2017 ASSEMBLY BILL 292

May 1, 2017 - Introduced by Representatives Steffen, Kitchens, E. Brooks, Hurlacher, Kooyenga, Macco, Titl and Ripp, cosponsored by Senator Lasee. Referred to Committee on Corrections.

AN ACT to repeal 13.48 (8) and 302.01 (4); to amend 302.02 (1m) (b) and 302.21 (title) and (1); and to create 20.835 (5) (b), 70.1191, 301.16 (1p), 301.19 (3) (c) and 302.01 (1) (k) of the statutes; relating to: sale of Green Bay Correctional Institution and construction and lease with a purchase option of a correctional institution in Brown County or an adjacent county and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Administration to solicit public bids to sell the Green Bay Correctional Institution and other specified parcels of land in the village of Allouez. This bill also requires DOA to solicit bids for a contract to build per DOA's specifications, and lease to the state with an option to purchase, a prison facility in Brown County or in an adjacent county to have an occupancy date of no later than November 1, 2022. This bill requires that the facility be managed and staffed by employees of the Department of Corrections. Under this bill, DOA must also enter into a lease with the purchaser of the GBCI that will allow the state to continue to use the institution and property until the occupancy date of the new facility. If the state purchases the new facility, the state will make an annual payment to the municipality where the facility is located equal to the property taxes paid by the owner of the facility for the last year in which the property was subject to taxation.
For further information see the state and local 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:

SECTION 1. 13.48 (8) of the statutes is repealed.

SECTION 2. 20.835 (5) (b) of the statutes is created to read:

20.835 (5) (b) Payment in lieu of taxes; correctional institution. A sum sufficient to make the payments in lieu of taxes under s. 70.1191.

SECTION 3. 70.1191 of the statutes is created to read:

70.1191 Payment in lieu of taxes; correctional institution. If the state exercises its option to purchase the facility described under 2017 Wisconsin Act .... (this act), section 9101 (1) (b), the department of administration shall make a payment from the appropriation account under s. 20.835 (5) (b) to the municipality where the facility is located equal to the amount of the property taxes paid by the previous owner of the facility for the last year in which the property was subject to taxation. The department shall make the payment on or before July 31 of each year beginning with the year in which the facility becomes exempt from taxation under s. 70.11 (1). The department shall make the payment under this section for every year in which the facility is exempt under s. 70.11 (1).

SECTION 4. 301.16 (1p) of the statutes is created to read:

301.16 (1p) In addition to the institutions under sub. (1), the department shall lease the facility under 2017 Wisconsin Act .... (this act), section 9101 (1) (b), to use as a correctional institution. The institution shall be staffed with Wisconsin state employees in the classified service.

SECTION 5. 301.19 (3) (c) of the statutes is created to read:
301.19 (3) (c) A facility described under 2017 Wisconsin Act .... (this act), section 9101 (1) (b).

SECTION 6. 302.01 (1) (k) of the statutes is created to read:

302.01 (1) (k) The correctional institution under 2017 Wisconsin Act .... (this act), section 9101 (1) (b).

SECTION 7. 302.01 (4) of the statutes is repealed.

SECTION 8. 302.02 (1m) (b) of the statutes is amended to read:

302.02 (1m) (b) Green Bay Correctional Institution. The Green Bay Correctional Institution correctional institution under 2017 Wisconsin Act .... (this act), section 9101 (1) (b) and its precincts are considered to be in Brown County, and the Brown County the county in which the institution is physically located, and that county's circuit court has jurisdiction of all crimes committed within the county.

SECTION 9. 302.21 (title) and (1) of the statutes are amended to read:

302.21 (title) Vocational education program in auto body repair at the Green Bay Correctional Institution. (1) The department may maintain and operate a vocational education program in auto body repair at the Green Bay Correctional Institution correctional institution under 2017 Wisconsin Act .... (this act), section 9101 (1) (b). Notwithstanding s. 303.06 (1), in connection with the vocational education program the institution may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by residents enrolled in the program.

SECTION 9101. Nonstatutory provisions; Administration.

(1) Sale of Green Bay Correctional Institution; lease of new facility.

(a) Notwithstanding sections 13.48 (14) (am), 16.848 (1), and 301.24 (4) of the statutes, the department of administration shall solicit public bids for the purchase
of the Green Bay Correctional Institution, including the parcels of land in the village
of Allouez AL-119, AL-119-9, and AL-119-10, contingent upon a contract under
paragraph (b). The department of administration reserves the right to reject any bid
in the best interest of the state. If the department of administration receives no
acceptable bid under this paragraph, paragraph (b) does not apply. If the department
of administration accepts a bid, the department shall enter into a lease with the
purchaser that will allow the state to use the institution and parcels until November
1, 2022, or a later date as agreed upon by the department and the purchaser.

(b) Notwithstanding section 301.18 (4) of the statutes, the department of
administration shall solicit bids to contract with a person to build and lease to the
state, with the option to purchase, a prison facility in Brown County or an adjacent
county that shall have an occupancy date of not later than November 1, 2022. The
contract shall have a provision that its terms are contingent upon an accepted bid
under paragraph (a). The department of administration shall, in consultation with
the department of corrections, ensure that the contract establishes construction and
design specifications for the prison facility, including a requirement that the facility's
design and function shall reasonably accommodate at least 100 inmates, who may
not be maximum security inmates in a segregated portion of the facility. The
specifications shall be in compliance with American Corrections Association
standards. The contract shall permit inspection of the site and facility by agents of
the department of administration. The contract shall contain the requirement that
the facility be managed and staffed by employees of the department of corrections.

(c) When the department of administration determines the occupancy date
under paragraph (b), the department shall provide notice to the legislative reference
bureau of the occupancy date. If the department does not provide notice by
November 22, 2022, the treatment of sections 13.48 (8), 301.16 (1p), 301.19 (3) (c),
302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the statutes is void.

SECTION 9452. Effective dates; Other.

(1) Correctional institutions. The treatment of sections 13.48 (8), 301.16 (1p),
301.19 (3) (c), 302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the
statutes takes effect on the day after the occupancy date provided by the department
of administration under SECTION 9101 (1) (c) of this act.