

1989 Senate Bill 365

Date of enactment: December 7, 1989  
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## 1989 Wisconsin Act 107

(Vetoed in Part)

AN ACT *to repeal* 15.103 (4), 15.105 (21), 20.410 (1) (o), 20.435 (6) (hm), 20.435 (9) (aa), 20.505 (4) (fb), 20.505 (4) (fc), 48.341, 48.365 (1) (b), 48.553, 48.554, 48.556, 48.557, 48.558, 48.559, 48.795, 301.03 (10) and (11), 301.035 (3), 301.06 (2), 301.12, 301.205 and 971.14 (7); *to renumber* 20.410 (1) (am), 20.435 (3) (az), 20.435 (7) (cd), 20.435 (7) (oo), 46.056, 56.08 (1m), 301.207 and 975.10; *to renumber and amend* 15.195 (3m), 20.410 (1) (hm), 20.435 (6) (ho), 20.435 (6) (o), 48.365 (1) (a), 301.01 (2) and 301.20; *to consolidate, renumber and amend* 301.06 (intro.) and (1); *to amend* 15.01 (2), 15.193 (1), 15.315 (1), 20.435 (2) (aa), 20.435 (2) (b), 20.435 (9) (b), 20.866 (1) (u), 20.866 (2) (ux), 20.916 (3), 20.923 (4) (intro.), 23.51 (3m), 23.85, 25.31 (3), 38.04 (12), 38.24 (1) (d), 46.016, 46.03 (1), 46.03 (7) (a), 46.03 (7) (e), 46.03 (13), 46.03 (18) (a), 46.035 (1) (a), 46.035 (1) (b), 46.058 (2), 46.07, 46.16 (1), 46.215 (2) (c), 46.22 (1) (c) 8. d, 46.22 (1) (e) 3, 46.26 (2) (c), 46.26 (3) (c), 46.26 (3) (d),

46.26 (3) (e), 46.26 (4) (a), 46.26 (4) (b) 1, 46.26 (4) (d) 1, 46.26 (4) (e), 46.26 (4) (g), 46.26 (6) (a), 46.265, 48.02 (15m), 48.069 (1) (intro.), 48.069 (2), 48.19 (1) (d) 6, 48.205 (1) (c), 48.22 (2) (a), 48.225, 48.23 (1) (a), 48.33 (3), 48.34 (2), 48.34 (4m) (intro.), 48.345 (1) (a), 48.355 (4) (a), 48.357 (3), 48.357 (4), 48.357 (4m), 48.357 (5), 48.36 (1), 48.366 (1) (intro.), 48.366 (5) (a) 2, 48.366 (5) (b) (intro.), 48.366 (5) (d), 48.366 (5) (f), 48.366 (6) (a) 2, 48.366 (6) (b), 48.366 (6) (c), 48.366 (7), 48.366 (8), 48.38 (1) (a), 48.38 (3) (a), 48.396 (2), 48.48 (4), 48.48 (13), 48.48 (14), 48.48 (16), 48.50 (1), 48.51 (1) (intro.), 48.52 (1) (d), 48.60 (3), 48.63 (1), 48.64 (1), 48.675 (3) (intro.), 48.78 (1), 48.78 (2) (a), 48.78 (2) (c), 48.78 (3), 48.79 (intro.), 48.79 (1), 48.79 (2), 48.985 (3), 48.992 (1) (a), 48.993, 48.994, 48.995 (2), 49.19 (1) (a) 2, b, 49.19 (10) (d), 49.45 (6m) (br) 1, 49.52 (1) (i), 50.39 (3), 51.35 (3) (a), 51.35 (3) (c), 51.35 (3) (e), 51.437 (4rm) (a), 59.15 (1) (a) 2, 59.20 (5m), 59.395 (5m), 66.119 (1) (b) 7, c, 66.119 (1) (b) 7, d, 66.119 (1) (c), 66.119 (3) (b), 66.119 (3) (c), 66.12 (1) (b), 101.123 (1) (bg), 101.123 (1) (bm), 101.123 (1) (dm), 115.85 (2m), 161.49 (2), 230.08 (2) (pd), 230.337 (1), 301.001, 301.01 (4), 301.03 (3), 301.03 (6), 301.03 (12), 301.035 (intro.), 301.035 (2), 301.035 (4), 301.07, 301.08 (2) (a), 301.36 (1), 301.36 (5), 301.37 (1), 302.11 (7) (a), 302.11 (7) (b), 302.11 (7) (d), 302.33 (2) (a) 1, 304.06 (1r) (a) (intro.), 304.06 (1r) (b), 304.06 (3), 304.06 (3e), 304.072 (1), 345.26 (1) (b) 1, 345.26 (1) (b) 2, 345.27 (1), 345.37 (2), 345.37 (3), 345.37 (4), 345.37 (5), 345.375 (2), 345.47 (1) (intro.), 345.47 (1) (b), 345.47 (1) (c), 345.49 (1), 345.61 (2) (c), 440.61 (2), 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.03 (3), 800.04 (2) (b), 800.04 (2) (c), 800.09 (1) (intro.), 800.12 (2), 814.60 (2) (ag), 814.63 (3) (ag), 946.44 (2) (d), 946.45 (2) (d), 946.46, 948.31 (1) (a) 2, 973.013 (3m), 973.05 (1), 973.10 (2) (intro.), 973.10 (3), 973.10 (4) and 973.155 (2); *to repeal and recreate* 20.410 (1) (b), 301.03 (8), 301.03 (9) and 301.055 (1); and *to create* 15.145, 16.61 (3m) (gm), ~~17.07 (3m)~~, 20.410 (1) (af), 20.410 (1) (hx), 20.410 (2), 20.435 (3) (title), 20.435 (3) (az), 20.435 (3) (e), 20.435 (3) (i), 20.435 (3) (j), 20.435 (3) (jr), 20.435 (3) (kx), 20.435 (3) (ky), 20.435 (3) (kz), 20.435 (3) (m), 20.435 (3) (n), 20.435 (9) (h), 20.866 (2) (w), 46.025, 46.03 (6), 46.03 (16), 46.03 (17) (c), 46.03 (32), 46.056 (2), 46.26 (4) (d) 1m, 48.07 (1), 301.01 (2) (b) and (c) and 975.10 (2) of the statutes; and *to affect* 1989 Wisconsin Act 31, section 3023 (1) (a) to (c), (e) to (g); 1989 Wisconsin Act 31, section 3023 (1g); 1989 Wisconsin Act 31, section 3123 (1) (a); 1989 Wisconsin Act 31, section 3123 (1) (b); 1989 Wisconsin Act 31, section 3123 (1) (d); 1989 Wisconsin Act 31, section 3123 (1) (e); 1989 Wisconsin Act 31, section 3123 (1) (f); 1989 Wisconsin Act 31, section 3123 (1) (g); 1989 Wisconsin Act 31, section 3123 (1) (h); 1989 Wisconsin Act 31, section 3123 (1) (i); 1989 Wisconsin Act 31, section 3123 (1) (j); 1989 Wisconsin Act 31, section 3123 (1) (k); 1989 Wisconsin Act 31, section 3123 (1) (m); 1989 Wisconsin Act 31, section 3123 (1) (n); 1989 Wisconsin Act 31, section 3123 (1) (o); 1989 Wisconsin Act 31, section 3123 (1) (p); 1989 Wisconsin Act 31, section 3123 (1) (q); 1989 Wisconsin Act 31, section 3123 (1) (r); 1989 Wisconsin Act 31, section 3123 (1) (s); and 1989 Wisconsin Act 31, section 3123 (1) (u), *relating to* juvenile and adult corrections functions, the parole commission, the divisions of corrections hearings, hearings and appeals, and youth services, and making appropriations.

Vetoed  
in Part

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

SECTION 1. 15.01 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

15.01 (2) "Commission" means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the tax appeals commission which shall consist of 5 members, the sentencing commission which shall consist of 17 members, the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 5 members and the Fox river management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing interstate body shall be known as a "commission", but is not a commission for purposes of s. 15.06. The parole commission created under s. ~~15.105 (21)~~ 15.145 (1) shall be known as a "commission", but is not a commission for purposes of s. 15.06.

SECTION 2. 15.103 (4) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 3. 15.105 (21) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 4. 15.145 of the statutes is created to read:

**15.145 Same; attached boards and commissions.** (1) PAROLE COMMISSION. There is created in the department of corrections a parole commission consisting of 5 members. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is nominated by the governor, and with the advice and consent of the senate appointed, for a 2-year term expiring March 1 of the odd-numbered years, subject to removal under s. ~~17.07 (3m)~~, and 4 members in the classified service appointed by the chairperson.

Vetoed  
in Part

SECTION 5. 15.193 (1) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

15.193 (1) (title) DIVISION OF YOUTH SERVICES. There is created in the department of health and social services a division of youth ~~corrections~~ services.

SECTION 5m. 15.195 (3m) of the statutes is renumbered 15.145 (2), and 15.145 (2) (intro.) and (d), as renumbered, are amended to read:

15.145 (2) PRISON INDUSTRIES BOARD. (intro.) There is created a prison industries board which is attached to the department of ~~health and social services~~ corrections under s. 15.03. The board shall consist of 9 members appointed for staggered 3-year terms. Two members shall be appointed to represent private business and industry and 2 members shall be

appointed to represent private labor organizations. One member shall be appointed to represent each of the following:

(d) The department of ~~health and social services corrections~~.

