

## 2007 DRAFTING REQUEST

### Bill

Received: 11/01/2006

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-0370**

By/Representing: **Wavrunek**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **NO**

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### Pre Topic:

DOA:.....Wavrunek, BB0146 -

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### Topic:

Transfer youth diversion program to Office of Justice Assistance

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### Instructions:

See Attached--undo 2005 Act 25 by transferring the Youth Diversion Program from DOC back to OJA in DOC

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	chanaman 11/01/2006 gmalaise 11/01/2006	kfollett 11/03/2006		_____			
/1			nmatzke 11/03/2006	_____	lparisi 11/03/2006		
/2	gmalaise 02/06/2007	jdyer 02/06/2007	jfrantze 02/06/2007	_____	sbasford 02/06/2007		
/3	gmalaise	csicilia	nmatzke	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/08/2007	02/08/2007	02/08/2007 _____		02/08/2007		

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/1			nmatzke 11/03/2006	_____	lparisi 11/03/2006		
/2	gmalaise 02/06/2007	jdyer 02/06/2007	jfrantze 02/06/2007	_____	sbasford 02/06/2007		

13 ys z/8 nwn nwn/RS  
07 2/8 2/8

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**Topic:**

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**Instructions:**

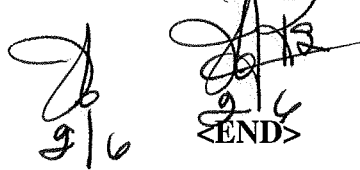
See Attached--undo 2005 Act 25 by transferring the Youth Diversion Program from DOC back to OJA in DOC

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/P1	chanaman 11/01/2006	kfollett 11/03/2006		_____			
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/1			nmatzke 11/03/2006	_____	lparisi 11/03/2006		

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g/6      <END>

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Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Wavrunek, BB0146 -

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**Topic:**

Transfer youth diversion program to Office of Justice Assistance

---

**Instructions:**

See Attached--undo 2005 Act 25 by transferring the Youth Diversion Program from DOC back to OJA in DOC

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	chanaman 11/01/2006 gmalaise	11/13		nwn/rs 11/3			

FE Sent For:

<END>

60136

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Transfer youth diversion program
- Tracking Code: BB0146
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
  - Phone: 267-0370
  - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: OJA
- Agency number: 505 (program 06)
- Priority (Low, Medium, High): Medium

Transfer the administration of the youth diversion program under s.301.265 from the Department of Corrections to the Office of Justice Assistance.

Also, change wards for one of the recipients. Currently \$150,000 is allocated to an organization that is located in ward 1 in the city of Racine. The intended recipient was redistricted into Ward 2 and a change is needed to reflect the move. Please maintain the caveat that the organization located in ward 2 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."



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0628/PV

AGMM:.....

gf

DOA:.....Wavrunek, BB0146 - Transfer youth diversion program to Office of Justice Assistance

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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, Racine County, Kenosha County, and Brown County to provide services for the diversion of youths from gang activities into productive activities (Youth Diversion Program). Currently, one of those organizations is required to be located in ward one in the city of Racine. This bill transfers administration of the Youth Diversion Program from DOC to the Office of Justice Assistance in DOA. The bill also requires one of the organizations contracted with to provide those services to be located in ward two, instead of ward one, in the city of Racine.

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

SECTION 1. 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 141,

is amended to read:



~~Note: Note: Subd. 1. is amended eff. 7-1-07 by 2005 Wis. Act 141 to read: Note:~~

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), 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.

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**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, ~~197~~; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; s. 13.93 (2) (c).

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

amended to read:

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

**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; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; s. 13.93 (1) (b).

\*\*\*\*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) (k) 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) (kj) of the statutes is renumbered 20.505 (6) (kj) and

amended to read:

20.505 (6) (kj) *Youth diversion program.* The amounts in the schedule for youth diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys transferred from the appropriation account under s. 20.455 (2) (i) 8. shall be credited to this appropriation account.

**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; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; s. 13.93 (1) (b).

