



Soon

FOR
RNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DOA - Bud

→ Check auto refs.

1 AN ACT ^{DONT GEN. CAT.} 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.~~ DOA

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 9111. Nonstatutory provisions; corrections.**

22 (1) YOUTH DIVERSION PROGRAM.

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

1 the secretary of administration, shall become the assets and liabilities of the
2 department of administration.

as affected by this act,

3 (b) *Positions and employees.*

4 1. The authorized FTE positions for the department of corrections, funded from
5 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
6 GPR positions on the effective date of this subdivision for the youth diversion from
7 gang activities program under section 301.265, 1999 stats. (d)

8 2. The authorized FTE positions for the department of administration, funded
9 from the appropriation under section 20.505 (6) of the statutes, are increased by
10 1.5 GPR positions on the effective date of this subdivision for the youth diversion
11 from gang activities program under section 16.964 (8) of the statutes, as affected by
12 this act. #5

Insert
5-12
13

13 On the effective date of this subdivision, all incumbent employees holding
14 the positions specified in subdivision 1. are transferred to the department of
15 administration.

a.r. -> 5

16 (c) *Employee status.* Employees transferred under paragraph (b) 3. have all the
17 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
18 statutes in the department of administration that they enjoyed in the department
19 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
20 of the statutes, no employee so transferred who has attained permanent status in
21 class is required to serve a probationary period.

22 (d) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of corrections that
24 is primarily related to the youth diversion from gang activities program under

1 section 301.265, 1999 stats., as determined by the secretary of administration, is
2 transferred to the department of administration.

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

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

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

1 in effect until their specified expiration date or until modified or rescinded by the
2 department of administration.

3 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/lins
GMM.....

(INSERT 5-12)

3. The authorized FTE positions for the department of corrections, funded from the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5 PR positions on the effective date of this subdivision for the youth diversion from gang activities program under section 301.265, 1999 stats.

4. The authorized FTE positions for the department of administration, funded from the appropriation under section 20.505 (6) (kj) of the statutes, as affected by this act, are increased by 0.5 PR positions on the effective date of this subdivision for the youth diversion from gang activities program under section 16.964 (8) of the statutes, as affected by this act.

(END OF INSERT)

Malaise, Gordon

From: Statz, Andrew
Sent: Thursday, January 04, 2001 7:30 PM
To: Malaise, Gordon
Cc: Dsida, Michael; Ryan, Robin; Johnston, James
Subject: LRB Draft: 01-0166/1 Transfer of gang diversion program

Rather than renumber three of DOC's appropriations to create new ones in OJA, we should use three existing appropriations at OJA. Accordingly,

20.410 (3)(d)	for GPR Youth Diversions may be repealed	20.505 (6)(a) may be amended
20.410 (3)(k)	for penalty assessment may be repealed	20.505 (6)(k) may be amended
20.410 (3)(kp)	for PR from DHFS may be repealed	20.505 (6)(i) may be amended

RP (j) g

Please give me a call if you have any questions. Thank you.

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

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

From: Marty, Karen
Sent: Thursday, November 02, 2000 7:49 AM
To: Statz, Andrew
Cc: Johnston, James; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01-0166/1 Transfer of gang diversion program

Following is the PDF version of draft 01-0166/1.



01-0166/1



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0166/1
GMM:kmg:km

2
AMR

D-Note

DOA:.....Statz - Transfer of gang diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

the budget

1 AN ACT ^{Don't GEN. CAT.} 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, 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 DOA.

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

SECTION 1

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:~~ repealed.

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:

20.505 (6)(a) and (k)

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)~~ (i) ~~20.505 (6) (kp)~~,
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.

Insert
3-5

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) 20.565 (a) (d) and (k)~~,
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 9111. Nonstatutory provisions; corrections.**

22 (1) YOUTH DIVERSION PROGRAM.

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

1 the secretary of administration, shall become the assets and liabilities of the
2 department of administration.

