

2001 DRAFTING REQUEST

Bill

Received: 09/07/2000

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - juvenile justice

Extra Copies:

Pre Topic:

DOA:.....Statz -

Topic:

Transfer of gang diversion program

Instructions:

See Attached--redraft 99-5048 for 2001 session.

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>
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/P1			martykr 09/08/2000		lrb docadmin 09/08/2000		
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/3	malaigm 01/08/2001	gilfokm 01/08/2001	jfrantz 01/09/2001		lrb docadmin 01/09/2001		

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Wanted: As time permits

Identical to LRB:

For: Administration 6-3323

By/Representing: Jerry Baumbach

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Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - juvenile justice

Extra Copies: Andrew Statz--DOA Budget O

Pre Topic:

No specific pre topic given

Topic:

Transfer of gang diversion program from DOC to OJA in DOA

Instructions:

See Attached--redraft 99-5048 for 2001 session.

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>
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By/Representing: Jerry Baumbach

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May Contact:

Alt. Drafters:

Subject: Children - juvenile justice

Extra Copies: Andrew Statz--DOA Budget C

Jim Johnston--DOA

Pre Topic:

No specific pre topic given


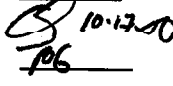
Topic:

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Instructions:

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Drafting History:

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103-10/17 King

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For: **Administration 6-3323**

By/Representing: **Jerry Baumbach**

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

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Alt. Drafters:

Subject: **Children - juvenile justice**

Extra Copies: **Andrew Statz--DOA Budget C**

Pre Topic:

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Topic:

Transfer of gang diversion program from DOC to OJA in DOA

Instructions:

See Attached--redraft 99-5048 for 2001 session.

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FE Sent For:

<END>

**STATE OF WISCONSIN
OFFICE OF JUSTICE ASSISTANCE**

TOMMY G. THOMPSON, GOVERNOR
JERRY BAUMBACH, EXECUTIVE DIRECTOR



August 17, 2000

TO: Steve Miller
Legislative Reference Bureau

FROM: Jerry Baumbach
Executive Director

A handwritten signature in cursive script that reads "Jerry Baumbach".

SUBJ: Biennial Budget Drafting Request

The Department of Corrections (DOC) is currently appropriated funds to contract for services to divert juveniles from gang activities and for two positions to administer those projects. In cooperation with the DOC, the Office of Justice Assistance (OJA) proposes to move the program, including all positions and incidental costs, from DOC to OJA. Per our discussion with DOC, the transfer would be effective July 1, 2002. Since the program is authorized by section 301.265, Wis. Stats., it is my understanding that the move will require a change in statutory language.

I would appreciate your assistance in preparing the appropriate statutory language change. If you have any questions, please contact our Deputy Director Kevyn Cathreen Radcliffe at 264-7883.

Thank you.

cc: Jon Litscher
Andrew Statz
Mike Dsida
Linda Miller



0166/P1
Kmg

soon

Add -> Prelim. line.

WPO:
check
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DO NOT
Am. Act.

1 AN ACT ~~relating to~~; relating to: transfer of the youth diversion from gang activities
2 program from the department of corrections to the office of justice assistance
3 in the department of administration.

head Correctional system
sub Juvenile correctional system

1

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) is required to enter into contracts with organizations in Milwaukee County, Kenosha County, Racine County and Brown County to provide services in those counties for the diversion of youths from gang activities into productive activities (youth diversion program). This bill transfers administration of the youth diversion program from DOC to the office of justice assistance in the department of administration.

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

4

SECTION 1. 16.75 (1) (a) 1. of the statutes, ~~as affected by 1999 Wisconsin Act 9,~~

5

is amended to read:

6

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all

7

materials, supplies, equipment² and contractual services to be provided to any

8

agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),

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plain

1 (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f) and
 2 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into
 3 consideration life cycle cost estimates under sub. (1m), when appropriate, the
 4 location of the agency, the quantities of the articles to be supplied, their conformity
 5 with the specifications, and the purposes for which they are required and the date
 6 of delivery.

