium security
18 penitentiary at Racine is named “Racine Youthful Offender Correctional Facility”.
19 The resource facility at Oshkosh is named “Wisconsin Resource Center”. The
20 penitentiary near Stanley is named “Stanley Correctional Institution”. The
21 institutions named in this section, the correctional institutions authorized under s.
22 301.16 (1n) and (1v), correctional institution authorized under 1997 Wisconsin Act
23 4, section 4 (1) (a), correctional institution authorized under s. 301.046 (1),
24 correctional institution authorized under s. 301.048 (4) (b), minimum security
25 correctional institutions authorized under s. 301.13, correctional facilities leased

ENGROSSED ASSEMBLY BILL 42

1 and operated by the department under s. 13.48 (27), the probation and parole holding
2 facilities authorized under s. 301.16 (1q) and state-local shared correctional
3 facilities when established under s. 301.14, are state prisons.

4 **SECTION 10g.** 302.34 of the statutes is amended to read:

5 **302.34 Use of jail of another county.** Courts, judges, and officers of any
6 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,
7 commit, or deliver any person to the jail of any other county as if that jail existed in
8 their own county. The sheriff of the other county shall receive and keep the prisoner
9 in all respects as if committed from his or her county. The cost of the keep shall be
10 paid by the county from which the prisoner was sentenced, committed, or delivered.

11 **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to
12 read:

13 **302.44 (1)** ~~Two or more~~ Subject to sub. (2), two counties may agree under s.
14 66.0301 for the cooperative establishment and use of the jails and rehabilitation
15 facilities of any of them for the detention or imprisonment of prisoners before, during
16 and after trial and for sharing the expense without reference to s. 302.34. The
17 sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility
18 authorized by the agreement and shall endorse the commitment, if any, under s.
19 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of
20 another county. Only jails and rehabilitation facilities approved by the department
21 for the detention of prisoners may be used under the agreement. The sheriff of the
22 county of arrest shall transport the prisoner to and from court and to any other
23 institution whenever necessary.

24 **SECTION 10n.** 302.44 (2) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 42**SECTION 10n**

1 302.44 (2) No more than two counties may enter into an agreement for the
2 establishment or use of a single jail or rehabilitation facility under sub. (1).

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

4 946.15 (1) Any employer, or any agent or employee of an employer, who induces
5 any person who seeks to be or is employed pursuant to a public contract as defined
6 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
7 wage rate determination has been issued by the department of workforce
8 development under s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3)
9 or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6)
10 to give up, waive or return any part of the compensation to which that person is
11 entitled under his or her contract of employment or under the prevailing wage rate
12 determination issued by the department or local governmental unit, or who reduces
13 the hourly basic rate of pay normally paid to an employee for work on a project on
14 which a prevailing wage rate determination has not been issued under s. 20.924 (1)
15 (i), 66.0903 (3) or (6), 103.49 (3), 103.50 (3) or 229.8275 (3) during a week in which
16 the employecc works both on a project on which a prevailing wage rate determination
17 has been issued and on a project on which a prevailing wage rate determination has
18 not been issued, is guilty of a Class E felony.

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

20 946.15 (2) Any person employed pursuant to a public contract as defined in s.
21 66.0901 (1) (c) or employed on a project on which a prevailing wage rate
22 determination has been issued by the department of workforce devclopment under
23 s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
24 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who gives up,
25 waives or returns to the employer or agent of the employer any part of the

ENGROSSED ASSEMBLY BILL 42

1 compensation to which the employee is entitled under his or her contract of
2 employment or under the prevailing wage determination issued by the department
3 or local governmental unit, or who gives up any part of the compensation to which
4 he or she is normally entitled for work on a project on which a prevailing wage rate
5 determination has not been issued under s. 20.924 (1) (i), 66.0903 (3) or (6), 103.49
6 (3), 103.50 (3) or 229.8275 (3) during a week in which the person works part-time on
7 a project on which a prevailing wage rate determination has been issued and
8 part-time on a project on which a prevailing wage rate determination has not been
9 issued, is guilty of a Class C misdemeanor.