3 (b) *Positions and employees.*

4 1. The authorized FTE positions for the department of corrections, funded from
5 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
6 GPR positions on the effective date of this subdivision for the youth diversion from
7 gang activities program under section 301.265, 1999 stats. ((a)) ✓

8 2. The authorized FTE positions for the department of administration, funded
9 from the appropriation under section 20.505 (6) (d) of the statutes, as affected by this
10 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
11 the youth diversion from gang activities program under section 16.964 (8) of the
12 statutes, as affected by this act.

13 3. The authorized FTE positions for the department of corrections, funded from
14 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
15 PR position on the effective date of this subdivision for the youth diversion from gang
16 activities program under section 301.265, 1999 stats. ((k)) ✓

17 4. The authorized FTE positions for the department of administration, funded
18 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this
19 act, are increased by 0.5 PR position on the effective date of this subdivision for the
20 youth diversion from gang activities program under section 16.964 (8) of the statutes,
21 as affected by this act.

22 5. On the effective date of this subdivision, all incumbent employees holding
23 the positions specified in subdivision 1. are transferred to the department of
24 administration.

1 (c) *Employee status.* Employees transferred under paragraph (b) 5. have all the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of administration that they enjoyed in the department
4 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
5 of the statutes, no employee so transferred who has attained permanent status in
6 class is required to serve a probationary period.

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

12 (e) *Pending matters.* Any matter pending with the department of corrections
13 on the effective date of this paragraph that is primarily related to the youth diversion
14 from gang activities program under section 301.265, 1999 stats., as determined by
15 the secretary of administration, is transferred to the department of administration.
16 All materials submitted to or actions taken by the department of corrections with
17 respect to the pending matter are considered as having been submitted to or taken
18 by the department of administration.

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

1 (g) *Rules and orders.* All rules promulgated by the department of corrections
2 in effect on the effective date of this paragraph that are primarily related to the youth
3 diversion from gang activities program under section 301.265, 1999 stats., remain
4 in effect until their specified expiration date or until amended or repealed by the
5 department of administration. All orders issued by the department of corrections in
6 effect on the effective date of this paragraph that are primarily related to the youth
7 diversion from gang activities program under section 301.265, 1999 stats., remain
8 in effect until their specified expiration date or until modified or rescinded by the
9 department of administration.

10

(END)

Insert 3-5

Section #. 20.505 (6) (a) of the statutes is amended to read:

① youth diversion

20.505 (6) (a) *General program operations*. The amounts in the schedule for general program operations.

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.

and for youth diversion services under
s. 16.964 (g) (a) and (c)

✓
* * * * note: bud



Insert 3-5

Section #. 20.505 (6) (i) of the statutes is amended to read:

① , and interagency programs; alcohol and other drug abuse

20.505 (6) (i) ~~Gifts and grants.~~ All moneys received from gifts and grants, other than moneys received for and deposited in the appropriation accounts under pars. (k) to (pc), ~~to carry out the purposes for which made and received~~

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 10A; 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, 227; 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.

② and all moneys transferred from the appropriation account under s. 20. 435 (7)(md) for alcohol and other drug abuse education and treatment under s. 16. 964 (8) (b), to be used to provide that education and treatment

✓ *** Note: bud

Insert 3-5

Section #. 20.505 (6) (k) of the statutes is amended to read:

(j) youth diversion

20.505 (6) (k) *Anti-drug enforcement program — administration.* The amounts in the schedule for ~~the purpose of~~ administering federal grants for law enforcement assistance. All moneys transferred from the appropriation account under par. (j) 13. shall be credited to this appropriation account.

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.

and for youth diversion services under
s. 16.964 (8) (a) and (c)

✓
*** note: bud

(ed of insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/2dn

CMM.../kmg

kmg

ST ET

Andrew:

In accordance with your instructions, this redraft amends s. 20.505 (6) (i) to place in that appropriation account federal block grant moneys transferred from DHFS for AODA education and treatment under the youth diversion program. As I mentioned on the phone, however, moneys transferred from one appropriation account to another by law belong in a PR-S appropriation account, which under our current numbering system is an appropriation account ~~numbered~~ (k) to (kz). See s. 20.001 (2) (c). Accordingly, I would recommend that s. 20.410 (3) (kp) be renumbered 20.505 (6) (km) as in the previous draft, which will result in no net increase in the number of appropriations in the schedule.

s.