7 History: 1975 c. 224, 1977 c. 418, 419, 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197.

8 **SECTION 2.** 20.410 (3) (d) of the statutes is renumbered 20.505 (6) (d) and

9 amended to read:

10 20.505 (6) (d) *Youth diversion.* The amounts in the schedule for youth diversion
 11 services under s. 301.265 (1) and (3) 16.964 (8) (a) and (c).

→ note: bud

12 History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89.

13 **SECTION 3.** 20.410 (3) (kj) of the statutes, as affected by 1999 Wisconsin Act 9,

14 is renumbered 20.505 (6) (kj) and amended to read:

15 20.505 (6) (kj) *Youth diversion program.* The amounts in the schedule for youth
 16 diversion services under s. 301.265 (1) and (3) 16.964 (8) (a) and (c). All moneys
 17 transferred from the appropriation account under s. 20.505 (6) par. (j) 8. shall be
 18 credited to this appropriation account.

→ note: bud

19 History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89.

20 **SECTION 4.** 20.410 (3) (kp) of the statutes is renumbered 20.505 (6) (km) and

21 amended to read:

22 20.505 (6) (km) *Interagency programs; alcohol and other drug abuse.* All
 moneys transferred from the appropriation account under s. 20.435 (7) (md) for
 alcohol and other drug abuse education and treatment under s. 301.265 (2) 16.964
 (8) (b), to be used to provide that education and treatment.

→ note: bud

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89.

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11

SECTION 5. 20.505 (6) (j) 8. of the statutes, ~~as created by 1999 Wisconsin Act,~~

is amended to read:

20.505 (6) (j) 8. The amount transferred to s. ~~20.410 (3) par.~~ (kj) shall be the amount in the schedule under s. ~~20.410 (3) par.~~ (kj).

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185.

SECTION 6. 301.265 (title) of the statutes is repealed.

SECTION 7. 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and amended to read:

16.964 (8) (a) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. Notwithstanding s. 16.75, the department may enter into a contract under this ~~subsection~~ paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

History: 1995 a. 27; 1997 a. 27; 1999 a. 9.

SECTION 8. 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and amended to read:

16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km), the department office may not distribute more than \$300,000 in each fiscal year to the organization that it has contracted with under sub. (1) par. (a) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

History: 1995 a. 27; 1997 a. 27; 1999 a. 9.

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(C)

1 SECTION 9. 301.265 (3) of the statutes, as affected by 1999 Wisconsin Act 11 is
2 renumbered 16.964 (8) (C) and amended to read:

3 16.964 (8) From the appropriations under s. 20.410 (3) 20.505 (6) (d) and (kj),
4 the department office shall allocate \$150,000 in each fiscal year to enter into a
5 contract with an organization to provide services in Racine County, \$150,000 in each
6 fiscal year to enter into a contract with an organization to provide services in
7 Kenosha County, \$150,000 in each fiscal year to enter into a contract with an
8 organization that is located in ward 1 in the city of Racine to provide services in
9 Racine County and \$150,000 in each fiscal year to enter into a contract with an
10 organization to provide services in Brown County, for the diversion of youths from
11 gang activities into productive activities, including placement in appropriate
12 educational, recreational and employment programs, and for alcohol or other drug
13 abuse education and treatment services for participants in that organization's youth
14 diversion program. The organization that is located in ward 1 in the city of Racine
15 shall have a recreational facility, shall offer programs to divert youths from gang
16 activities, may not be affiliated with any national or state association and may not
17 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
18 16.75, the department may enter into a contract under this subsection without
19 soliciting bids or proposals and without accepting the lowest responsible bid or offer.

History: 1995 a. 27; 1997 a. 27; 1999 a. 9.