SECTION 6. 15.315 (1) of the statutes, as affected by 1989 Wisconsin Act 31, section 85, is amended to read:

15.315 (1) STATE EMERGENCY RESPONSE BOARD. There is created a state emergency response board, which is attached to the department of military affairs under s. 15.03. The state emergency response board shall consist of one representative of the department of military affairs, division of emergency government, one representative of the department of health and social services, one representative of the department of corrections, one representative of the department of transportation, one representative of the department of natural resources, one representative of the department of agriculture, trade and consumer protection, one representative each from fire fighting, law

enforcement and public or community health services, 2 representatives of industry, one representative of small business, as defined in s. 15.227 (3), 2 representatives who are elected officials or employees of county and municipal government, one representative of agriculture, one representative of a labor organization and one representative of an environmental organization. The members of the board shall serve at the pleasure of the governor.

SECTION 7. 16.61 (3m) (gm) of the statutes is created to read:

16.61 (3m) (gm) Forms relating to youth corrections used by the department of health and social services in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

~~SECTION 7m. 17.07 (3m) of the statutes is created to read:~~

~~17.07 (3m) Notwithstanding sub. (3), the chairperson may be removed by the governor, at pleasure.~~

Vetoed  
in Part

SECTION 8. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		<u>1989-90</u>	<u>1990-91</u>
<b>20.435 Health and social services</b>			
(3) CORRECTIONAL SERVICES			
(az) General program operations	GPR A	-0-	-0-

SECTION 9. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		<u>1989-90</u>	<u>1990-91</u>
<b>20.410 Corrections, department of</b>			
(1) CORRECTIONAL SERVICES			
(af) Juvenile correctional health services	GPR A	-0-	-0-
(hx) Extended jurisdiction services	PR A	-0-	-0-
(2) PAROLE COMMISSION			
(a) General program operations	GPR A	225,000	449,900
<b>20.435 Health and social services, department of</b>			
(3) YOUTH SERVICES			
(j) State-owned housing maintenance	PR A	12,400	24,800
(jr) Institutional operations and charges	PR A	-0-	-0-

SECTION 10. 20.410 (1) (af) of the statutes is created to read:

20.410 (1) (af) *Juvenile correctional health services*. The amounts in the schedule to provide health services for children placed in juvenile correctional institutions.

SECTION 11. 20.410 (1) (am) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (am).

SECTION 12. 20.410 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed and recreated to read:

20.410 (1) (b) *Field supervision*. The amounts in the schedule to provide services related to probation and parole. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. 302.25.

SECTION 13. 20.410 (1) (hm) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (hm) and amended to read:

20.435 (3) (hm) *Juvenile correctional services*. Except as provided in ~~s. 20.435 (6) sub. (3) (ho)~~, the amounts in the schedule for juvenile correctional ser-

vices specified in s. 46.26 (4) (d). Except as provided in s. ~~20.435 (6) (hm)~~ 20.410 (1) (hx), all moneys received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 14. 20.410 (1) (hx) of the statutes is created to read:

20.410 (1) (hx) *Extended jurisdiction services.* The amounts in the schedule for services to persons younger than 19 years old placed with the department under s. 48.366 (8). All moneys received in payment for services provided by the department specified in s. 46.26 (4) (d) ~~1m~~ shall be credited to this appropriation.

SECTION 15. 20.410 (1) (o) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 16. 20.410 (2) of the statutes is created to read:

20.410 (2) PAROLE COMMISSION. (a) *General program operations.* The amounts in the schedule for the general program operations of the parole commission.

SECTION 17. 20.435 (2) (aa) of the statutes is amended to read:

20.435 (2) (aa) *Institutional repair and maintenance.* The amounts in the schedule for ~~the purposes of sub. (9) (aa) repair and maintenance expenses of the institutions.~~ Expenditures for materials, supplies, equipment and contracts for services involving the repair and maintenance of structures and equipment, excluding vehicles, shall be made from this appropriation.

SECTION 17m. 20.435 (2) (b) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

20.435 (2) (b) *Wisconsin resource center.* The amounts in the schedule for general program operations, other than operations related to security, of the Wisconsin resource center.

SECTION 18. 20.435 (3) (title) of the statutes is created to read:

20.435 (3) (title) YOUTH SERVICES.

SECTION 19. 20.435 (3) (az) of the statutes is created to read:

20.435 (3) (az) *General program operations.* The amounts in the schedule to operate juvenile correctional institutions and provide field services and administrative services.

SECTION 20. 20.435 (3) (az) of the statutes, as created by 1989 Wisconsin Act .... (this act), is renumbered 20.435 (3) (a).

SECTION 21. 20.435 (3) (e) of the statutes is created to read:

20.435 (3) (e) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of correctional facilities.

SECTION 22. 20.435 (3) (i) of the statutes is created to read:

20.435 (3) (i) *Gifts and grants.* See sub. (9) (i).

SECTION 23. 20.435 (3) (j) of the statutes is created to read:

20.435 (3) (j) *State-owned housing maintenance.* The amounts in the schedule for maintenance of state-owned housing at state juvenile correctional institutions. All moneys received by the department from rentals of state-owned housing at state juvenile correctional institutions shall be credited to this appropriation.

SECTION 24. 20.435 (3) (jr) of the statutes is created to read:

20.435 (3) (jr) *Institutional operations and charges.* The amounts in the schedule for the use, production and provision of state institutional facilities, services and products. All moneys received from the sale of institutional services and products shall be credited to this appropriation.

SECTION 25. 20.435 (3) (kx) of the statutes is created to read:

20.435 (3) (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received.

SECTION 26. 20.435 (3) (ky) of the statutes is created to read:

20.435 (3) (ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations.

SECTION 27. 20.435 (3) (kz) of the statutes is created to read:

20.435 (3) (kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department for local assistance.

SECTION 28. 20.435 (3) (m) of the statutes is created to read:

20.435 (3) (m) *Federal project operations.* See sub. (9) (m).

SECTION 29. 20.435 (3) (n) of the statutes is created to read:

20.435 (3) (n) *Federal program operations.* See sub. (9) (n).

SECTION 30. 20.435 (6) (hm) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 31. 20.435 (6) (ho) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (ho) and amended to read:

20.435 (3) (ho) *Juvenile residential aftercare*. Under s. 46.26 (4) (e), the amounts in the schedule for providing foster care, group home care and institutional child care to delinquent children under ss. ~~48.553 (3), 48.557 48.48 (4) and (14), 48.52 and 49.19 (10) (d)~~. All moneys received in payment for providing foster care, group home care and institutional child care to delinquent children under ss. ~~48.553 (3), 48.557 48.48 (4) and (14), 48.52 and 49.19 (10) (d)~~ shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement in foster care, group home care or institutional child care.

SECTION 32. 20.435 (6) (o) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (o) and amended to read:

20.435 (3) (o) *Federal aid; foster care*. All federal moneys received for meeting the costs of providing foster care and institutional child care to delinquent children under ss. ~~48.553 (3) and 48.557 48.48 (4) and (14) and 48.52~~, and for the cost of care for children under s. 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the general fund as a nonappropriated receipt.

SECTION 33. 20.435 (7) (cd) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (cd).

SECTION 34. 20.435 (7) (oo) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 20.435 (3) (oo).

SECTION 35. 20.435 (9) (aa) of the statutes is repealed.

SECTION 36. 20.435 (9) (b) of the statutes is amended to read:

20.435 (9) (b) *Services to institutional employes*. The money received in reimbursement for services rendered institutional employes under s. 46.03 (13) shall be refunded to the respective general purpose revenue appropriations from which the institution is funded. The reimbursements shall be accumulated in an account named "employe maintenance credits".

SECTION 37. 20.435 (9) (h) of the statutes is created to read:

20.435 (9) (h) *Services to institutional employes*. The money received in reimbursement for services rendered institutional employes under s. 46.03 (13) shall be refunded to the respective program revenue appropriations from which the institution is funded. The reimbursements shall be accumulated in an account named "employe maintenance credits".

SECTION 38. 20.505 (4) (fb) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 39. 20.505 (4) (fc) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 40. 20.866 (1) (u) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.866 (1) (u) *Principal repayment and interest*. A sum sufficient from moneys appropriated under ss. 20.115 (5) (j), 20.225 (1) (c), 20.245 (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db) and (gb), 20.370 (1) (kc) and (kw), (2) (jc), (4) (jb), (jc), (jd) and (jq) and (8) (Lb) and (Ls), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko), 20.435 (2) (ee), ~~(3) (e) and (5) (e)~~, 20.455 (2) (cm), 20.465 (1) (d), 20.485 (1) (f) and (3) (t), 20.505 (5) (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under ch. 18.

SECTION 41. 20.866 (2) (ux) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.866 (2) (ux) *Corrections; correctional facilities*. From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge or improve adult correctional facilities. The state may contract public debt in an amount not to exceed ~~\$205,112,300~~ \$200,270,300 for this purpose.

SECTION 42. 20.866 (2) (w) of the statutes is created to read:

20.866 (2) (w) *Health and social services; juvenile correctional facilities*. From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or improve juvenile correctional facilities. The state may contract public debt in an amount not to exceed \$4,842,000 for this purpose.

SECTION 43. 20.916 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.916 (3) FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The department of health and social services, the department of corrections and the department of natural resources may, with the approval of the governor and the department of administration, provide group transportation, in the absence of convenient and public scheduled transportation, for employes to and from the Ethan Allen school, the Mendota and Winnebago mental health institutes and the centers for the developmentally disabled in the case of employes of the department of health and social services, to the Taycheedah correctional institution, ~~the Ethan Allen school~~ and the Fox Lake correctional institution in the case of employes of the department of corrections, and to and from its temporary branch offices located at the Nevin fish hatchery grounds in the case of employes of the department of natural resources. Any employe, if injured while being so transported, shall be deemed to have been in the course of his or her employment.