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

**SECTION 5.** 20.455 (2) (i) 8. of the statutes is amended to read:

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

**History:** 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433.

SECTION 6. 20.455 (2) (i) 13m. of the statutes is repealed.

*note: bad*

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

*LPS: em dash*

20.505 (6) (k) *Law enforcement programs and youth diversion- administration.*

The amounts in the schedule for administering grants for law enforcement assistance and for administering the youth diversion program under s. 16.964 (8).

All moneys transferred from the appropriation account under s. 20.455 (2) (i) 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, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zi), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 142, 141, 253, 344, 414, 433.

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

SECTION 8. 301.265 (title) of the statutes is repealed.

SECTION 9. 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 office may enter into a contract under this subsection paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

**History:** 2005 a. 25 ss. 88k to 88p, 2221g; Stats. 2005 s. 301.265.

SECTION 10. 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) (ky)~~ 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)~~ par. (a) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

History: 2005 a. 25 ss. 88k to 88p, 2221g; Stats. 2005 s. 301.265.

**SECTION 11.** ~~301.265 (3)~~ 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and amended to read:

16.964 (8) (c) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and (kj), 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~~ 2 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, and from the appropriation under s. ~~20.410 (3)~~ 20.505 (6) (kj), the department shall allocate \$100,000 in each fiscal year to enter into a contract with an organization, 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~~ 2 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 office may enter into a contract under this subsection paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

History: 2005 a. 25 ss. 88k to 88p, 2221g; Stats. 2005 s. 301.265.

**SECTION 9109. Nonstatutory provisions; Corrections.**

(1) YOUTH DIVERSION PROGRAM TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of corrections that are primarily related to the youth diversion from gang activities program under section 301.265, 2005 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees holding those positions in the department of corrections performing duties that are primarily related to the youth division from gang activities program under section 301.265, 2005 stats., as determined by the secretary of administration, are transferred to the department of administration.

(c) *Employee status.* Employees transferred under paragraph (b) 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.

(d) *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, 2005 stats., as determined by the secretary of administration, is transferred to the department of administration.

(e) *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, 2005 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.

(f) *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, 2005 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.

(g) *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, 2005 stats., remain in effect until their specified expiration dates 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 diversion from gang activities program under section 301.265, 2005 stats., remain

in effect until their specified expiration dates or until modified or rescinded by the department of administration.

**(END)**



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0628/f  
GMM:kjf:nwn

NOTE

2  
BMR

DOA:.....Wavrunek, BB0146 - Transfer youth diversion program to Office of Justice Assistance

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

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3 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), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05  
5 (7) (f), 153.05 (2m) (a), and 287.15 (7), and ~~301.265~~, shall be awarded to the lowest  
6 responsible bidder, taking into consideration life cycle cost estimates under sub.  
7 (1m), when appropriate, the location of the agency, the quantities of the articles to  
8 be supplied, their conformity with the specifications, and the purposes for which they  
9 are required and the date of delivery.

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

12           20.505 (6) (d) *Youth diversion*. The amounts in the schedule for youth diversion  
13 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.

14           **SECTION 3.** 20.410 (3) (k) 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.

15           **SECTION 4.** 20.410 (3) (kj) of the statutes is renumbered 20.505 (6) (kj) and  
16 amended to read:

17           20.505 (6) (kj) *Youth diversion program*. The amounts in the schedule for youth  
18 diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys  
19 transferred from the appropriation account under s. 20.455 (2) (i) 8. shall be credited  
20 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.

21           **SECTION 5.** 20.455 (2) (i) 8. of the statutes is amended to read:



1           20.455 (2) (i) 8. The amount transferred to s. ~~20.410 (3)~~ 20.505 (6) (kj) shall be  
2 the amount in the schedule under s. ~~20.410 (3)~~ 20.505 (6) (kj).

3           **SECTION 6.** 20.455 (2) (i) 13m. of the statutes is repealed.

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

5           20.505 (6) (k) *Law enforcement programs and youth diversion —*  
6 *administration.* The amounts in the schedule for administering grants for law  
7 enforcement assistance and for administering the youth diversion program under s.  
8 16.964 (8). All moneys transferred from the appropriation account under s. 20.455  
9 (2) (i) 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.