20 SECTION 9101. Nonstatutory provisions; administration.

21 (1) YOUTH DIVERSION PROGRAM. The authorized FTE positions for the
22 department of administration, funded from the appropriation under section 20.505 (6)
23 (a) of the statutes, are increased by 2.0 GPR positions on the effective date of this

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subsection
 paragraph for the youth diversion from gang activities program under section 16.964
 (8) of the statutes, as ~~created~~ *affected* by this act.

SECTION 9111. Nonstatutory provisions; corrections.

(1) YOUTH DIVERSION PROGRAM.

(a) *Assets and liabilities*. On the effective date of this paragraph, the assets and liabilities of the department of corrections primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ ¹⁹⁹⁹ stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) *Position decrease*. The authorized FTE positions for the department of corrections, funded ~~by~~ ^{from} the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 2.0 GPR positions on the effective date of this paragraph for the youth diversion from gang activities program under section 301.265, ~~1999~~ ¹⁹⁹⁹ stats.

(c) *Employee transfers*. On the effective date of this paragraph, all incumbent employees holding positions in the department of corrections that are primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ ¹⁹⁹⁹ stats., as determined by the secretary of administration, are transferred to the department of administration.

(d) *Employee status*. Employees transferred under paragraph (c) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of corrections immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee ^e so transferred who has attained permanent status in class is required to serve a probationary period.

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(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of corrections that is primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ stats., as determined by the secretary of administration, is transferred to the department of administration.

1999

(f) *Pending matters.* Any matter pending with the department of corrections on the effective date of this paragraph that is primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ stats., as determined by the secretary of administration, is transferred to the department of administration.

All materials submitted to or actions taken by the department of corrections with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

1999

(g) *Contracts.* All contracts entered into by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ stats., as determined by the secretary of administration, remain in effect and are transferred to the department of administration. The department of administration shall carry out any obligations under those contracts unless modified or rescinded by the department of administration to the extent allowed under the contract.

1999

(h) *Rules and orders.* All rules promulgated by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth diversion from gang activities program under section 301.265, ~~1999~~ stats., remain in effect until their specified expiration date or until amended or repealed by the department of administration. All orders issued by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth

1999
SECTION 9111

1

diversion from gang activities program under section 301.265, 1999 stats., remain in effect until their specified expiration date or until modified or rescinded by the department of administration.

2

3

4

SECTION 9411. Effective dates; corrections.

5

(1) YOUTH DIVERSION PROGRAM. The treatment of sections 16.75 (1) (a) 1., 20.410 (3) (d), (kj) and (kp), 20.505 (6) (j) 8. and 301.265 (title), (1), (2) and (3) of the statutes and SECTIONS 9101 (1) and 9111 (1) take effect on July 1, 2002.

add serial comma

6

7

8

CS

a.r. (END)

of this act

STATE OF WISCONSIN OFFICE OF JUSTICE ASSISTANCE

TOMMY G. THOMPSON, GOVERNOR
JERRY BAUMBACH, EXECUTIVE DIRECTOR



September 5, 2000

TO: Steve Miller
Legislative Reference Bureau

FROM: Jerry Baumbach
Executive Director

SUBJ: Biennial Budget Drafting Request

On August 17th I forwarded to you a drafting request to move the DOC Office of Gang Prevention and Intervention to OJA effective July 1, 2002. After some discussion with DOC, the proposed transfer date to OJA should be changed to July 1, 2001.

I would appreciate your assistance in preparing the appropriate statutory language change reflecting a transfer date of July 1, 2001. If you have any questions, please contact me at 266-3323.

Thank you.

cc: Jon Litscher
Andrew Statz
Mike Dsida
Linda Miller
Don Perretz



P2
RMR

~~Draft~~

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-NOTE

WFO: I can't forward this until Monday, 9/18.
Kmg

Do Not
Gen Cat

1 AN ACT...; relating to: transfer of the youth diversion from gang activities
2 program from the department of corrections to the office of justice assistance
3 in the department of administration.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, the department of corrections (DOC) is required to enter into contracts with organizations in Milwaukee County, Kenosha County, Racine County, and Brown County to provide services in those counties for the diversion of youths from gang activities into productive activities (youth diversion program). This bill transfers administration of the youth diversion program from DOC to the office of justice assistance in the department of administration.