SECTION 44. 20.923 (4) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the administrator of the division of merit recruitment and selection in the department of employment relations, commission chairpersons and members and higher education administrative positions shall be identified and limited in number in accordance with the standardized nomenclature contained in this subsection, and shall be assigned to the executive salary groups listed in pars. (a) to (j). Except as provided in par. (c) 3m and sub. (12), all unclassified division administrator positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint committee on employment relations, by the secretary of employment relations to one of the 10 executive salary groups listed in pars. (a) to (j). The joint committee on employment relations, by majority vote of the full committee, may amend recommendations for initial position assignments and changes in assignments to the executive salary groups submitted by the secretary of employment relations. All division administrator assignments and amendments to assignments of administrator positions approved by the committee shall become part of the compensation plan. Whenever a new unclassified division administrator position is created, the appointing authority may set the salary for the position until the joint committee on employment relations approves assignment of the position to an executive salary group. If the committee approves assignment of the position to an executive salary group having a salary range minimum or maximum inconsistent with the salary paid to the incumbent at the time of such approval, the incumbent's salary shall be adjusted by the appointing authority to conform with the committee's action, effective on the date of that action. ~~If on the effective date of this subsection~~ ~~.... [revisor inserts date], the position of any individual who serves in a classified position as a bureau director in the department of health and social services, or as an employe of the office of administrative hearings in the office of the secretary of health and social services, becomes a position in the unclassified service in the division of corrections hearings in the department of administration, as enumerated in s. 230.08 (2) (e), and that individual is at that time reappointed to the same position in the unclassified service, the appointing authority may continue payment of the previous level of salary to that individual until the joint committee on employment relations approves an assignment of the unclassified division administrator position to one of the 10 executive salary groups.~~ Positions are assigned as follows:

SECTION 45. 23.51 (3m) of the statutes is amended to read:

23.51 (3m) "Jail assessment" means the assessment imposed by s. 53.46 302.46 (1).

SECTION 46. 23.85 of the statutes is amended to read:

**23.85 Statement to county board; payment to state.**

Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, jail assessments, weapons assessments, natural resources assessments and natural resources restitution payments money received during the year next preceding. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of those forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments, so ascertained, who shall pay the proceeds to the state treasurer as provided in s. 59.20. Jail assessments shall be treated separately as provided in s. ~~53.46~~ 302.46.

SECTION 47. 25.31 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

25.31 (3) Third: The income shall be disbursed from the state treasury only upon warrants issued on certifications by the department of ~~corrections~~ health and social services upon the recommendation of the superintendent or other managing officer of such school or other institution.

SECTION 48. 38.04 (12) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM. The board may establish vocational educational programs for inmates within the state correctional system and contract with the ~~department~~ departments of corrections and health and social services for reimbursement of that portion of the district program costs which exceeds amounts received as state and federal aid.

SECTION 49. 38.24 (1) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

38.24 (1) (d) *Programs for inmates.* Uniform fees, for vocational programs or courses offered to state prison inmates at a district facility by the department of corrections or the department of health and social services in cooperation with a district board, equal to the fees established under par. (b).

SECTION 50. 46.016 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**46.016 Cooperation with federal government.** The department may cooperate with the federal government in carrying out federal acts concerning public assistance, social security, child welfare and youth services, youth corrections, mental hygiene, services for the blind, vocational rehabilitation, and in other matters of mutual concern pertaining to public welfare.

SECTION 51. 46.025 of the statutes is created to read:

**46.025 Division of youth services.** The division of youth services shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, aftercare and youth aids.

SECTION 52. 46.03 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.03 (1) INSTITUTIONS GOVERNED. Maintain and govern the Ethan Allen school, the Lincoln Hills school, the Mendota and the Winnebago mental health institutes, the Wisconsin workshop for the blind until the date specified in the contract with a nonprofit corporation under s. 47.03 (1m) (a), and the centers for the developmentally disabled.

SECTION 53. 46.03 (6) of the statutes is created to read:

46.03 (6) YOUTH CORRECTIONS. (a) Execute the laws relating to the detention, reformation and correction of delinquents.

(b) Direct the aftercare of and supervise all delinquents under its jurisdiction and exercise such functions as it deems appropriate for the prevention of delinquency.

(c) Direct the psychiatric service in all secured correctional facilities for juveniles, making its services available to those committed to the department as delinquent children.

(d) Direct the educational programs in all secured correctional facilities for juveniles.

SECTION 54. 46.03 (7) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.03 (7) (a) Promote the enforcement of laws for the protection of developmentally disabled children, delinquent children, children in need of protection or services and nonmarital children; and to this end cooperate with courts assigned to exercise jurisdiction under ch. 48 and licensed child welfare agencies and institutions (public and private) and take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made, including the establishment and enforcement of standards for services provided ~~to children who are in aftercare or provided to children as a result of disposition~~ under ss. 48.34 (1), (2m), (3), (4), (4p), (5), (6), (7), (8), (9), (10), (12) and (13) and 48.345 ~~or as a result of a disposition under s. 48.34 (2) unless the child is placed under the supervision of the department of corrections.~~

SECTION 54m. 46.03 (7) (e) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.03 (7) (e) Administer the juvenile offender review program in the division of youth ~~corrections~~ services in the department. The program shall be responsible for decisions regarding case planning and the release of juvenile offenders from juvenile correctional institutions to aftercare placements.

SECTION 55. 46.03 (13) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.03 (13) CHARGES. In compliance with the compensation plan established under s. 230.12 (3), have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employes of the several institutions and members of the employe's family maintained as such. All moneys received from each person on account of these services shall be used for operation of the institutions under s. 20.435 (2) (a) and (gk) and (3) (a), (hm) and (j). If a chaplain employed in any state institution administered by the department is not furnished a residence by the state, \$1,800 or 20% of the chaplain's salary, whichever is greater, is designated as his or her housing allowance.

SECTION 56. 46.03 (16) of the statutes is created to read:

46.03 (16) DRIVER EDUCATION. The department shall establish a driver education program in Ethan Allen school to provide driver education to residents of any such institution who are about to become eligible to qualify for an operator's license.

SECTION 57. 46.03 (17) (c) of the statutes is created to read:

46.03 (17) (c) To contract with public, private or voluntary agencies for the purchase of goods, care and services for youth placed in department legal custody under s. 48.34 (4m) or s. 48.366. Services may include, but are not limited to, diagnostic services, evaluation, treatment, counseling, referral and information, day care, inpatient hospitalization, transportation, recreation, special education, vocational training, work adjustment, sheltered employment, special living arrangements and legal and protective services.

SECTION 58. 46.03 (18) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.03 (18) (a) ~~Except as provided in s. 301.12, the~~ The department of health and social services shall establish a uniform system of fees for services provided or purchased by the department of health and social services, ~~the department of corrections,~~ a county department under s. 46.215, 46.22, 51.42 or 51.437, except for services relating to adoption, or services provided to courts, for provision of child support and paternity establishment services to recipients of aid to families with dependent children or for outreach, information and referral services, or where as determined by the department of health and social services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it collects under this program to cover the cost of such services. The department of health and social services shall report to the joint committee on finance no later than January 31 of each year on the number of children placed for adoption by the department of health and social services and the costs to the state for services relating to such adoptions.

SECTION 59. 46.03 (32) of the statutes is created to read:

46.03 (32) **REIMBURSEMENT TO VISITING FAMILIES.** The department may reimburse families visiting girls at Lincoln Hills school. If the department decides to provide the reimbursement, it shall establish criteria for the level of reimbursement, which shall include family income and size and other relevant factors.

SECTION 60. 46.035 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.035 (1) (a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3 means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

SECTION 61. 46.035 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.035 (1) (b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) (a) 1, 2 and 3 means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the secretary are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

SECTION 61g. 46.056 of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 46.056 (1).

SECTION 61r. 46.056 (2) of the statutes is created to read:

46.056 (2) Notwithstanding sub. (1), the correctional officers providing security at the Wisconsin resource center are employes of the department of corrections.

SECTION 62. 46.058 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.058 (2) The superintendent of all the state charitable ~~and~~, curative and reformatory institutions and of county hospitals and county homes, and the employes under them to whom they delegate police power, may arrest any person within or upon the grounds of such institutions whom they have reason to believe guilty of any offense against the laws or regulations governing the institutions; and for that purpose they shall possess the powers of constables.

SECTION 63. 46.07 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**46.07 (title) Property of patients or residents.** All money including wages and other property delivered to an officer or employe of any institution for the benefit of a patient or resident shall forthwith be delivered to the steward, who shall enter the same upon the steward's books to the credit of the patient or resident. The property shall be used only under the direction and with the approval of the superintendent and for the crime victim and witness assistance surcharge under s. 973.045 (4) or the benefit of the patient or resident. If the money remains uncalled for for one year after the patient's or resident's death or departure from the institution, the superintendent shall deposit the same in the general fund. If any patient or resident leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property, and the proceeds shall be deposited in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (c).

SECTION 64. 46.16 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.16 (1) **GENERALLY.** The department shall investigate and supervise all the charitable ~~and~~, curative and reformatory institutions, including county infirmaries of every county and municipality, except tuberculosis sanatoriums; all shelter care facilities for children and all industrial schools, hospitals, asylums and institutions, organized for the purpose set forth in s. 58.01, and familiarize itself with all the circumstances affecting their management and usefulness.

SECTION 65. 46.215 (2) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.215 (2) (c) A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. The contracts shall be developed under s. 46.036. The department of health and social services shall review ~~such~~ the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit ~~such~~ the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and social services shall reimburse each county for ~~such~~ the approved contracts from the appropriations under s. 20.435 (7) (b) and (o) or under s. 20.435 ~~(7)~~ (3) (cd), as appropriate, under s. 49.52.