~~assigned paragraph
letter of~~

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/2dn
CMM:lmg:pg

January 7, 2001

Andrew:

In accordance with your instructions, this redraft amends s. 20.505 (6) (i) to place in that appropriation account federal block grant moneys transferred from DHFS for AODA education and treatment under the youth diversion program. As I mentioned on the phone, however, moneys transferred from one appropriation account to another by law belong in a PR-S appropriation account, which under our current numbering system is an appropriation account numbered (k) to (kz). See s. 20.001 (2) (c). Accordingly, I would recommend that s. 20.410 (3) (kp) be renumbered s. 20.505 (6) (km) as in the previous draft, which will result in no net increase in the number of appropriations in the schedule.

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

Malaise, Gordon

From: Statz, Andrew
Sent: Monday, January 08, 2001 1:06 PM
To: Malaise, Gordon
Cc: Johnston, James; Dsida, Michael; Ryan, Robin
Subject: FW: LRB Draft: 01-0166/2 Transfer of gang diversion program

Thank you for making edits to enable OJA to use its existing appropriation accounts for the Youth Diversion Program.

Having considered you drafter's note, I agree that OJA should have a new PR-S appropriation to accept funds from DHFS for youth diversions. Accordingly, please create a generic PR-S continuing appropriation that will enable OJA to receive these funds from DHFS as well as any other inter/intra-agency moneys. You may use appn s. 20.505 (6)(km) as outlined in # 0166/1, but please broaden it to accept other PR-S as well.

Should the reference to "department" be changed to "office" on page 3 line 18?

yes

Thank you.

also p4, l 23

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

From: Greenslet, Patty
Sent: Sunday, January 07, 2001 4:29 PM
To: Statz, Andrew
Cc: Johnston, James; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01-0166/2 Transfer of gang diversion program

Following is the PDF version of draft 01-0166/2.



01-0166/2



01-0166/2dn



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0166/1 3
GMM:kmg:pg RMR

Don't
Join

DOA:.....Statz - Transfer of gang diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 *DON'T
GEN. CRT.*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, 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 DOA.

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

2 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:
3 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
4 materials, supplies, equipment, and contractual services to be provided to any
5 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),

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 **SECTION 2.** 20.410 (3) (d) of the statutes is repealed.

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

8 **SECTION 3.** 20.410 (3) (kj) of the statutes is repealed.

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

9 **SECTION 4.** 20.410 (3) (kp) of the statutes is repealed.

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

10 **SECTION 5.** 20.505 (6) (a) of the statutes is amended to read:

11 20.505 (6) (a) *General program operations; youth diversion*. The amounts in
12 the schedule for general program operations and for youth diversion services under
13 s. 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.

14 **SECTION 6.** 20.505 (6) (i) of the statutes is amended to read:

15 20.505 (6) (i) *Gifts ~~and~~, grants, and interagency programs; alcohol and other*
16 *drug abuse*. All moneys received from gifts and grants, other than moneys received
17 for and deposited in the appropriation accounts under pars. (k) to (pc), to carry out
18 the purposes for which made and received, and all moneys transferred from the
19 appropriation account under s. 20.435 (7) (md) for alcohol and other drug abuse

1 ~~education and treatment under s. 16.964 (8) (b), to be used to provide that education~~
2 ~~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 7. 20.505 (6) (j) 8. of the statutes is repealed.

4 SECTION 8. 20.505 (6) (k) of the statutes is amended to read:

5 20.505 (6) (k) *Anti-drug enforcement program — administration; youth*
6 *diversion.* The amounts in the schedule for ~~the purpose of~~ administering federal
7 grants for law enforcement assistance and for youth diversion services under s.
8 16.964 (8) (a) and (c). All moneys transferred from the appropriation account under
9 par. (j) 13. shall be 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.

Insert
3-16

10 SECTION 9. 301.265 (title) of the statutes is repealed.

11 SECTION 10. 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
12 amended to read:

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

21 SECTION 11. 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
22 amended to read:

(kj)
(km)
(kx)

1

16.964 (8) (b) From the appropriation under s. 20.410 (3) (kp) 20.505 (6) (k), 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.