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

4 SECTION 1. 16.75 (1) (a) 1. of the statutes is amended to read:
5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any

1 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
2 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
3 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into
4 consideration life cycle cost estimates under sub. (1m), when appropriate, the
5 location of the agency, the quantities of the articles to be supplied, their conformity
6 with the specifications, and the purposes for which they are required and the date
7 of delivery.

8 **SECTION 2.** 20.410 (3) (d) of the statutes is renumbered 20.505 (6) (d) and
9 amended to read:

10 20.505 (6) (d) *Youth diversion*. The amounts in the schedule for youth diversion
11 services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 3.** 20.410 (3) (kj) of the statutes is renumbered 20.505 (6) (kj) and
13 amended to read:

14 20.505 (6) (kj) *Youth diversion program*. The amounts in the schedule for youth
15 diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys
16 transferred from the appropriation account under s. ~~20.505 (6)~~ par. (j) 8. shall be
17 credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 4.** 20.410 (3) (kp) of the statutes is renumbered 20.505 (6) (km) and
19 amended to read:

20 20.505 (6) (km) *Interagency programs; alcohol and other drug abuse*. All
21 moneys transferred from the appropriation account under s. 20.435 (7) (md) for

1 alcohol and other drug abuse education and treatment under s. ~~301.265 (2)~~ 16.964
2 (8) (b), to be used to provide that education and treatment.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 5.** 20.505 (6) (j) 8. of the statutes is amended to read:

4 20.505 (6) (j) 8. The amount transferred to s. ~~20.410 (3)~~ par. (kj) shall be the
5 amount in the schedule under s. ~~20.410 (3)~~ par. (kj).

6 **SECTION 6.** 301.265 (title) of the statutes is repealed.

7 **SECTION 7.** 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
8 amended to read:

9 16.964 (8) (a) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and
10 (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a
11 contract with an organization to provide services in a county having a population of
12 500,000 or more for the diversion of youths from gang activities into productive
13 activities, including placement in appropriate educational, recreational, and
14 employment programs. Notwithstanding s. 16.75, the department may enter into a
15 contract under this subsection paragraph without soliciting bids or proposals and
16 without accepting the lowest responsible bid or offer.

17 **SECTION 8.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
18 amended to read:

19 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),
20 the department office may not distribute more than \$300,000 in each fiscal year to
21 the organization that it has contracted with under ~~sub. (1)~~ par. (a) for alcohol and
22 other drug abuse education and treatment services for participants in that
23 organization's youth diversion program.

1 **SECTION 9.** 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and
2 amended to read:

3 16.964 (8) (c) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and (kj),
4 the ~~department~~ office shall allocate \$150,000 in each fiscal year to enter into a
5 contract with an organization to provide services in Racine County, \$150,000 in each
6 fiscal year to enter into a contract with an organization to provide services in
7 Kenosha County, \$150,000 in each fiscal year to enter into a contract with an
8 organization that is located in ward 1 in the city of Racine to provide services in
9 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
10 organization to provide services in Brown County, for the diversion of youths from
11 gang activities into productive activities, including placement in appropriate
12 educational, recreational, and employment programs, and for alcohol or other drug
13 abuse education and treatment services for participants in that organization's youth
14 diversion program. The organization that is located in ward 1 in the city of Racine
15 shall have a recreational facility, shall offer programs to divert youths from gang
16 activities, may not be affiliated with any national or state association, and may not
17 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
18 16.75, the department may enter into a contract under this ~~subsection~~ paragraph
19 without soliciting bids or proposals and without accepting the lowest responsible bid
20 or offer.