SECTION 66. 46.22 (1) (c) 8. d of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.22 (1) (c) 8. d. Upon the request of the department of ~~corrections~~ health and social services and under its direction, the county department of social services shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

SECTION 67. 46.22 (1) (e) 3 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.22 (1) (e) 3. A county department of social services shall submit to the department of health and social services plans and contracts for care and services to be purchased. ~~Such~~ The contracts shall be developed under s. 46.036. The department of health and social services shall review ~~such~~ the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in the contract ~~which~~ that is under review by the committee. The department of health and social services shall reimburse each county for ~~such~~ the approved contracts from the appropriations under s. 20.435 (7) (o) or under s. 20.435 (7) (3) (cd), according to s. 49.52, or from the appropriation under s. 20.435 (7) (b).

SECTION 68. 46.26 (2) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (2) (c) All funds under this section shall be used to purchase or provide juvenile delinquency-related services under ch. 48, except that no funds under this section may be used for purposes of land purchase, building construction or maintenance of buildings under ss. 46.17, and 46.175 and 301.37, for reimbursement of costs under s. 48.209, for city lock-ups or for reimbursement of care costs in temporary shelter care under s. 48.22. Funds under this section may be used for reimbursement of costs of program services, other than basic care and supervision costs, in juvenile secure detention facilities.

SECTION 69. 46.26 (3) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (3) (c) Within the limits of the appropriations under s. 20.435 (7) (3) (cd) and (oo), the department of health and social services shall allocate funds to each county for services under this section.

SECTION 70. 46.26 (3) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (3) (d) In addition to the funds allocated under par. (c), the department of health and social ser-

vices shall allocate funds to counties under sub. (4) (b) 2 and shall consider each county's proportionate use of applicable services of the department of health and social services, ~~before January 1, 1990, under ss. 48.34 and 48.366~~ or the department of corrections, ~~beginning January 1, 1990, under s. 48.34~~ 48.366 during previous calendar years.

SECTION 71. 46.26 (3) (e) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (3) (e) The department of health and social services may carry forward \$500,000 or 10% of its funds allocated under this subsection and not encumbered or carried forward under par. (dm) by counties by December 31, whichever is greater, to the next fiscal year. The department may transfer moneys from or within s. 20.435 (7) (3) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next fiscal year to improve community-based juvenile delinquency-related services. The allocation does not affect a county's base allocation.

SECTION 72. 46.26 (4) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (4) (a) The department of health and social services shall bill counties or deduct from the allocations under s. 20.435 (7) (3) (cd) for the costs of care, services and supplies purchased or provided by the department of health and social services, ~~before January 1, 1990, for each person receiving services under ss. 48.34, 48.366 and 51.35 (3)~~ or the department of corrections, ~~beginning January 1, 1990, for each person receiving services under ss. 48.34 and 51.35 (3)~~ s. 48.366. The department of health and social services may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 19 years of age. Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department of health and social services shall withhold aid payments in the amount due from the appropriations under s. 20.435 (3) (cd) or (7) (b) ~~or (ed)~~.

SECTION 73. 46.26 (4) (b) 1 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (4) (b) 1. Assessment of costs under par. (a) shall be made periodically on the basis of a per person per day cost estimate adjusted at least annually by the department. Liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under ch. 48 for each person receiving services from the department of health and social services, ~~before January 1, 1990, under ss. 48.34, 48.366 and 51.35 (3)~~ or the department of corrections, ~~beginning January 1, 1990, under ss. 48.34 and 51.35 (3)~~ s. 48.366. In multicounty court

jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department of ~~corrections~~, and prorated according to the ratio of the amount designated under sub. (3) (c) and (d) to the total applicable estimated costs of care, services and supplies provided by the department of health and social services, ~~before January 1, 1990, under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections, beginning January 1, 1990, under ss. 48.34 and 51.35 (3) s. 48.366.~~

SECTION 74. 46.26 (4) (d) 1 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s. 48.34, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be deposited in the appropriation under s. ~~20.410 (1) (hm) or 20.435 (6) (3) (hm), as applicable.~~ As adjustments in the assessments under this subsection are made, there shall be a proportionate adjustment in the allocations to counties under sub. (3) (d).

SECTION 75. 46.26 (4) (d) 1m of the statutes is created to read:

46.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under s. 48.366, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (3) (hm) for services provided by the department of health and social services or s. 20.410 (1) (hx) for services provided by the department of corrections. As adjustments in the assessments under this subsection are made, there shall be a proportionate adjustment in the allocations to counties under sub. (3) (d).

SECTION 76. 46.26 (4) (e) of the statutes, as affected by 1989 Wisconsin Acts 31 and .... (Assembly Bill 263), is amended to read:

46.26 (4) (e) For foster care, group home care and institutional child care to delinquent children under ~~ss. 48.553 (3), 48.557 48.48 (4) and (14), 48.52 and 49.19 (10) (d)~~ all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 ~~(6) (3)~~ (ho).

SECTION 76m. 46.26 (4) (g) of the statutes, as affected by 1989 Wisconsin Acts 31 and .... (Assembly Bill 263), is amended to read:

46.26 (4) (g) For juvenile field and institutional aftercare services under ch. 48 and for the juvenile offender review program in the division of youth ~~corrections~~ services in the department of health and social services, all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the general

fund and shall be treated as a nonappropriated receipt.

SECTION 77. 46.26 (6) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.26 (6) (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.435 ~~(7) (3)~~ (cd) and (oo) for purposes described in this section.

SECTION 78. 46.265 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**46.265 Diversion of youth from gang activities.** ~~After consultation with the department of corrections,~~ The department of health and social services may 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 ~~of health and social services~~ may enter into a contract under this section without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 79. 48.02 (15m) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.02 (15m) "Secured correctional facility" means a correctional institution operated by the department ~~of corrections~~ for holding in secure custody persons adjudged delinquent.

SECTION 80. 48.069 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.069 (1) (intro.) The staff of the department ~~of health and social services, the department of corrections,~~ the court, a county department or a licensed child welfare agency designated by the court to carry out the objectives and provisions of this chapter shall:

SECTION 81. 48.069 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.069 (2) Licensed child welfare agencies, ~~and the department of health and social services and the department of corrections~~ shall provide services under this section only upon the approval of the agency from whom services are requested.

SECTION 82. 48.07 (1) of the statutes is created to read:

48.07 (1) DEPARTMENT OF HEALTH AND SOCIAL SERVICES. The court may request the services of the department for cases with special needs that cannot adequately be provided by the county department. The department may furnish the requested services, subject to s. 46.03 (18). The department shall provide, from the appropriation under s. 20.435 (6) (km), the services only to the extent that the county provides funds to the department equal to the net cost the

department will incur as a result of providing the services requested and only if s. 46.26 does not apply.

SECTION 83. 48.19 (1) (d) 6 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.19 (1) (d) 6. The child has violated the terms of court-ordered supervision or aftercare supervision administered by the department of ~~corrections~~ or a county department;

SECTION 84. 48.205 (1) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.205 (1) (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the ~~juvenile offender review program~~ division of hearings and appeals in the department of administration for revocation of aftercare supervision.

SECTION 85. 48.22 (2) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.22 (2) (a) Counties shall submit plans for the secure detention facility or juvenile portion of the county jail to the department of corrections and submit plans for the shelter care facility to the department of health and social services. The applicable department shall review the submitted plans. The counties may not implement any such plan unless the applicable department has approved the plan. ~~The~~ After consultation with the department of health and social services, the department of corrections shall promulgate rules establishing minimum requirements for the approval of the operation of secure detention facilities and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety and welfare of the children in these facilities.

SECTION 86. 48.225 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**48.225 (title) Statewide plan for secure detention facilities.** The department of ~~corrections~~ shall assist counties in establishing secure detention homes facilities under s. 48.22 by developing and promulgating a statewide plan for the establishment and maintenance of suitable secure detention facilities reasonably accessible to each court.

SECTION 87. 48.23 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.23 (1) (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not transfer legal custody of the child to the department of ~~corrections~~ for placement in a secured correc-

tional facility or transfer jurisdiction over the child to adult court.

SECTION 88. 48.33 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.33 (3) **CORRECTIONAL PLACEMENT REPORTS.** A report recommending transfer of the child's custody to the department of ~~corrections~~ for placement in a secured correctional facility shall be in writing and, in addition to the information specified under sub. (1) (a) to (d), shall include a description of any less restrictive alternatives that are available and that have been considered, and why they have been determined to be inappropriate.

SECTION 89. 48.34 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.34 (2) Place the child under supervision of an agency, the department of ~~corrections~~ if the department approves or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable rules for the child's conduct and the conduct of the child's parent, guardian or legal custodian, designed for the physical, mental and moral well-being and behavior of the child.

SECTION 90. 48.34 (4m) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.34 (4m) (intro.) Transfer legal custody to the department of ~~corrections~~ for placement in a secured correctional facility, but only if:

SECTION 91. 48.341 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 92. 48.345 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.345 (1) (a) Transfer the custody of the child to the department of ~~corrections~~.

SECTION 93. 48.355 (4) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.355 (4) (a) Except as provided under par. (b), all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child whose legal custody has been transferred to the department of ~~corrections~~ under s. 48.34 (4m) if the child is 18 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 94. 48.357 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.357 (3) If the proposed change in placement would involve placing the child with the department of ~~corrections~~ notice shall be given as provided in sub.

(1). A hearing shall be held, unless waived by the child, parent, guardian and legal custodian, before the judge makes a decision on the request. The child shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The proposed new placement may be approved only if the judge finds, on the record, that the conditions set forth in s. 48.34 (4m) have been met.