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SECTION 12: 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and amended to read:

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7

16.964 (8) (c) From the appropriations under s. 20.410 (3) (d) and (kj) 20.505 (6) (a) and (k), the department office shall allocate \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with an organization that is located in ward 1 in the city of Racine to provide services in Racine County, and \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization's youth diversion program. The organization that is located in ward 1 in the city of Racine shall have a recreational facility, shall offer programs to divert youths from gang activities, may not be affiliated with any national or state association, and may not have entered into a contract under s. 301.265 (3), 1995 stats. 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.

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office

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

2 (1) YOUTH DIVERSION PROGRAM.

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

8 (b) *Positions and employees.*

9 1. The authorized FTE positions for the department of corrections, funded from
10 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
11 GPR positions on the effective date of this subdivision for the youth diversion from
12 gang activities program under section 301.265, 1999 stats.

13 2. The authorized FTE positions for the department of administration, funded
14 from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this
15 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
16 the youth diversion from gang activities program under section 16.964 (8) of the
17 statutes, as affected by this act.

18 3. The authorized FTE positions for the department of corrections, funded from
19 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
20 PR position on the effective date of this subdivision for the youth diversion from gang
21 activities program under section 301.265, 1999 stats.

22 4. The authorized FTE positions for the department of administration, funded
23 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this
24 act, are increased by 0.5 PR position on the effective date of this subdivision for the

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

3 5. On the effective date of this subdivision, all incumbent employees holding
4 the positions specified in subdivisions 1. and 3. are transferred to the department
5 of administration.

6 (c) *Employee status.* Employees transferred under paragraph (b) 5. have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the department of administration that they enjoyed in the department
9 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
10 of the statutes, no employee so transferred who has attained permanent status in
11 class is required to serve a probationary period.

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

17 (e) *Pending matters.* Any matter pending with the department of corrections
18 on the effective date of this paragraph that is primarily related to the youth diversion
19 from gang activities program under section 301.265, 1999 stats., as determined by
20 the secretary of administration, is transferred to the department of administration.
21 All materials submitted to or actions taken by the department of corrections with
22 respect to the pending matter are considered as having been submitted to or taken
23 by the department of administration.

24 (f) *Contracts.* All contracts entered into 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., as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of administration. The department of administration shall carry
4 out any obligations under those contracts unless modified or rescinded by the
5 department of administration to the extent allowed under the contract.

6 (g) *Rules and orders.* All rules promulgated by the department of corrections
7 in effect on the effective date of this paragraph that are primarily related to the youth
8 diversion from gang activities program under section 301.265, 1999 stats., remain
9 in effect until their specified expiration date or until amended or repealed by the
10 department of administration. All orders issued by the department of corrections in
11 effect on the effective date of this paragraph that are primarily related to the youth
12 diversion from gang activities program under section 301.265, 1999 stats., remain
13 in effect until their specified expiration date or until modified or rescinded by the
14 department of administration.

15

(END)

Insert 3-10

SEC. CR: 20.505 (6) (km) (km) (km)

Programs.

20.505 (6) (km) (km) (km) Interagency and intra-agency

~~assurances~~ All moneys received from other state agencies and all moneys received by the department from the department, for the administration of the programs or projects for which received aids to individuals and organizations to carry out the purposes for which received.

→ * * * * note: bud

(left in st)

D-N-te

GMM:KMG:

Andrew:

Good pick up at page 3, line 18! See also

page 4, line 23.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0166/3dn
GMM:kmg:jf

January 9, 2001

Andrew:

Good pick up at page 3, line 18! See also page 4, line 23.

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

Malaise, Gordon

From: Statz, Andrew
Sent: Friday, January 19, 2001 3:23 PM
To: Dsida, Michael; Malaise, Gordon
Subject: OJA admin & youth diversion appn

Just a quick note...

During reconciliation, please change the appropriation title of s. 20.505 (6)(k) to "*Law enforcement programs - administration; youth diversion*". This title will reconcile drafts 0166/3 and 0044/1.