21 **SECTION 9101. Nonstatutory provisions; administration.**

22 (1) **YOUTH DIVERSION PROGRAM.** The authorized FTE positions for the
23 department of administration, funded from the appropriation under section 20.505
24 (6) (a) of the statutes, are increased by 2.0 GPR positions on the effective date of this

1 subsection for the youth diversion from gang activities program under section 16.964
2 (8) of the statutes, as affected by this act.

3 **SECTION 9111. Nonstatutory provisions; corrections.**

4 (1) YOUTH DIVERSION PROGRAM.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the department of corrections primarily related to the youth diversion
7 from gang activities program under section 301.265, 1999 stats., as determined by
8 the secretary of administration, shall become the assets and liabilities of the
9 department of administration.

10 (b) *Position decrease.* The authorized FTE positions for the department of
11 corrections, funded from the appropriation under section 20.410 (3) (a) of the
12 statutes, are decreased by 2.0 GPR positions on the effective date of this paragraph
13 for the youth diversion from gang activities program under section 301.265, 1999
14 stats.

15 (c) *Employee transfers.* On the effective date of this paragraph, all incumbent
16 employees holding positions in the department of corrections that are primarily
17 related to the youth diversion from gang activities program under section 301.265,
18 1999 stats., as determined by the secretary of administration, are transferred to the
19 department of administration.

20 (d) *Employee status.* Employees transferred under paragraph (c) have all the
21 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the department of administration that they enjoyed in the department
23 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
24 of the statutes, no employee so transferred who has attained permanent status in
25 class is required to serve a probationary period.

1 (e) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of corrections that
3 is primarily related to the youth diversion from gang activities program under
4 section 301.265, 1999 stats., as determined by the secretary of administration, is
5 transferred to the department of administration.

6 (f) *Pending matters.* Any matter pending with the department of corrections
7 on the effective date of this paragraph that is primarily related to the youth diversion
8 from gang activities program under section 301.265, 1999 stats., as determined by
9 the secretary of administration, is transferred to the department of administration.
10 All materials submitted to or actions taken by the department of corrections with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of administration.

13 (g) *Contracts.* All contracts entered into by the department of corrections in
14 effect on the effective date of this paragraph that are primarily related to the youth
15 diversion from gang activities program under section 301.265, 1999 stats., as
16 determined by the secretary of administration, remain in effect and are transferred
17 to the department of administration. The department of administration shall carry
18 out any obligations under those contracts unless modified or rescinded by the
19 department of administration to the extent allowed under the contract.

20 (h) *Rules and orders.* All rules promulgated by the department of corrections
21 in effect on the effective date of this paragraph that are primarily related to the youth
22 diversion from gang activities program under section 301.265, 1999 stats., remain
23 in effect until their specified expiration date or until amended or repealed by the
24 department of administration. All orders issued by the department of corrections in
25 effect on the effective date of this paragraph that are primarily related to the youth

D-Note

Because this draft will be folded into the budget and because the default effective date of the budget is July 1, 2001, ^{or on} ~~or on~~ the day after publication, whichever is later, it is not necessary to specify in this draft that the effective date of the transfer is July 1, 2001, ~~instead~~.
Indeed, to specify that the effective date of the transfer is July 1, 2001, might create a retroactivity problem as it is more than likely that the budget will not be enacted by July 1, 2001. Specifically, if the budget is enacted after July 1, 2001, ~~we cannot~~ we cannot go back in ~~the~~ time and say that the youth diversion program was transferred retroactively on July 1, 2001, because, in fact, the youth diversion program will remain in DOC under current law until such time ^{as} the budget is enacted.

