

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons  
State Government - state bldg pr**

Extra Copies: **rpn, jtk**

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN1095,

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**Topic:**

Lease or acquisition of prisons

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 06/16/2001	jdye 06/16/2001		_____			
/1			pgreensl 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

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1?	mdsida	11/6/18 JLD	6/18 pg	6/18 pg/cmh			

FE Sent For:

<END>

**From:** Burnett, Douglas  
**Sent:** Saturday, June 09, 2001 8:40 AM  
**To:** Dsida, Michael  
**Cc:** Keckhaver, John; Weix, Branda  
**Subject:** RE: More on Stanley bill

Yes, go ahead and fix that in the draft as well. We will also be sending a technical fix on the 4-month lease payment limitation adopted in jfc. Let me know if you have questions on that when it comes over. Thanks.

-----Original Message-----

**From:** Dsida, Michael  
**Sent:** Friday, June 08, 2001 6:21 PM  
**To:** Burnett, Douglas  
**Subject:** More on Stanley bill

You may also want to consider revising the "unless the construction..." clause in s. 20.924 (1) (i). As it currently stands, the clause permits the building commission to lease or acquire a building if construction of the building was completed before January 1, 2001, but it does not specify that the building had to be constructed as a prison. Thus, the building commission could arguably lease or acquire such a building, with or without enumeration, if it were constructed as something other than a prison before January 1, 2001, but converted into a prison after that date.

It would be relatively easy for me to fix that language. Please let me know what you would like me to do.

Mike Dsida  
Legislative Reference Bureau  
608/266-9867  
[michael.dsida@legis.state.wi.us](mailto:michael.dsida@legis.state.wi.us)

CN1095

**Dsida, Michael**

---

**From:** Dsida, Michael  
**Sent:** Monday, June 18, 2001 9:04 AM  
**To:** Burnett, Douglas  
**Subject:** RE: LRB Draft: 01b0810/2 Preconstruction enumeration requirement for prisons

Here's what the relevant provisions will say after your amendment is incorporated into the language in the sub (blue text is from sub, black text is from superamendment):

20.924 (1) (i) Shall not acquire or lease or authorize the acquisition or leasing of any building, structure, or facility, or portion thereof, for initial occupancy by the department of corrections for the purpose of confining persons serving a sentence of imprisonment to the Wisconsin state prisons or for the purpose of confining juveniles alleged or found to be delinquent unless one of the following applies:

1. If the building, structure, or facility was converted for that purpose, the conversion was either completed before January 1, 2001, or began after the building, structure, or facility was enumerated in the authorized state building program.
2. If the building, structure, or facility was not converted for that purpose, the construction of the building, structure, or facility was either completed before January 1, 2001, or began after the building, structure, or facility was enumerated in the authorized state building program.

301.19 Restriction on construction of correctional facilities. (1) In this section:

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

(b) "Correctional facility" means an institution or facility, or a portion of an institution or facility, that is used to confine juveniles alleged or found to be delinquent or a prison, jail, house of correction, or lockup facility but does not include a secured group home, as defined in s. 938.02 (15p).

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

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

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

(b) A building, structure, or facility the construction of which was completed before January 1, 2001, if the building, structure, or facility was designed to confine persons convicted of a criminal offense.

> -----Original Message-----

> **From:** Burnett, Douglas  
> **Sent:** Monday, June 18, 2001 7:32 AM  
> **To:** Dsida, Michael  
> **Subject:** FW: LRB Draft: 01b0810/2 Preconstruction  
> enumeration requirement for prisons

>  
> Mike-Could you please send me the entire preconstruction  
> enumeration language to me with our amendment? Did you decide  
> that because of the existing authority for DOC/DOA to  
> contract with counties for prison space in the other part of  
> the statutes that we don't need the nontstat provision to

> grandfather the current RFP DOA has out for the counties?

Yes. Based on what you have told me, it sounds like the proposed contracts simply entail paying the counties to confine the prisoners, without specifying particular cells or units of the jails. Unless the state is leasing a separate building (or a portion of a building) from Douglas or Menomonie, its contract is already permitted under

And

> if that's the case, could you refresh my memory on that  
> statute?

302.27 Contracts for temporary housing for or detention of prisoners. The department may contract with local governments for temporary housing or detention in county jails or county houses of correction for persons sentenced to imprisonment in state prisons or to the intensive sanctions program. The rate under any such contract may not exceed \$60 per person per day. Nothing in this section limits the authority of the department to place persons in jails under s. 301.048 (3) (a) 1.

I need to get final signoff on the language today  
> from Lightbourn.

Thanks Mike.