10          **SECTION 8.** 301.265 (title) of the statutes is repealed.

11          **SECTION 9.** 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)~~ 20.505 (6) (d) and  
14 (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a  
15 contract with an organization to provide services in a county having a population of  
16 500,000 or more for the diversion of youths from gang activities into productive  
17 activities, including placement in appropriate educational, recreational, and  
18 employment programs. Notwithstanding s. 16.75, the department office 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 10.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and  
22 amended to read:

1           16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (ky)~~ 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 11.** 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)~~ 20.505 (6) (d) and (kj),  
9           the department office shall allocate \$150,000 in each fiscal year to enter into a  
10          contract with an organization to provide services in Racine County, \$150,000 in each  
11          fiscal year to enter into a contract with an organization to provide services in  
12          Kenosha County, \$150,000 in each fiscal year to enter into a contract with an  
13          organization that is located in ward ~~1~~ 2 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, and from the appropriation under  
16          s. ~~20.410 (3)~~ 20.505 (6) (kj), the department shall allocate \$100,000 in each fiscal year  
17          to enter into a contract with an organization, for the diversion of youths from gang  
18          activities into productive activities, including placement in appropriate educational,  
19          recreational, and employment programs, and for alcohol or other drug abuse  
20          education and treatment services for participants in that organization's youth  
21          diversion program. The organization that is located in ward ~~1~~ 2 in the city of Racine  
22          shall have a recreational facility, shall offer programs to divert youths from gang  
23          activities, may not be affiliated with any national or state association, and may not  
24          have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.  
25          16.75, the department office may enter into a contract under this subsection

1 paragraph without soliciting bids or proposals and without accepting the lowest  
2 responsible bid or offer.

3 **SECTION 9109. Nonstatutory provisions; Corrections.**

4 (1) YOUTH DIVERSION PROGRAM TRANSFER.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
6 liabilities of the department of corrections that are primarily related to the youth  
7 diversion from gang activities program under section 301.265, 2005 stats., as  
8 determined by the secretary of administration, shall become the assets and liabilities  
9 of the department of administration.

10 (b) *Positions and employees.* On the effective date of this paragraph, all  
11 positions and all incumbent employees holding those positions in the department of  
12 corrections performing duties that are primarily related to the youth division from  
13 gang activities program under section 301.265, 2005 stats., as determined by the  
14 secretary of administration, are transferred to the department of administration.

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

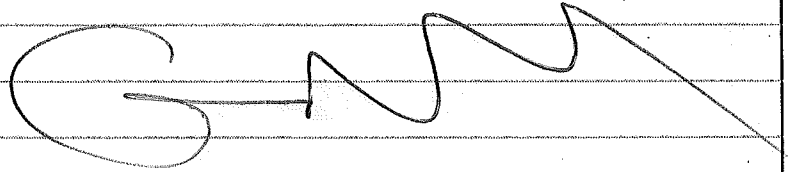
21 (d) *Tangible personal property.* On the effective date of this paragraph, all  
22 tangible personal property, including records, of the department of corrections that  
23 is primarily related to the youth diversion from gang activities program under  
24 section 301.265, 2005 stats., as determined by the secretary of administration, is  
25 transferred to the department of administration.



D-Note

Leah:

This redraft simply inserts "as affected by this act" in SECTION <sup>(S)</sup> 9109 (1) <sup>(C)</sup> to reflect that subch. V of ch. 111 and ch. 230 were affected elsewhere in the budget bill. ✓



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

LRB-0628/2dn  
GMM:kjfjf

February 6, 2007

Leah:

This redraft simply inserts "as affected by this act" in SECTION 9109 (1) (c) to reflect that subch. V of ch. 111 and ch. 230 were affected elsewhere in the budget bill.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.wisconsin.gov](mailto:gordon.malaise@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0628/2

GMM:kjf:jf

3  
2

DIV & E

DOA:.....Wavrunek, BB0146 - Transfer youth diversion program to Office of Justice Assistance

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

p. 5

Do NOT Gen

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, Racine County, Kenosha County, and Brown County to provide services for the diversion of youths from gang activities into productive activities (Youth Diversion Program). Currently, one of those organizations is required to be located in ward one in the city of Racine. This bill transfers administration of the Youth Diversion Program from DOC to the Office of Justice Assistance in DOA. The bill also requires one of the organizations contracted with to provide those services to be located in ward two, instead of ward one, in the city of Racine.