SECTION 95. 48.357 (4) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.357 (4) When the child is placed with the department of corrections, the ~~juvenile offender review program~~ department may, after consultation with the ~~department of corrections and~~ an examination under s. ~~48.556~~ 48.50, place the child in a secured correctional facility or on aftercare, either immediately or after a period of placement in a secured correctional facility. ~~When a child is placed on aftercare, the juvenile offender review program may transfer the legal custody of the child from the department of corrections to the subunit that administers aftercare in the division of community services in the department of health and social services.~~ The ~~juvenile offender review program~~ department shall send written notice of the change to the parent, guardian, legal custodian and committing court.

SECTION 96. 48.357 (4m) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.357 (4m) The department of corrections shall try to release a child on aftercare under sub. (4) within 30 days after the date the ~~juvenile offender review program~~ department determines the child is eligible for the release.

SECTION 97. 48.357 (5) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.357 (5) If a child placed with the department of corrections has been released on aftercare, revocation of aftercare shall not require prior notice under sub. (1). A child on aftercare status may be taken into custody only as provided in ss. 48.19 to 48.21. The child shall be entitled to representation by counsel at all stages of the revocation proceeding. The hearing shall be conducted by the ~~juvenile offender review program~~ division of hearings and appeals in the department of administration. Review of a revocation decision shall be by certiorari to the court by whose order the child was placed with the department of corrections. ~~If the subunit that administers aftercare in the division of community services in the department of health and social services has legal custody of a child for aftercare purposes and the child's aftercare is revoked, the juvenile offender review program shall transfer legal custody of the child back to the department of corrections.~~

SECTION 98. 48.36 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.36 (1) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.34 or 48.345, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the child shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department of health and social services, the department of corrections, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, shall be subject to the payment provisions under ss. 46.03 (18); and 46.10 (14) and 301.12. However, if at the time the child is placed into those residential services a court order for support already exists under s. 49.90 or ch. 767 the amount of parental payment to be applied to residential services shall not be less than the amount specified in that court order.

SECTION 99. 48.365 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 48.365 (1) and amended to read:

48.365 (1) ~~Except as provided in par. (b), the~~ The parent, child, guardian, legal custodian, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered or the court on its own motion, may request an extension of an order under s. 48.355. The request shall be submitted to the court which entered the order. No order under s. 48.355 may be extended except as provided in this section.

SECTION 100. 48.365 (1) (b) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 101. 48.366 (1) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (1) APPLICABILITY. (intro.) If the person committed any crime specified under s. 940.01, 940.02, 940.05, 940.201, 940.21 or 940.225 (1) (a) to (c), is adjudged delinquent on that basis and is transferred to the legal custody of the department of corrections under s. 48.34 (4m), the court shall enter an order extending its jurisdiction as follows:

SECTION 102. 48.366 (5) (a) 2 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (5) (a) 2. The department of corrections or county department having legal custody of the person.

SECTION 103. 48.366 (5) (b) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (5) (b) (intro.) The department of ~~corrections~~ or county department may, at any time, file a petition proposing either release of a person subject to an order to aftercare supervision or revocation of the person's aftercare supervision. The petition shall set forth in detail:

SECTION 104. 48.366 (5) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (5) (d) 1. At the time the department of ~~corrections~~ or county department files a petition under par. (a), it shall provide written notice of the petition to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has a right to request a hearing on the petition and, if the petition is for revocation of a person's aftercare supervision, that the person has the right to counsel. The department of ~~corrections~~ or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the child was adjudged delinquent and the victim, if any, of the delinquent act.

2. At the time a person subject to an order files a petition under par. (a), the person shall provide written notice of the petition to the department of ~~corrections~~ or county department, as applicable.

SECTION 105. 48.366 (5) (f) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (5) (f) If the court grants a petition to release a person to aftercare supervision and the person's county of residence is one in which the county department provides aftercare supervision, the department of ~~corrections~~ may contract with the county department under s. 46.036 for aftercare supervision of the person.

SECTION 106. 48.366 (6) (a) 2 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (6) (a) 2. The department of ~~corrections~~ or the county department having legal custody of the person.

SECTION 107. 48.366 (6) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (6) (b) The petition shall state the factual basis for the petitioner's belief that discharge will not pose a threat of bodily harm to other persons. The department of ~~corrections~~ or county department may file a petition at any time. The person subject to the order may file a petition not more often than once a year.

SECTION 108. 48.366 (6) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (6) (c) 1. At the time the department of ~~corrections~~ or county department files a petition under par. (a), it shall provide written notice of the petition

to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has the right to counsel. The department of ~~corrections~~ or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the person was adjudged delinquent and to the victim, if any, of the delinquent act.

2. At the time a person subject to an order files a petition under par. (a), he or she shall provide written notice of the petition to the department of ~~corrections~~ or county department, whichever has legal custody of the person.

SECTION 109. 48.366 (7) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (7) NOTICE OF HEARING. Upon receipt of a request for a hearing under sub. (5) or upon receipt of a petition under sub. (6), the court shall set a date for a hearing on the matter. In any of those cases, the court shall notify the department of ~~corrections~~ and each person specified in sub. (5) (d) 1 or (6) (c) 1 of the hearing at least 7 days before the hearing, except that if any such person lives outside of this state, the notice shall be mailed at least 14 days before the hearing.

SECTION 110. 48.366 (8) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of ~~corrections~~ may transfer a person subject to an order between secured correctional facilities ~~and, after~~. After the person attains the age of 18 years, the department may, after consulting with the department of corrections, place the person in a state prison named in s. 302.01. Regardless of the placement, the person remains in the legal custody of the department of health and social services. The department of corrections may transfer the a person placed in a state prison under this subsection to or between state prisons named in s. 302.01 without petitioning for revision of the order under sub. (5) (a).

SECTION 111. 48.38 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.38 (1) (a) "Agency" means the department of ~~health and social services, the department of corrections,~~ a county department or a licensed child welfare agency.

SECTION 112. 48.38 (3) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.38 (3) (a) If the child is alleged to be delinquent and is being held in a secure detention facility, juvenile portion of a county jail or shelter care facility, and the agency intends to recommend that custody of the child be transferred to the department of ~~corrections~~ for placement in a secured correctional facility, the agency is not required to submit the permanency plan unless the court does not accept the agency's recom-

mentation. If the court places the child in any facility outside of his or her home other than a secured correctional facility, the agency shall file the permanency plan with the court within 60 days after the date of disposition.

SECTION 113. 48.396 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.396 (2) Records of the court assigned to exercise jurisdiction under this chapter and of courts exercising jurisdiction under s. 48.17 (2) shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court assigned to exercise jurisdiction under this chapter. Upon request of the department of health and social services or the department of corrections to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records for inspection by authorized representatives of the department. Upon request of the federal government to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records for inspection by authorized representatives of the federal agency.

SECTION 114. 48.48 (4) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.48 (4) To provide appropriate care and training for children in its legal custody; including serving those children in their own homes, placing them in licensed foster homes in accordance with s. 48.63 or licensed group homes or, contracting for their care by licensed child welfare agencies or replacing them in juvenile correctional institutions in accordance with rules promulgated under ch. 227, except that the department shall not purchase the educational component of private day treatment programs for children in its custody unless the department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 115. 48.48 (13) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.48 (13) To promulgate rules for the payment of an allowance to children in its institutions and a cash grant to a child being discharged or released to after-care from its institutions.

SECTION 116. 48.48 (14) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.48 (14) To pay maintenance, tuition and related expenses from the ~~appropriation~~ appropriations

under s. 20.435 (3) (ho) and (7) (dd) for persons who when they reached 18 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching that age were in legal custody of the department as a result of a judicial decision.

SECTION 117. 48.48 (16) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.48 (16) To establish and enforce standards for services provided to ~~children as a result of a disposition under ss. 48.34 (1), (2m), (3), (4), (4p), (5), (6), (7), (8), (9), (10), (12) and (13) and 48.345 or as a result of a disposition under s. 48.34 (2) unless the child is placed under the supervision of the department of corrections under ss. 48.34 and 48.345 (1) and (5)~~. This authority does not apply to services provided by the department of corrections under s. 48.366 (8).

SECTION 118. 48.50 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.50 (1) The department shall examine all children whose legal custody is transferred to it by the court to determine the type of placement best suited to the child and, in the case of children who have violated a state law, to the protection of the public. This examination shall include an investigation of the personal and family history of the child and his or her environment and any physical or mental examinations considered necessary.

SECTION 119. 48.51 (1) (intro.) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

48.51 (1) (intro.) At least 15 days prior to the date of release of a child from its legal custody or release of a child to an aftercare placement, the department of ~~health and social services prior to January 1, 1990, and the department of corrections thereafter~~ shall:

SECTION 120. 48.52 (1) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.52 (1) (d) Institutions, facilities and services, including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent; and

SECTION 121. 48.553 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 122. 48.554 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 123. 48.556 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 124. 48.557 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 125. 48.558 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 126. 48.559 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 127. 48.60 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.60 (3) Before issuing any license to a child welfare agency under this section, the department of ~~health and social services~~ shall review the need for the additional placement resources that would be made available by the licensing or relicensing of any child welfare agency after August 5, 1973, providing care authorized under s. 48.61 (3). ~~Neither the department of health and social services nor the department of corrections may~~ The department may not make any placements to any child welfare agency where the departmental review required under this subsection has failed to indicate the need for the additional placement resources.

SECTION 128. 48.63 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department of ~~health and social services, the department of corrections,~~ a county department or a child welfare agency licensed to place children in foster homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster or group homes and may not be extended. A foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement can be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 129. 48.64 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.64 (1) DEFINITION. In this section, "agency" means the department of ~~health and social services, the department of corrections,~~ a county department or a licensed child welfare agency authorized to place children in foster homes.