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

11 946.15 (3) Any employer or labor organization, or any agent or employee of an
12 employer or labor organization, who induces any person who seeks to be or is
13 employed on a project on which a prevailing wage rate determination has been issued
14 by the department of workforce development under s. 20.924 (1) (i), 66.0903 (3),
15 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in
16 s. 66.0903 (1) (d), under s. 66.0903 (6) to permit any part of the wages to which that
17 person is entitled under the prevailing wage rate determination issued by the
18 department or local governmental unit to be deducted from the person's pay is guilty
19 of a Class E felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6
20 from a person who is working on a project that is subject to 40 USC 276c.

21 **SECTION 14.** 946.15 (4) of the statutes is amended to read:

22 946.15 (4) Any person employed on a project on which a prevailing wage rate
23 determination has been issued by the department of workforce development under
24 s. 20.924 (1) (i), 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
25 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) who permits

ENGROSSED ASSEMBLY BILL 42**SECTION 14**

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

6 **SECTION 14m.** 973.03 (1) of the statutes is amended to read:

7 973.03 (1) If at the time of passing sentence upon a defendant who is to be
8 imprisoned in a county jail there is no jail in the county suitable for the defendant
9 and no cooperative agreement under s. 302.44 (1), the court may sentence the
10 defendant to any suitable county jail in the state. The expenses of supporting the
11 defendant there shall be borne by the county in which the crime was committed.

12 **SECTION 15. Effective date.**

13 (1) This act takes effect on the day after publication of the 2001-03 biennial
14 budget act.

15 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2524/1insen
RPN:jld:ch

insert anl-eng:

Engrossment information:

The text of Engrossed 2001 Assembly Bill 42[✓] consists of the bill, as affected by[✓] the following documents adopted by the assembly on February 14, 2001: ~~the bill as~~^{plain} ~~affected by~~^{plain} Assembly Amendment 2[✓] (as affected by[✓] Assembly Amendment 1[✓] ~~to the~~^{there to} ~~there to~~^{there to}), Assembly Amendment 3[✓], and Assembly Amendment 4[✓].

* **Content of Engrossment 2001 Assembly Bill 42:**

(end ins anl-eng)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2524/lins
MGD.....

1

analysis INSERT

The bill also imposes certain limitations on the building commission's authority to lease or acquire a correctional facility. Under the bill, the building commission may not lease an adult correctional facility unless: 1) the lessor complied with certain "prevailing wage" requirements that typically apply to state or local public works projects; or 2) the construction of the correctional facility began before October 1, 1999. In addition, the building commission may not lease or acquire an adult or juvenile correctional facility unless: 1) construction of the correctional facility began after it was enumerated in the authorized state building program; or 2) construction was completed before January 1, 2001.

In addition, the bill prohibits private persons from constructing an adult or juvenile correctional facility for use by DOC[✓] or converting an existing building, structure, or facility into a DOC adult or juvenile correctional facility unless: 1) the correctional facility is enumerated in the authorized state building program; 2) the construction is undertaken under contract with one or two counties, the federal government, or an American Indian tribe or band; or 3) the construction of the building, structure, or facility was completed before January 1, 2001,[✓] and the building, structure, or facility was designed to confine persons convicted of crimes.

(end analysis insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2524/1dn

MGD: ^{*}....

JLD

The prohibition regarding the construction of ^{be} correctional facilities that is contained in this bill, as amended, may be construed as inapplicable to a person constructing an adult correctional facility with the intent that it be used to confine prisoners from other states.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2524/1dn
MGD:jld:kjf

February 27, 2001

The prohibition regarding the construction of correctional facilities that is contained in this bill, as amended, may be inapplicable to a person constructing an adult correctional facility with the intent that it be used to confine prisoners from other states.

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