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0166/P2dn
GMM:kmg:jf

September 19, 2000

Because this draft will be folded into the budget and because the default effective date of the budget is July 1, 2001, or on the day after publication, whichever is later, it is not necessary to specify in this draft that the effective date of the transfer is July 1, 2001. Indeed, to specify that the effective date of the transfer is July 1, 2001, might create a retroactivity problem as it is more than likely that the budget will not be enacted by July 1, 2001. Specifically, if the budget is enacted after July 1, 2001, we cannot go back in time and say that the youth diversion program was transferred retroactively on July 1, 2001, because, in fact, the youth diversion program will remain in DOC under current law until such time as the budget is enacted.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

Malaise, Gordon

From: Nikolay, Robert A. DOC
Sent: Monday, October 16, 2000 2:33 PM
To: Malaise, Gordon
Cc: Johnston, James; Woeshnick, Dawn M. DOC; Widzinski-Pollock, Lucie DOC
Subject: May 5, 2000

I have reviewed this with Jim Johnston and he has given me the OK to respond directly to you.



OGIP Transfer
Memo.doc



Tommy G. Thompson
Governor

Jon E. Litscher
Secretary

Mailing Address

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

State of Wisconsin Department of Corrections

DATE: October 13, 2000

TO: Gordon Malaise
Legislative Reference Bureau

FROM: Bob Nikolay, Director
Bureau of Budget and Facilities Management

SUBJECT: LRB-0166/P2dn – Office of Gang Prevention

On statutory language draft LRB 0166/P2dn related to the transfer of the Office of Gang Intervention and Prevention, I have the following suggested modification:

Section 9101 and Section 9111. The draft increases the authorized FTE for the Office of Justice Assistance by 2.0 GPR FTE positions and decreases the DOC's authorized positions by 2.0 GPR FTE. However, of the two positions transferred, only 1.50 FTE are funded with GPR at DOC, the other 0.50 FTE is currently PR funded from the juvenile corrective sanctions program.

I don't think it would be prudent to transfer any of the corrective sanctions funding to OJA, so I would suggest that a 0.50 PRF FTE positions be created in OJA along with 1.50 GPR FTE, since most of OJA is funded with federally funds.

cc: Jim Johnston, DOA 6-3420



D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON

DON'T
GEN. CAT

1 AN ACT ...; relating to: transfer of the youth diversion from gang activities
2 program from the department of corrections to the office of justice assistance
3 in the department of administration.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, the department of corrections (DOC) is required to enter into contracts with organizations in Milwaukee County, Kenosha County, Racine County, and Brown County to provide services in those counties for the diversion of youths from gang activities into productive activities (youth diversion program). This bill transfers administration of the youth diversion program from DOC to the office of justice assistance in the department of administration.

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

4 SECTION 1. 16.75 (1) (a) 1. of the statutes is amended to read:
5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any

1 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
2 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
3 287.15 (7) and ~~301.265~~, shall be awarded to the lowest responsible bidder, taking into
4 consideration life cycle cost estimates under sub. (1m), when appropriate, the
5 location of the agency, the quantities of the articles to be supplied, their conformity
6 with the specifications, and the purposes for which they are required and the date
7 of delivery.

8 **SECTION 2.** 20.410 (3) (d) of the statutes is renumbered 20.505 (6) (d) and
9 amended to read:

10 20.505 (6) (d) *Youth diversion*. The amounts in the schedule for youth diversion
11 services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 3.** 20.410 (3) (kj) of the statutes is renumbered 20.505 (6) (kj) and
13 amended to read:

14 20.505 (6) (kj) *Youth diversion program*. The amounts in the schedule for youth
15 diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys
16 transferred from the appropriation account under s. ~~20.505 (6)~~ par. (j) 8. shall be
17 credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 4.** 20.410 (3) (kp) of the statutes is renumbered 20.505 (6) (km) and
19 amended to read:

20 20.505 (6) (km) *Interagency programs; alcohol and other drug abuse*. All
21 moneys transferred from the appropriation account under s. 20.435 (7) (md) for

1 alcohol and other drug abuse education and treatment under s. ~~301.265 (2)~~ 16.964
2 (8) (b), to be used to provide that education and treatment.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 SECTION 5. 20.505 (6) (j) 8. of the statutes is amended to read:

4 20.505 (6) (j) 8. The amount transferred to s. ~~20.410 (3)~~ par. (kj) shall be the
5 amount in the schedule under s. ~~20.410 (3)~~ par. (kj).