SECTION 130. 48.675 (3) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from the ~~appropriation appropriations~~ under s. 20.435 (3) (ho) and (6) (a) to enable foster parents to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of the funds. Moneys disbursed under this subsection may be used for the following purposes:

SECTION 131. 48.78 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.78 (1) In this section, unless otherwise qualified, "agency" means the department of ~~health and social services, the department of corrections, the juvenile offender review program,~~ a county department, a licensed child welfare agency, a licensed day care center or a licensed maternity hospital.

SECTION 132. 48.78 (2) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under sub. (3) or s. 48.432, 48.433, 48.93 or 48.981 (7) or by order of the court. ~~The juvenile offender review program shall not make available for inspection or disclose the contents of any record kept or information received about an individual in the care or legal custody of the department of corrections, except as provided by order of the court.~~

SECTION 133. 48.78 (2) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.78 (2) (c) Paragraph (a) does not prohibit the department of ~~health and social services~~ or a county department from using in the media a picture or description of a child in the guardianship of the department of ~~health and social services~~ or a county department for the purpose of finding adoptive parents for that child.

SECTION 134. 48.78 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.78 (3) If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.24, 941.26, 941.28, 941.295, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.32 (2), 948.02, 948.03, 948.05, 948.60 or 948.61 or any crime specified in ch. 940 has escaped or has been allowed to leave a secured juvenile correctional facility for a specified time period and in the case of an authorized leave the child is absent from the facility for more than 12 hours after the expiration of the specified period, the department of ~~corrections~~ may release the child's name and any information about the child the department of ~~corrections~~ determines to be necessary for the protection of the public or to secure the child's return to the facility. The department of ~~corrections~~ shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public.

SECTION 135. 48.79 (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**48.79 (title) Powers of the department.** (intro.) The department of ~~health and social services~~ has authority and power:

SECTION 136. 48.79 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.79 (1) To collect and to collaborate with other agencies in collecting statistics and information useful in determining the cause and amount of delinquency and crime in this state or in carrying out the powers and duties of the department.

SECTION 137. 48.79 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.79 (2) To render assistance to communities in their efforts to combat delinquency and social breakdown likely to cause delinquency and crime and assist them in setting up programs for coordinating the total community program, including the improvement of law enforcement.

SECTION 138. 48.795 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 139. 48.985 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.985 (3) COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation under s. 20.435 ~~(7)~~ (3) (oo), to county departments under ss. 46.215, 46.22 and 46.23 for the provision of services under s. 46.26, not more than \$1,100,000 in fiscal year 1989-90 and not more than \$1,100,000 in fiscal year 1990-91.

SECTION 140. 48.992 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.992 (1) (a) The "appropriate court" of this state to issue a requisition under s. 48.991 (4) is the court assigned to exercise jurisdiction under this chapter for the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the court so assigned for the county where the agency has its principal office, or, if the petitioner is the department of ~~health and social services or the department of corrections~~, any court so assigned in the state.

SECTION 141. 48.993 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**48.993 Juvenile compact administrator.** (1) Under the interstate compact on juveniles, the governor may designate an officer or employe of the department of ~~corrections~~ to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. The compact administrator shall serve subject to the pleasure of the governor. If there is a vacancy in the office of compact administrator or in the case of absence or disability, the functions shall be performed by the secretary of ~~corrections~~ health and social services, or other employe designated by the secretary of ~~corrections~~. The compact administrator may cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state.

(2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states under s. 48.991 (7) and shall

arrange for the supervision of each such probationer or parolee received, either by the department of ~~corrections~~ or by a person appointed to perform supervision service for the court assigned to exercise jurisdiction under this chapter for the county where the juvenile is to reside, whichever is more convenient. Those persons shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of the juveniles.

SECTION 142. 48.994 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**48.994 Supplementary agreements.** The department of ~~corrections~~ may enter into supplementary agreements with appropriate officials of other states under s. 48.991 (10). If the supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, the supplementary agreement has no effect until approved by the department of ~~corrections~~ or agency under whose jurisdiction the institution or facility is operated or which shall be charged with the rendering of the service.

SECTION 143. 48.995 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

48.995 (2) In the case of an escapee or absconder under s. 48.991 (5) or (6), if the juvenile is in the legal custody of the department of ~~corrections~~, ~~the department~~, it shall bear the expense of his or her return; otherwise the appropriate court shall, on petition of the person entitled to the juvenile's custody or charged with his or her supervision, arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for the person's actual and necessary expenses. In this subsection "appropriate court" means the court which adjudged the juvenile to be delinquent or, if the juvenile is under supervision for another state under s. 48.991 (7), then the court assigned to exercise jurisdiction under this chapter for the county of the juvenile's residence during the supervision.

SECTION 144. 49.19 (1) (a) 2. b of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

49.19 (1) (a) 2. b. Is living in a foster home licensed under s. 48.62 if a license is required under that section, in a foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625 or in a child-caring institution licensed under s. 48.60, and has been placed in the foster home; group home or institution by a county department under s. 46.215, 46.22 or 46.23, by the department of ~~corrections~~, by the department of ~~health and social services~~ or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.



SECTION 145. 49.19 (10) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

49.19 (10) (d) Aid may also be paid under this section to a foster home, to a group home licensed under s. 48.625 or to a child-caring institution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department of corrections or the department of health and social services.

SECTION 146. 49.45 (6m) (br) 1 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

49.45 (6m) (br) 1. Notwithstanding s. 20.435 (3) (cd) or (7) (b), ~~(ed)~~, (de) or (eb), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriations under s. 20.435 (3) (cd) or (7) (b), ~~(ed)~~, (de) or (eb) in accordance with s. 16.544 to the extent applicable.

SECTION 147. 49.52 (1) (i) of the statutes, as affected by 1989 Wisconsin Acts 31 and .... (Assembly Bill 263), is amended to read:

49.52 (1) (i) The department shall reimburse counties for juvenile delinquency-related services as provided in s. 46.26 from the appropriation under s. 20.435 ~~(7)~~ (3) (cd).

SECTION 148. 50.39 (3) of the statutes, as affected by 1989 Wisconsin Acts 31 and 37, is amended to read:

50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.14, 49.171, 50.02, 51.09, 58.06, 149.01, 149.02 and 149.06, the Ethan Allen and Lincoln Hills schools governed by the department under s. 46.03 (1), correctional institutions governed by the department of corrections under s. 301.02 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, dentistry examining board, pharmacy examining board, chiropractic examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 149. 51.35 (3) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

51.35 (3) (a) A licensed ~~physician or licensed~~ psychologist of a juvenile correctional facility under s. ~~48.557~~ 48.52 or a licensed physician ~~or licensed~~ psychologist of the department of corrections, who has reason to believe that any individual confined in the facility is, in his or her opinion, in need of services for developmental disability, alcoholism or drug depen-

dency or in need of psychiatric services, and who has obtained voluntary consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the facility, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 and over, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of a minor under the age of 14, only the minor's parent or guardian need consent. The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3). If the department of ~~corrections~~, upon review of a request for transfer, determines that transfer is appropriate, it shall immediately notify the department of health and social services and, if the department of ~~health and social services~~ consents, the department of ~~corrections~~ may immediately transfer the individual. The department of ~~health and social services~~ shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under ch. 48 of the county where the treatment facility is located.

SECTION 150. 51.35 (3) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

51.35 (3) (c) A licensed ~~physician or licensed~~ psychologist of a juvenile correctional facility or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the facility is, in his or her opinion, mentally ill, drug dependent or developmentally disabled, and is dangerous as defined in s. 51.20 (1) (a) 2, or is an alcoholic and is dangerous as defined in s. 51.45 (13) (a), shall file a written report with the superintendent of the facility, stating the nature and basis of the belief. If the superintendent, upon review of the allegations in the report, determines that transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ch. 48 of the county where the correctional facility is located. The court shall hold a hearing according to procedures provided in s. 51.20 or 51.45 (13).

SECTION 151. 51.35 (3) (e) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

51.35 (3) (e) The department of ~~corrections~~ may authorize emergency transfer of an individual from a juvenile correctional facility to a state treatment facility if there is cause to believe that the individual is mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2 to the individual or to others, or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1 and 2. The correctional custodian of the sending institution shall execute a statement of emergency detention or petition for emergency commitment for the individual and deliver it to the receiv-

ing state treatment facility. The department of ~~health and social services~~ shall file the statement or petition with the court within 24 hours after the subject individual is received for detention or commitment. The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the institution from which the transfer was made. As an alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner may be released without the approval of the court which directed confinement in the correctional facility.

SECTION 152. 51.437 (4rm) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

51.437 (4rm) (a) A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of developmental disabilities services and the facility, unless the county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any county department of developmental disabilities services shall charge the county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The county department of developmental disabilities services shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. County departments of developmental disabilities services may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 971.14, 971.17, 975.01, 1977 stats., 975.02, 1977 stats., 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship or legal custody of the department of health and social services ~~or the department of corrections~~ under s. 48.355, 48.427 or 48.43.

SECTION 153. 56.08 (1m) of the statutes, as created by 1989 Wisconsin Act .... (Assembly Bill 263), is renumbered 303.08 (1m).

SECTION 154. 59.15 (1) (a) 2 of the statutes, as affected by 1989 Wisconsin Act 48, is amended to read:

59.15 (1) (a) 2. The board shall establish by resolution or ordinance the annual compensation of the sheriff as straight salary. No portion of that salary may include or be based on retention of fees by the sheriff. No portion of that salary may be based on providing food to prisoners under s. ~~53.37~~ 302.37 (1). This subdivision does not prohibit the reimbursement of a sheriff for actual and necessary expenses.

