

1983 Assembly Bill 141

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1983 Wisconsin Act 16

AN ACT *to amend* 46.05 (1n); and *to create* 46.054 (1) (f) and 992.10 of the statutes; and *to affect* laws of 1981, chapter 317, section 2006 (1) (am), *relating to* the medium security correctional institution in Milwaukee and making appropriations.

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

SECTION 1. 46.05 (1n) of the statutes is amended to read:

46.05 (1n) In addition to the institutions under sub. (1), the department shall establish a medium security institution which is located at 929 North 6th street 1776-1818 North Commerce street in Milwaukee, at the site which on June 17, 1982, is occupied by the university of Wisconsin extension division. The building commission may negotiate a settlement with the university of Wisconsin system to compensate it for displacement from and equity in the university of Wisconsin extension division properties. The department may propose alternative sites in Milwaukee county to the site specified in this subsection. The building commission may direct the department to prepare an environmental impact statement under s. 1.11 regarding any proposed alternative site. The site specified in this subsection applies unless revised by act of the legislature. In the selection of classified service employes of this institution the appointing authority shall, whenever possible, use the expanded certification program under rules of the administrator of the division of personnel in the department of employment relations to ensure that employes of the institution reflect the general population of the surrounding community in the 1st

class city in which the institution is located. The administrator of the division of personnel in the department of employment relations shall provide guidelines for the administration of this selection procedure.

SECTION 1m. 46.054 (1) (f) of the statutes is created to read:

46.054 (1) (f) The facility specified in s. 46.05 (1n) shall not exceed a 200-bed capacity.

SECTION 1r. 992.10 of the statutes is created to read:

992.10 Validation of acquisition of property by department of health and social services.

The acquisition of the property located at 1776-1818 North Commerce street in Milwaukee in March 1983 by the department of health and social services, and its officers and employes, and the acts of any other state agency, including the state building commission and the department of administration, and their officers and employes, in effecting that acquisition, are hereby validated.

SECTION 2. Laws of 1981, chapter 317, section 2006 (1) (am) is amended to read:

(Laws of 1981, chapter 317) Section 2006 (1) (am) In chapter 20, laws of 1981, section 2006 (1) (c), under projects financed by general fund supported borrowing, the amount authorized for the correctional institution under section 46.05 (1n) of the statutes is increased from \$2,700,000 to ~~\$7,000,000~~ \$13,600,000 and the appropriate totals are adjusted accordingly.

SECTION 2g. Nonstatutory provisions; governor. The governor shall appoint, without senate confirmation, a 5-member special site review committee to advise the department of health and social services on community concerns relating to the establishment of the institution under section 46.05 (1n) of the statutes, including but not limited to its planning, construction and design. At least 3 of the members shall live in the surrounding community in which the institution is to be placed. The department of health and social services shall provide staff assistance to the committee and shall expend moneys for expenses of the committee under section 20.435 (3) (a) of the statutes. The committee may also make recommendations to the governor, the department of health and social services, the department of administration or any other state agency involved in activities relating to the institution under section 46.05 (1n) of the statutes. The governor shall abolish the committee after the construction of the institution has been completed.

SECTION 2m. Nonstatutory provisions; environmental impact. (1) Sections 1.11, 46.043 and 46.05 (2) of the statutes do not apply to the acquisition of land or property, preliminary planning, engineering design activities, architectural planning, preparation of final plans, application for permits or approvals, actions to grant permits or approvals and similar preliminary activities related to the establishment of the medium security institution specified under section 46.05 (1n) of the statutes, as affected by this act, by the department of health and social services, department of administration, state building commission or any other state agency involved in these activities.

(2) At the same time it is engaged in any preliminary activity under subsection (1), the department of health and social services may make an environmental analysis, prepare an environmental impact statement, conduct public hearings, and take other steps to comply with the requirements of section 1.11 of the statutes with respect to the establishment of the medium security institution specified under section 46.05 (1n) of the statutes, as affected by this act.

(3) The cost of, any obligation resulting from or the consequences of any preliminary activity under subsection (1) occurring or engaged in prior to the approval of the final environmental impact statement for the medium security institution specified under section 46.05 (1n) of the statutes, as affected by this act, shall not be considered an economic cost or disadvantage, a cost to be evaluated in any cost-benefit analysis or a limitation on alternatives to be considered and shall not bias any determination of the environmental

impact of the establishment of that institution or the adequacy of any environmental impact statement prepared for that institution.

SECTION 2n. Nonstatutory provisions; minority business enterprises contracting. (1) Notwithstanding section 16.855 (1) and (14) of the statutes, in awarding contracts under section 16.855 of the statutes for the construction of the medium security institution established under section 46.05 (1n) of the statutes, as affected by this act, the department of administration shall:

(a) Contract for at least 15% of the total bid amounts with businesses determined by the department of development to be minority business enterprises.

(b) Contract for at least 5% of the total bid amounts with businesses determined by the department of administration to be women's business enterprises.

(1g) No bid under subsection (1) may be awarded to a business whose bid exceeds the apparent low bid by more than 5% or to a business included on the list of labor law violators compiled by the department of industry, labor and human relations under section 101.245 of the statutes.

(1r) Subsection (1) (a) or (b) does not apply if, after an attempt by the department of administration to locate minority and women's business enterprises, the department of administration determines that due to a shortage or lack of such businesses it will be unable to comply. The department shall document its attempts to locate minority and women's business enterprises.

(2) In this section:

(a) "Minority business enterprise" means a business which is either of the following:

1. A sole proprietorship legitimately owned and controlled by an individual who is a minority group member.

2. A partnership, joint venture or corporation in which at least 51% of the beneficial ownership interest is legitimately held by minority group members and in which at least 51% of the voting interest is legitimately held by minority group members.

(b) "Minority group member" means a Black American, Hispanic American, American Indian or Asian American.

(c) "Women's business enterprise" means a business which is either of the following:

1. A sole proprietorship legitimately owned and controlled by a woman.

2. A partnership, joint venture or corporation in which at least 51% of the beneficial ownership interest is legitimately held by women and in which at least 51% of the voting interest is legitimately held by women.

SECTION 3. Appropriation changes; health and social services. The appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1983, is increased by \$70,000 for fiscal year 1983-84 to provide relocation payments related to acquisition of property for a medium security correctional institution in Milwaukee.

SECTION 4. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.171 (1)	none	46.05 (1n)