Thanks.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

Draft

MGD
LRE-0166/8
GMM:kmg:jf
[Handwritten initials]

DOA:.....Statz – Transfer of gang diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, 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 DOA.

Insert A ✓

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

- 2 SECTION 1. 16.75 (1) (a) 1. of the statutes is amended to read:
- 3 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
- 4 materials, supplies, equipment, and contractual services to be provided to any
- 5 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),

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

SECTION 2. 20.410 (3) (d) of the statutes is repealed.

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

SECTION 3. 20.410 (3) (kj) of the statutes is repealed.

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

SECTION 4. 20.410 (3) (kp) of the statutes is repealed.

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

SECTION 5. 20.505 (6) (a) of the statutes is amended to read:

20.505 (6) (a) *General program operations; youth diversion*. The amounts in the schedule for general program operations and for youth diversion services under s. 16.964 (8) (a) and (c).

① Law
② programs
****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.505 (6) (j) 8. of the statutes is repealed.

SECTION 7. 20.505 (6) (k) of the statutes is amended to read:

⑬ 20.505 (6) (k) ~~Anti-drug enforcement program~~ — administration; youth diversion. The amounts in the schedule for ~~the purpose of administering federal~~ grants for law enforcement assistance and for youth diversion services under s. 16.964 (8) (a) and (c). All moneys transferred from the appropriation account under par. (j) 13. shall be credited to this appropriation account.

⑰
*** NOTE: This is reconciled s. 20.505 (6)(k). This section has been affected by drafts with the following LRB #'s: LRB-0044/2 and LRB-0166/3.

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

1 **SECTION 8.** 20.505 (6) (km) of the statutes is created to read:

2 20.505 (6) (km) INTERAGENCY AND INTRA-AGENCY PROGRAMS. All moneys received
3 from other state agencies and all moneys received by the department from the
4 department, to carry out the purposes for which received.

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

5 **SECTION 9.** 301.265 (title) of the statutes is repealed.

6 **SECTION 10.** 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
7 amended to read:

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

16 **SECTION 11.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
17 amended to read:

18 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),
19 the ~~department~~ office may not distribute more than \$300,000 in each fiscal year to
20 the organization that it has contracted with under ~~sub. (1) par. (a)~~ for alcohol and
21 other drug abuse education and treatment services for participants in that
22 organization's youth diversion program.

1 **SECTION 12.** 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) (d) and (k)~~ 20.505
4 (6) (a) and (k), the department office shall allocate \$150,000 in each fiscal year to
5 enter into a contract with an organization to provide services in Racine County,
6 \$150,000 in each fiscal year to enter into a contract with an organization to provide
7 services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with
8 an 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 office may enter into a contract under this subsection
19 paragraph without soliciting bids or proposals and without accepting the lowest
20 responsible bid or offer.

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

22 (1) **YOUTH DIVERSION PROGRAM.**

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

1 the secretary of administration, shall become the assets and liabilities of the
2 department of administration.

3 (b) *Positions and employees.*

4 1. The authorized FTE positions for the department of corrections, funded from
5 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
6 GPR positions on the effective date of this subdivision for the youth diversion from
7 gang activities program under section 301.265, 1999 stats.

8 2. The authorized FTE positions for the department of administration, funded
9 from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this
10 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
11 the youth diversion from gang activities program under section 16.964 (8) of the
12 statutes, as affected by this act.

13 3. The authorized FTE positions for the department of corrections, funded from
14 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
15 PR position on the effective date of this subdivision for the youth diversion from gang
16 activities program under section 301.265, 1999 stats.

17 4. The authorized FTE positions for the department of administration, funded
18 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this
19 act, are increased by 0.5 PR position on the effective date of this subdivision for the
20 youth diversion from gang activities program under section 16.964 (8) of the statutes,
21 as affected by this act.

22 5. On the effective date of this subdivision, all incumbent employees holding
23 the positions specified in subdivisions 1. and 3. are transferred to the department
24 of administration.