SECTION 155. 59.20 (5m) of the statutes is amended to read:

59.20 (5m) Deposit all moneys for jail assessments received under s. ~~53.46~~ 302.46 (1) in a county jail fund and make payments from the fund for purposes of s. ~~53.46~~ 302.46 (2) on order of the county board under sub. (2).

SECTION 156. 59.395 (5m) of the statutes is amended to read:

59.395 (5m) Pay monthly to the county treasurer the amounts required by s. ~~53.46~~ 302.46 (1) for the jail assessment surcharge. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 157. 66.119 (1) (b) 7. c of the statutes is amended to read:

66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail assessment imposed by s. ~~53.46~~ 302.46 (1) not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

SECTION 158. 66.119 (1) (b) 7. d of the statutes is amended to read:

66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1).

SECTION 159. 66.119 (1) (c) of the statutes is amended to read:

66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits which are to be required for the various ordinance violations, and for the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1), for which a citation may be issued. The ordinance shall also specify the court, clerk of court or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

SECTION 160. 66.119 (3) (b) of the statutes is amended to read:

66.119 (3) (b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court shall accept the plea, enter a judgment of guilty and impose a forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1). A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

SECTION 161. 66.119 (3) (c) of the statutes is amended to read:

66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees may be taxed against the violator, but a penalty assessment and a jail assessment shall be assessed. If the court rejects the plea of no contest or if the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, an action for collection of the forfeiture, penalty assessment and jail assessment may be commenced. A city or village may commence action under s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment and jail assessment.

SECTION 162. 66.12 (1) (b) of the statutes is amended to read:

66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under ~~such those~~ ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1) to the designated

official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the county, city, town or village in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her; and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the case of the penalty assessment imposed by s. 165.87, the treasurer of the county, city, town or village shall remit to the state treasurer the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the county, city, town, village or other municipal subdivision shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.

SECTION 163. 101.123 (1) (bg) of the statutes, as created by 1989 Wisconsin Act .... (Senate Bill 66), is amended to read:

101.123 (1) (bg) "Jail" means a county jail, rehabilitation facility established by s. 59.07 (76), county house of correction under s. ~~56.16~~ 303.16 or secure detention facility as defined in s. 48.02 (16).

SECTION 164. 101.123 (1) (bm) of the statutes, as created by 1989 Wisconsin Act .... (Senate Bill 66), is amended to read:

101.123 (1) (bm) "Lockup facility" has the meaning given in s. ~~53.30~~ 302.30.

SECTION 165. 101.123 (1) (dm) of the statutes, as created by 1989 Wisconsin Act .... (Senate Bill 66), is amended to read:

101.123 (1) (dm) "Prison" means a prison described in s. ~~53.01~~ 302.01.

SECTION 166. 115.85 (2m) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

115.85 (2m) PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and social services or a county department under s. 46.215, 46.22 or 46.23 over the placement of a child in an appropriate program under sub. (2), the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under ss. 48.48 (4); ~~48.553 (3)~~ and 48.57 (1) (c).

SECTION 167. 161.49 (2) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

161.49 (2) (a) Except as provided in par. (b), if any person violates s. 161.41 (1) by distributing, or violates s. 161.41 (1m) by possessing with intent to deliver, a controlled substance listed in schedule I or II while in

or otherwise within 1,000 feet of a state, county, city, village or town park, a swimming pool open to members of the public, a youth center or a community center, while on or otherwise within 1,000 feet of any private or public school premises or while on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall sentence the person to at least 3 years in prison, but otherwise the penalties for the crime apply. The court shall not place the person on probation. The person is not eligible for parole until he or she has served at least 3 years, with no modification by the calculation under s. ~~53.14~~ 302.11 (1).

(b) If the conduct described in par. (a) involves only the distribution, or the possession with intent to deliver, of not more than 25 grams of tetrahydrocannabinols, listed at s. 161.14 (4) (t), the court shall sentence the person to at least one year in prison, but otherwise the penalties for the crime apply. The court shall not place the person on probation. The person is not eligible for parole until he or she has served at least one year, with no modification by the calculation under s. ~~53.14~~ 302.11 (1).

SECTION 169. 230.08 (2) (pd) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

230.08 (2) (pd) The chairperson ~~and other members~~ of the parole commission.

SECTION 170. 230.337 (1) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

230.337 (1) Except as provided in sub. (2), if the position of any employe who serves in a classified position in the department of health and social services on January 1, 1990, is transferred and is unclassified under 1989 Wisconsin Act 31, and if the incumbent to the position is not thereafter appointed to the unclassified position, or if the incumbent is appointed to the unclassified position and subsequently terminated for any reason except just cause, the incumbent shall have restoration rights and reinstatement privileges, including the right of displacement if necessary, to a position having a comparable or lower pay rate or range for which the person is qualified in the department of corrections or the division of ~~corrections~~ hearings and appeals in the department of administration, ~~as created by 1989 Wisconsin Act .... (this act)~~. In case of termination, the incumbent shall have 90 days after notice of termination to exercise the rights and privileges.

SECTION 171. 301.001 of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

**301.001 Purposes of chapters.** The purposes of this chapter and chs. 302 to 304 are to prevent ~~delinquency and crime~~ by an attack on ~~their~~ its causes; to provide a just, humane and efficient program of rehabilitation of offenders ~~and delinquent children~~; and to coordinate and integrate corrections programs with other social services. In creating the department of corrections, ~~this chapter and chs. 302~~ 301 to 304, the legisla-

ture intends that the state continue to avoid sole reliance on incarceration of offenders ~~and delinquent children~~ and continue to develop, support and maintain professional community programs and placements.

SECTION 172. 301.01 (2) of the statutes, as created by 1989 Wisconsin Act 31, is renumbered 301.01 (2) (intro.) and amended to read:

301.01 (2) (intro.) "Prisoner" means any person who is either arrested, incarcerated, imprisoned or otherwise detained in excess of 12 hours by any law enforcement agency of this state, except when detention is pursuant to s. 51.15, 51.20, 51.45 (11) (b) or 55.06 (11) (a). "Prisoner" does not include any ~~person~~ of the following:

(a) Any person who is serving a sentence of detention under s. 973.03 (4) unless the person is in the county jail under s. 973.03 (4) (c).

SECTION 173. 301.01 (2) (b) and (c) of the statutes are created to read:

301.01 (2) (b) Any resident of Ethan Allen school or Lincoln Hills school.

(c) Any child held in custody under ss. 48.19 to 48.21.

SECTION 174. 301.01 (4) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.01 (4) "State correctional institution" means a state prison under s. 302.01, ~~Ethan Allen school or Lincoln Hills school~~.

SECTION 175. 301.03 (3) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.03 (3) Administer parole and probation matters, except that the decision to grant or deny parole to inmates shall be made by the parole commission and the decision to revoke probation or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of ~~corrections~~ hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department shall promulgate rules establishing a drug testing program for probationers and parolees. The rules shall provide for assessment of fees upon probationers and parolees to partially offset the costs of the program.

SECTION 176. 301.03 (6) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.03 (6) Direct the correctional psychiatric service in all state correctional institutions, ~~making its services available to those committed to the department as delinquent children or as convicted criminals~~.

SECTION 177. 301.03 (8) of the statutes, as created by 1989 Wisconsin Act 31, is repealed and recreated to read:

301.03 (8) Provide health services for residents of Ethan Allan school and Lincoln Hills school.

SECTION 178. 301.03 (9) of the statutes, as created by 1989 Wisconsin Act 31, is repealed and recreated to read:

301.03 (9) Supervise all persons placed under s. 48.366 (8) in a state prison.

SECTION 179. 301.03 (10) and (11) of the statutes, as created by 1989 Wisconsin Act 31, are repealed.

SECTION 180. 301.03 (12) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.03 (12) Cooperate and coordinate its activities with other state and local agencies to provide educational, social, health and other services to offenders ~~and delinquent children.~~

SECTION 181. 301.035 (intro.) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

**301.035 (title) Division of hearings and appeals; administrator's general duties.** (intro.) The administrator of the division of ~~corrections~~ hearings and appeals in the department of administration shall:

SECTION 182. 301.035 (2) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.035 (2) Assign hearing examiners from the division to preside over hearings under ss. 48.357 (5), 302.11 (7) ~~and~~ 973.10 and 975.10 (2) and ch. 304.

SECTION 183. 301.035 (3) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 184. 301.035 (4) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.035 (4) Supervise employes in the conduct of the activities of the division and be the administrative reviewing authority for decisions of the division under ss. 48.357 (5), ~~48.556, 48.558 (1),~~ 302.11 (7), 973.10 ~~and~~ 973.155 (2) and 975.10 (2) and ch. 304.

SECTION 185. 301.055 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed and recreated to read:

301.055 (1) **PRISONER POPULATION LIMIT.** Beginning May 1, 1990, there is a prisoner population limit applicable to the number of prisoners at all state prisons. For calculations under this section, the number of prisoners includes all prisoners physically located at a state prison, but does not include any prisoner who is confined in the institution authorized under s. 301.046 (1). From May 1, 1990, to May 31, 1991, the prisoner population limit is 6,360 and thereafter the limit is 6,386, except the department may modify the limit by rule to reflect changes in prison population capacity.

SECTION 186. 301.06 (intro.) and (1) of the statutes, as created by 1989 Wisconsin Act 31, are consolidated, renumbered 301.06 and amended to read:

**301.06 Education and prevention.** The department may: ~~(1) Develop~~ develop and maintain education and prevention programs.

SECTION 187. 301.06 (2) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 188. 301.07 of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

**301.07 Cooperation with federal government.** The department may cooperate with the federal government in carrying out federal acts concerning ~~youth services and~~ corrections.