*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, as affected by 2005 Wisconsin Act 141,  
3 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), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05  
5 (7) (f), 153.05 (2m) (a), and 287.15 (7), and 301.265, shall be awarded to the lowest  
6 responsible bidder, taking into consideration life cycle cost estimates under sub.  
7 (1m), when appropriate, the location of the agency, the quantities of the articles to  
8 be supplied, their conformity with the specifications, and the purposes for which they  
9 are required and the date of delivery.

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

12           20.505 (6) (d) *Youth diversion*. The amounts in the schedule for youth diversion  
13 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.

14           **SECTION 3.** 20.410 (3) (k) 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.

15           **SECTION 4.** 20.410 (3) (kj) of the statutes is renumbered 20.505 (6) (kj) and  
16 amended to read:

17           20.505 (6) (kj) *Youth diversion program*. The amounts in the schedule for youth  
18 diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys  
19 transferred from the appropriation account under s. 20.455 (2) (i) 8. shall be credited  
20 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.

21           **SECTION 5.** 20.455 (2) (i) 8. of the statutes is amended to read:



1           20.455 (2) (i) 8. The amount transferred to s. ~~20.410 (3)~~ 20.505 (6) (kj) shall be  
2 the amount in the schedule under s. ~~20.410 (3)~~ 20.505 (6) (kj).

3           **SECTION 6.** 20.455 (2) (i) 13m. of the statutes is repealed.

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

5           20.505 (6) (k) *Law enforcement programs and youth diversion —*  
6 *administration.* The amounts in the schedule for administering grants for law  
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10          **SECTION 8.** 301.265 (title) of the statutes is repealed.

11          **SECTION 9.** 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)~~ 20.505 (6) (d) and  
14 (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a  
15 contract with an organization to provide services in a county having a population of  
16 500,000 or more for the diversion of youths from gang activities into productive  
17 activities, including placement in appropriate educational, recreational, and  
18 employment programs. Notwithstanding s. 16.75, the department office 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 10.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and  
22 amended to read:

1           16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (ky)~~ 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 11.** 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)~~ 20.505 (6) (d) and (kj),  
9 the department office shall allocate \$150,000 in each fiscal year to enter into a  
10 contract with an organization to provide services in Racine County, \$150,000 in each  
11 fiscal year to enter into a contract with an organization to provide services in  
12 Kenosha County, \$150,000 in each fiscal year to enter into a contract with an  
13 organization that is located in ward ~~1~~ 2 in the city of Racine to provide services in  
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15 organization to provide services in Brown County, and from the appropriation under  
16 s. ~~20.410 (3)~~ 20.505 (6) (kj), the department shall allocate \$100,000 in each fiscal year  
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4 (1) YOUTH DIVERSION PROGRAM TRANSFER.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
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19 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
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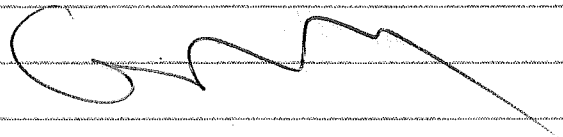
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DN 012

Lech:

After further review and discussion among LRB attorneys and editors, it has been determined that we will not insert "as affected by this act" after references to "subchapter V of chapter 111 and chapter 230 of the statutes." Accordingly, this redraft undoes the change made by LRB-0628/2, -0628/2.



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

LRB-0628/3dn  
GMM:kjf:nwn

February 8, 2007

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Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.wisconsin.gov](mailto:gordon.malaise@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0628/3  
GMM:kjf:nwn

DOA:.....Wavrunek, BB0146 - Transfer youth diversion program to Office of  
Justice Assistance

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

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