1 (c) *Employee status.* Employees transferred under paragraph (b) 5. have all the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of administration that they enjoyed in the department
4 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
5 of the statutes, no employee so transferred who has attained permanent status in
6 class is required to serve a probationary period.

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

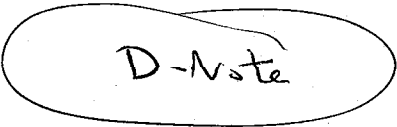
12 (e) *Pending matters.* Any matter pending with the department of corrections
13 on the effective date of this paragraph that is primarily related to the youth diversion
14 from gang activities program under section 301.265, 1999 stats., as determined by
15 the secretary of administration, is transferred to the department of administration.
16 All materials submitted to or actions taken by the department of corrections with
17 respect to the pending matter are considered as having been submitted to or taken
18 by the department of administration.

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

1 (g) *Rules and orders.* All rules promulgated by the department of corrections
2 in effect on the effective date of this paragraph that are primarily related to the youth
3 diversion from gang activities program under section 301.265, 1999 stats., remain
4 in effect until their specified expiration date or until amended or repealed by the
5 department of administration. All orders issued by the department of corrections in
6 effect on the effective date of this paragraph that are primarily related to the youth
7 diversion from gang activities program under section 301.265, 1999 stats., remain
8 in effect until their specified expiration date or until modified or rescinded by the
9 department of administration.

10

(END)



D-Note

Andrew Statz:

This draft reconciles LRB-0166/3 and LRB-0044/2.
It replaces LRB-0044 in the compiled bill.

Insert A ✓

DOA.....Statz - Administration of grants by office of justice assistance
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, certain appropriations provided to the office of justice assistance (OJA) may be used for administering federal grants for law enforcement assistance. Under this bill, OJA may use the appropriations to administer any grant for law enforcement assistance.

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

2 SECTION 1. 20.505 (6) (k) of the statutes is amended to read:

3 20.505 (6) (k) ~~Anti-drug Law enforcement program programs~~
4 administration. The amounts in the schedule for the purpose of administering
5 federal grants for law enforcement assistance. All moneys transferred from the
6 appropriation account under par. (j) 13. shall be credited to this appropriation
7 account.

(ed of insert)

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

LRB-0166/4dn
GMM:kmg:jf

February 7, 2001

Andrew Statz:

This draft reconciles LRB-0166/3 and LRB-0044/2. It replaces LRB-0044 in the compiled bill.

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



DOA:.....Statz - Transfer of gang diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, 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 DOA.

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OTHER STATE GOVERNMENT

Under current law, certain appropriations provided to the office of justice assistance (OJA) may be used for administering federal grants for law enforcement assistance. Under this bill, OJA may use the appropriations to administer any grant for law enforcement assistance.

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2 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:

1 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
2 materials, supplies, equipment, and contractual services to be provided to any
3 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
4 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
5 287.15 (7) ~~and 301.265~~, shall be awarded to the lowest responsible bidder, taking into
6 consideration life cycle cost estimates under sub. (1m), when appropriate, the
7 location of the agency, the quantities of the articles to be supplied, their conformity
8 with the specifications, and the purposes for which they are required and the date
9 of delivery.

10 **SECTION 2.** 20.410 (3) (d) of the statutes is repealed.

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

11 **SECTION 3.** 20.410 (3) (kj) of the statutes is repealed.

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

12 **SECTION 4.** 20.410 (3) (kp) of the statutes is repealed.

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

13 **SECTION 5.** 20.505 (6) (a) of the statutes is amended to read:

14 20.505 (6) (a) *General program operations; youth diversion*. The amounts in
15 the schedule for general program operations and for youth diversion services under
16 s. 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.

17 **SECTION 6.** 20.505 (6) (j) 8. of the statutes is repealed.

18 **SECTION 7.** 20.505 (6) (k) of the statutes is amended to read:

19 20.505 (6) (k) *~~Anti-drug~~ Law enforcement program programs —*
20 *~~administration; youth diversion~~*. The amounts in the schedule for ~~the purpose of~~

1 administering federal grants for law enforcement assistance and for youth diversion
2 services under s. 16.964 (8) (a) and (c). All moneys transferred from the
3 appropriation account under par. (j) 13. shall be credited to this appropriation
4 account.