>

> -----Original Message-----

> **From:** Hanaman, Cathlene

> **Sent:** Sunday, June 17, 2001 7:07 PM

> **To:** Burnett, Douglas

> **Cc:** Weix, Branda; Hanaman, Cathlene; Haugen, Caroline

> **Subject:** LRB Draft: 01b0810/2 Preconstruction

> enumeration requirement for prisons

>

> Following is the PDF version of draft 01b0810/2.

>

> << File: 01b0810/2 >>

**Dsida, Michael**

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**From:** Dsida, Michael  
**Sent:** Saturday, June 16, 2001 12:41 PM  
**To:** Burnett, Douglas  
**Subject:** RE: jail bed contracts with counties

After thinking about this more, I am not sure that anything needs to be added. DOC already has the authority to contract with counties under s. 302.27. Or is this something different?

>> -----Original Message-----

>> **From:** Burnett, Douglas

>> **Sent:** Friday, June 15, 2001 10:06 AM

>> **To:** Dsida, Michael

>> **Subject:** FW: jail bed contracts with counties

>>

>> Mike-Another wrinkle on the pre-construction enumeration  
>> requirement. We are getting a no-veto commitment on this  
>> provision as part of the Stanley deal, and in doing that,  
>> George Lightbourn indicated that the administration currently  
>> has proposals from two counties to house state prisoners.  
>> Apparently Douglas County is building a jail, and wants to  
>> lease some of those beds to the state, as is Menomonie County.

>>

>> George asked for an exception to allow them to lease up to  
>> 200 beds per county in agreements with counties. As you'll  
>> see below, we countered with 100, and George countered with

>> an ok on the 100-bed limit, but also an exception for the  
>> agreements they are working on now. Can you draft something  
>> that allows the commission to lease up to 100 beds from each  
>> county-and grandfather in agreements with counties entered  
>> into by September 30, if a proposal was received by June 15,  
>> 2001? George tells me they just have the two proposals from  
>> Menomomie and Douglas, so we'd want to grandfather in only  
> those two.

>>  
>> Thanks Mike.

>>  
>> -----Original Message-----

>> **From:** Lightbourn, George  
>> **Sent:** Friday, June 15, 2001 7:23 AM  
>> **To:** Burnett, Douglas  
>> **Subject:** RE: jail bed contracts with counties

>>  
>> I mentioned 200 because it is on the very low end of what  
>> counties offered. If that's too high, how about an  
>> exception for existing solicitations. Then the 100 bed limit  
>> becomes the limit going forward.

>>  
>> -----Original Message-----  
>> **From:** Burnett, Douglas  
>> **Sent:** Thursday, June 14, 2001 10:11 PM  
>> **To:** Lightbourn, George  
>> **Subject:** jail bed contracts with counties  
>>  
>> Does a 100-bed exception work?  
>>

2001

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

LRB b 0809 ~~0622~~ / 1

AMDT TO BUDGET SUB AMDT

*msd* : *jld* : \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
TO ~~SENATE AMENDMENT~~,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment <sup>✓</sup> ~~[amendment]~~ as follows:

#. Page *428*, line *5*: delete lines 5 to 8 and substitute *"* alleged or found to be delinquent unless *Y* <sup>NO #</sup>

#. Page . . . . ., line . . . . .:

*Y* <sup>NO #</sup>  
↓  
*insert*

#. Page . . . . ., line . . . . .:

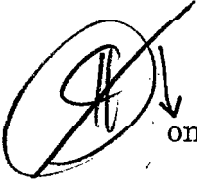
#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0622/linsB  
MCD:.....

1  one of the following applies:

2 1. If the building, structure, or facility <sup>✓</sup> was converted for that purpose, the  
3 conversion <sup>or</sup> was either completed before January 1, 2001, or began after the building,  
4 structure, or facility was enumerated in the authorized state building program. <sup>e</sup>

5 2. If the building, structure, or facility was not converted for that purpose, the  
6 construction of the building, structure, or facility <sup>was</sup> either completed before  
7 January 1, 2001, or began after the building, structure, or facility was enumerated  
8 in the authorized state building program.”.

(end)



SDC:.....Keckhaver – CN1095, Lease or acquisition of prisons

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

2           **1.** Page 428, line 5: delete lines 5 to 8 and substitute “alleged or found to be  
3 delinquent unless one of the following applies:

4           1. If the building, structure, or facility was converted for that purpose, the  
5 conversion either was completed before January 1, 2001, or began after the building,  
6 structure, or facility was enumerated in the authorized state building program.

7           2. If the building, structure, or facility was not converted for that purpose, the  
8 construction of the building, structure, or facility either was completed before

1 **January 1, 2001, or began after the building, structure, or facility was enumerated**  
2 **in the authorized state building program.”.**

3

(END)