6 SECTION 6. 301.265 (title) of the statutes is repealed.

7 SECTION 7. 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
8 amended to read:

9 16.964 (8) (a) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and
10 (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a
11 contract with an organization to provide services in a county having a population of
12 500,000 or more for the diversion of youths from gang activities into productive
13 activities, including placement in appropriate educational, recreational, and
14 employment programs. Notwithstanding s. 16.75, the department may enter into a
15 contract under this subsection paragraph without soliciting bids or proposals and
16 without accepting the lowest responsible bid or offer.

17 SECTION 8. 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
18 amended to read:

19 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),
20 the department office may not distribute more than \$300,000 in each fiscal year to
21 the organization that it has contracted with under sub. ~~(1)~~ par. (a) for alcohol and
22 other drug abuse education and treatment services for participants in that
23 organization's youth diversion program.

1 SECTION 9. 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and
2 amended to read:

3 16.964 (8) (c) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and (kj),
4 the department office shall allocate \$150,000 in each fiscal year to enter into a
5 contract with an organization to provide services in Racine County, \$150,000 in each
6 fiscal year to enter into a contract with an organization to provide services in
7 Kenosha County, \$150,000 in each fiscal year to enter into a contract with an
8 organization that is located in ward 1 in the city of Racine to provide services in
9 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
10 organization to provide services in Brown County, for the diversion of youths from
11 gang activities into productive activities, including placement in appropriate
12 educational, recreational, and employment programs, and for alcohol or other drug
13 abuse education and treatment services for participants in that organization's youth
14 diversion program. The organization that is located in ward 1 in the city of Racine
15 shall have a recreational facility, shall offer programs to divert youths from gang
16 activities, may not be affiliated with any national or state association, and may not
17 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
18 16.75, the department may enter into a contract under this subsection paragraph
19 without soliciting bids or proposals and without accepting the lowest responsible bid
20 or offer.

Handwritten annotations: "#2" in a circle with an arrow pointing to "2." in a circle.

~~SECTION 9101. Nonstatutory provisions; administration.~~

21 ~~(1) YOUTH DIVERSION PROGRAM~~, The authorized FTE positions for the
23 department of administration, funded from the appropriation under section 20.505
24 (6) (a) of the statutes, are increased by 1.5 ~~2.5~~ GPR positions on the effective date of this

Handwritten note: "Move to p 5.8.14"

Handwritten note: "5-14" with an arrow pointing up to the "1.5" in the text above.

Handwritten note: "cont" with an arrow pointing down.

Move to
A-5, P14

~~subsection~~ for the youth diversion from gang activities program under section 16.964
(8) of the statutes, as affected by this act.

SECTION 9111. Nonstatutory provisions; corrections.

(1) YOUTH DIVERSION PROGRAM.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of corrections primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

① Positions and employees. #1.

(b) ~~Position decrease.~~ The authorized FTE positions for the department of corrections, funded from the appropriation under section 20.410 (3) (a) of the statutes, are decreased by ~~2.5~~ ^{1.5} GPR positions on the effective date of this ~~paragraph~~ ^{subdivision} for the youth diversion from gang activities program under section 301.265, 1999 stats.

specified in subdivision 1.5 - auto ref.

~~(c) Employee transfers.~~ On the effective date of this ~~paragraph~~ ^{subdivision}, all incumbent employees holding ^{the} positions ~~in the department of corrections that are primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration,~~ are transferred to the department of administration.

(b) auto ref.

~~(c)~~ ^(c) (d) *Employee status.* Employees transferred under paragraph ~~(c)~~ ^(c) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of corrections immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

3. auto ref.

Insert
S-14

(d)

1 (I) ~~(d)~~ *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of corrections that
3 is primarily related to the youth diversion from gang activities program under
4 section 301.265, 1999 stats., as determined by the secretary of administration, is
5 transferred to the department of administration.