****NOTE: This is reconciled s. 20.505 (6) (k). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0044/2 and LRB-0166/3.

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

5 SECTION 8. 20.505 (6) (km) of the statutes is created to read:

6 20.505 (6) (km) INTERAGENCY AND INTRA-AGENCY PROGRAMS. All moneys received
7 from other state agencies and all moneys received by the department from the
8 department, to carry out the purposes for which received.

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

9 SECTION 9. 301.265 (title) of the statutes is repealed.

10 SECTION 10. 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
11 amended to read:

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

20 SECTION 11. 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
21 amended to read:

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

6 **SECTION 12.** 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and
7 amended to read:

8 16.964 (8) (c) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505
9 (6) (a) and (k), the ~~department~~ office shall allocate \$150,000 in each fiscal year to
10 enter into a contract with an organization to provide services in Racine County,
11 \$150,000 in each fiscal year to enter into a contract with an organization to provide
12 services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with
13 an organization that is located in ward 1 in the city of Racine to provide services in
14 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
15 organization to provide services in Brown County, for the diversion of youths from
16 gang activities into productive activities, including placement in appropriate
17 educational, recreational, and employment programs, and for alcohol or other drug
18 abuse education and treatment services for participants in that organization's youth
19 diversion program. The organization that is located in ward 1 in the city of Racine
20 shall have a recreational facility, shall offer programs to divert youths from gang
21 activities, may not be affiliated with any national or state association, and may not
22 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
23 16.75, the ~~department~~ office may enter into a contract under this subsection
24 paragraph without soliciting bids or proposals and without accepting the lowest
25 responsible bid or offer.

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

2 (1) YOUTH DIVERSION PROGRAM.

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

8 (b) *Positions and employees.*

9 1. The authorized FTE positions for the department of corrections, funded from
10 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
11 GPR positions on the effective date of this subdivision for the youth diversion from
12 gang activities program under section 301.265, 1999 stats.

13 2. The authorized FTE positions for the department of administration, funded
14 from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this
15 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
16 the youth diversion from gang activities program under section 16.964 (8) of the
17 statutes, as affected by this act.

18 3. The authorized FTE positions for the department of corrections, funded from
19 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
20 PR position on the effective date of this subdivision for the youth diversion from gang
21 activities program under section 301.265, 1999 stats.

22 4. The authorized FTE positions for the department of administration, funded
23 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this
24 act, are increased by 0.5 PR position on the effective date of this subdivision for the

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

3 5. On the effective date of this subdivision, all incumbent employees holding
4 the positions specified in subdivisions 1. and 3.. are transferred to the department
5 of administration.

6 (c) *Employee status.* Employees transferred under paragraph (b) 5. have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the department of administration that they enjoyed in the department
9 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
10 of the statutes, no employee so transferred who has attained permanent status in
11 class is required to serve a probationary period.

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

17 (e) *Pending matters.* Any matter pending with the department of corrections
18 on the effective date of this paragraph that is primarily related to the youth diversion
19 from gang activities program under section 301.265, 1999 stats., as determined by
20 the secretary of administration, is transferred to the department of administration.
21 All materials submitted to or actions taken by the department of corrections with
22 respect to the pending matter are considered as having been submitted to or taken
23 by the department of administration.

24 (f) *Contracts.* All contracts entered into 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., as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of administration. The department of administration shall carry
4 out any obligations under those contracts unless modified or rescinded by the
5 department of administration to the extent allowed under the contract.

6 (g) *Rules and orders.* All rules promulgated by the department of corrections
7 in effect on the effective date of this paragraph that are primarily related to the youth
8 diversion from gang activities program under section 301.265, 1999 stats., remain
9 in effect until their specified expiration date or until amended or repealed by the
10 department of administration. All orders issued by the department of corrections in
11 effect on the effective date of this paragraph that are primarily related to the youth
12 diversion from gang activities program under section 301.265, 1999 stats., remain
13 in effect until their specified expiration date or until modified or rescinded by the
14 department of administration.

15

(END)