(e)

6 (e) ~~(d)~~ *Pending matters.* Any matter pending with the department of corrections
7 on the effective date of this paragraph that is primarily related to the youth diversion
8 from gang activities program under section 301.265, 1999 stats., as determined by
9 the secretary of administration, is transferred to the department of administration.
10 All materials submitted to or actions taken by the department of corrections with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of administration.

(f)

13 (f) ~~(g)~~ *Contracts.* All contracts entered into by the department of corrections in
14 effect on the effective date of this paragraph that are primarily related to the youth
15 diversion from gang activities program under section 301.265, 1999 stats., as
16 determined by the secretary of administration, remain in effect and are transferred
17 to the department of administration. The department of administration shall carry
18 out any obligations under those contracts unless modified or rescinded by the
19 department of administration to the extent allowed under the contract.

(g)

20 (g) ~~(h)~~ *Rules and orders.* All rules promulgated by the department of corrections
21 in effect on the effective date of this paragraph that are primarily related to the youth
22 diversion from gang activities program under section 301.265, 1999 stats., remain
23 in effect until their specified expiration date or until amended or repealed by the
24 department of administration. All orders issued by the department of corrections in
25 effect on the effective date of this paragraph that are primarily related to the youth

1 diversion from gang activities program under section 301.265, 1999 stats., remain
2 in effect until their specified expiration date or until modified or rescinded by the
3 department of administration.

4 (END)

D-Note

In accordance with redrafting instructions given by Bob Nikolay of DOC, this redraft transfers 1.5, rather than 2.0, GPR FTE positions ~~to~~ relating to the youth diversion from gang activities program from DOC to DOA. The draft, however, is silent as to creating 0.5 PR-F FTE positions in DOA because under s. 16.505 (1)(c) ^{the} the governor may create PR-F positions with no further authorization necessary.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/P3dn
GMM:kmg:rs

October 17, 2000

In accordance with redrafting instructions given by Bob Nikolay of DOC, this redraft transfers 1.5, rather than 2.0, GPR FTE positions relating to the youth diversion from gang activities program from DOC to DOA. The draft, however, is silent as to creating 0.5 PR-F FTE positions in DOA because under s. 16.505 (1) (c) the governor may create PR-F positions with no further authorization necessary.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

Malaise, Gordon

From: Statz, Andrew
Sent: Tuesday, October 31, 2000 12:41 PM
To: Malaise, Gordon
Cc: Nikolay, Robert A. DOC; Perretz, Don; Johnston, James
Subject: Transfer gang office from DOC to OJA -- #0166/P3

I am writing to request a change to the current draft to transfer the Office of Gang Intervention from DOC to OJA in the 01-03 budget.

The total position count to be transferred is 2.0 FTE. The breakout is 1.50 FTE from GPR and 0.50 FTE from PR.

DOC's GPR appropriation under s. 20.410 (3)(a) should be reduced by 1.50 FTE. To complete the transfer, OJA's proposed GPR appropriation under s. 20.505 (6)(d) should be increased by 1.50 FTE.

To account for PR position authority, DOC's juvenile corrective sanctions PR appropriation under s. 20.410 (3)(hm) should be reduced by 0.50 FTE. A related funding reduction will occur during file maintenance. OJA's proposed PR-S appropriation under s. 20.505 (6)(kj) for penalty assessment funds should be increased by 0.50 FTE. Because the position would be covered by this appropriation, no funds would have to be transferred from DOC's appropriation under s. 20.410 (3)(hm) to OJA.

Please make the necessary changes to non-statutory language in draft #0166/P3.

Because it is critical that the statutory provisions match the file maintenance used to compile the Governor's budget, I must ask that all subsequent edits to this provision be initiated by the State Budget Office. If either agency would like to make further modifications, they may contact SBO to request LRB to make necessary changes.

If you have any questions, please feel free to call. Thank you.

*Andrew J. Statz
State Budget Office
608-267-0370*