SECTION 189. 301.08 (2) (a) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.08 (2) (a) All care and services purchased by the department shall be authorized and contracted for under the standards established under this subsection. For purchases of \$10,000 or less the requirement for a written contract may be waived by the department. ~~No contract is required for care provided by foster homes required to be licensed under s. 48.62.~~ If the department directly contracts for services, it shall follow the procedures in this subsection in addition to meeting purchasing requirements established in s. 16.75.

SECTION 190. 301.12 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 191. 301.20 of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 46.049 and amended to read:

**46.049 Training school for delinquent boys.** The department, with the approval of the governor, may purchase or accept a gift of land for a suitable site for an additional training school for delinquent boys and erect and equip such buildings as it deems necessary at such time as funds may be allocated for that purpose by the building commission. The training school or other additional facilities for delinquent boys financed by the authorized 1965-67 building program shall be located north of a line between La Crosse and Manitowoc. The department shall operate and maintain the institution for the treatment of delinquent boys committed to the department under s. 48.34. All laws pertaining to the care of children received under s. 48.34 shall apply. Officers and employes of the institution are subject to the same laws as apply to other facilities described in s. ~~48.557~~ 48.52.

SECTION 192. 301.205 of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 193. 301.207 of the statutes, as affected by 1989 Wisconsin Act 21, is renumbered 46.039.

SECTION 194. 301.36 (1) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.36 (1) **GENERAL AUTHORITY.** The department shall investigate and supervise all of the state correctional institutions, ~~including all detention homes for children,~~ and all secure detention facilities and familiarize itself with all of the circumstances affecting their management and usefulness. The department may take enforcement action as to a secure detention facility or the juvenile portion of a county jail only after consultation with the department of health and social services.

SECTION 195. 301.36 (5) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.36 (5) **ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request of the department, the attorney general or the district attorney serving the proper county shall aid in any investigation, inspection, hearing or trial had under this chap-

ter, or those sections of ch. 48 relating to powers of the department, and shall institute and prosecute all necessary actions or proceedings for the enforcement of those provisions and for the punishment of violations of those provisions. The attorney general or district attorney so requested shall report or confer with the department regarding the request, within 30 days after receipt of the request.

SECTION 196. 301.37 (1) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

301.37 (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of houses of correction, reforestation camps maintained under s. 303.07, jails as defined in s. 302.30, extensions of jails under s. 59.68 (7), rehabilitation facilities under s. 59.07 (76), lockup facilities as defined in s. 302.30, Huber facilities under s. 303.09 and ~~juvenile detention homes~~, after consulting with the department of health and social services, secure detention facilities, with respect to their adequacy and fitness for the needs which they are to serve.

SECTION 197. 302.11 (7) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

302.11 (7) (a) The division of ~~corrections~~ hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the parolee waives a hearing, may return a parolee released under either sub. (1) or s. 304.02 or 304.06 (1) to prison for a period up to the remainder of the sentence for a violation of the conditions of parole. The remainder of the sentence is the entire sentence, less time served in custody prior to parole. The revocation order shall provide the parolee with credit in accordance with ss. 304.072 and 973.155.

SECTION 198. 302.11 (7) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

302.11 (7) (b) A parolee returned to prison for violation of the conditions of parole shall be incarcerated for the entire period of time determined by the department of corrections in the case of a waiver or the division of ~~corrections~~ hearings and appeals in the department of administration in the case of a hearing under par. (a), unless paroled earlier under par. (c). The parolee is not subject to mandatory release under sub. (1). The period of time determined under par. (a) may be extended in accordance with sub. (2).

SECTION 199. 302.11 (7) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

302.11 (7) (d) A parolee who is subsequently released either after service of the period of time determined by the department of corrections in the case of a waiver or the division of ~~corrections~~ hearings and appeals in the department of administration in the case of a hearing under par. (a) or by a grant of parole

under par. (c) is subject to all conditions and rules of parole until expiration of sentence or discharge by the department.

SECTION 200. 302.33 (2) (a) 1 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

302.33 (2) (a) 1. The department shall make payments under this paragraph beginning when an offender is detained in a county jail or other county facility pursuant only to a departmental hold and ending when the revocation process is completed and a final order of the department of corrections or the division of ~~corrections~~ hearings and appeals in the department of administration has been entered.

SECTION 201. 304.06 (1r) (a) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

304.06 (1r) (a) (intro.) The ~~department~~ parole commission shall grant release on parole, unless there are overriding considerations not to do so, to any inmate who is eligible for parole under sub. (1) and meets either of the following conditions:

SECTION 202. 304.06 (1r) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

304.06 (1r) (b) If an inmate is eligible for parole under sub. (1) and is participating in a literacy or other education program but does not meet the conditions of par. (a) 1 or 2, the ~~department~~ parole commission shall consider the possibility of granting the inmate release on parole with continued education as one of the conditions of parole.

SECTION 203. 304.06 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

304.06 (3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law. Unless waived by the parolee, the final administrative hearing shall be held before a hearing examiner from the division of ~~corrections~~ hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole. Upon request by either party, the administrator of the division of ~~corrections~~ hearings and appeals shall review the order. The hearing examiner may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10). If the parolee waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole. If the examiner, the administrator upon review, or the secretary in the case of a

waiver finds that the prisoner has violated the rules or conditions of parole, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

SECTION 204. 304.06 (3e) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

304.06 (3e) The division of ~~corrections~~ hearings and appeals in the department of administration shall make either an electronic or stenographic record of all testimony at each parole revocation hearing. The division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

SECTION 205. 304.072 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

304.072 (1) If the department of corrections if in the case of a parolee or probationer who is reinstated or waives a hearing or the division of ~~corrections~~ hearings and appeals in the department of administration in the case of a hearing determines that a parolee or probationer has violated the terms of his or her supervision, the department or division may toll all or any part of the period of time between the date of the violation and the date an order of revocation or reinstatement is entered, subject to credit according to the terms of s. 973.155 for any time the parolee or probationer spent confined in connection with the violation.

SECTION 206. 345.26 (1) (b) 1 of the statutes is amended to read:

345.26 (1) (b) 1. If the person fails to appear in court at the time fixed in the citation, the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. ~~53.46~~ 302.46 (1), plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept as provided in s. 345.37; or

SECTION 207. 345.26 (1) (b) 2 of the statutes is amended to read:

345.26 (1) (b) 2. If the person fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. ~~53.46~~ 302.46 (1), for the violation, the person will be summoned into court to answer the complaint.

SECTION 208. 345.27 (1) of the statutes is amended to read:

345.27 (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. ~~53.46~~ 302.46 (1) and court costs, including any applicable fees prescribed in ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ss. 346.62 (2) and 346.63 (1) or a local ordinance which is in conformity therewith.

SECTION 209. 345.37 (2) of the statutes is amended to read:

345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. ~~53.46~~ 302.46 (1), plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening, the defendant is found not guilty the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

SECTION 210. 345.37 (3) of the statutes is amended to read:

345.37 (3) If the defendant has stipulated no contest under s. 345.27, the court or judge having trial jurisdiction of the violation may, on motion with or without notice, for cause shown by affidavit and upon just terms, within 10 days after the stipulation has been entered into, relieve any party from the stipulation and the effects thereof. If a party is relieved from the

plea of no contest, the court or judge may order the stipulation or a written complaint to be filed and set the matter for trial. After trial the penalty assessment, if required by s. 165.87, jail assessment, if required by s. ~~53.46~~ 302.46 (1), costs and fees shall be taxed as provided by law.

SECTION 211. 345.37 (4) of the statutes is amended to read:

345.37 (4) If a violator's deposit is forfeited for, or if an alleged violator stipulates to entry of, a plea of no contest to any violation for which his or her operator's record will be charged with demerit points as established by rule under s. 343.32 (2), the official accepting the forfeiture, the penalty assessment, if required by s. 165.87, and the jail assessment, if required by s. ~~53.46~~ 302.46 (1), shall comply with s. 343.27 (3).

SECTION 212. 345.37 (5) of the statutes is amended to read:

345.37 (5) Within 5 working days after forfeiture of deposit or entry of default judgment, the official receiving the forfeiture, the penalty assessment, if required by s. 165.87, and the jail assessment, if required by s. ~~53.46~~ 302.46 (1), shall forward to the department a certification of the entry of default judgment or a judgment of forfeiture.

SECTION 213. 345.375 (2) of the statutes is amended to read:

345.375 (2) Upon default of the defendant corporation or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, if required under s. 165.87, and the jail assessment, if required by s. ~~53.46~~ 302.46 (1), shall be entered.

SECTION 214. 345.47 (1) (intro.) of the statutes is amended to read:

345.47 (1) (intro.) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture, penalty assessment, if required by s. 165.87, and the jail assessment, if required by s. ~~53.46~~ 302.46 (1), provided for the violation and for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under s. 343.30. If the judgment is not paid, the court shall order:

SECTION 215. 345.47 (1) (b) of the statutes is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, and the jail assessment, if required by s. ~~53.46~~ 302.46 (1), whichever is longer, but not to exceed 5 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

SECTION 216. 345.47 (1) (c) of the statutes is amended to read:

345.47 (1) (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. ~~53.46~~ 302.46 (1), imposed by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, penalty assessment and jail assessment are paid during a period of suspension the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return the license when the minimum period of suspension has passed.

SECTION 217. 345.49 (1) of the statutes is amended to read:

345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a forfeiture, a penalty assessment, if required by s. 165.87, or a jail assessment, if required by s. ~~53.46~~ 302.46 (1), may, on request, be allowed to work under s. ~~56.08~~ 303.08. If the person does work, earnings shall be applied on the unpaid forfeiture, penalty assessment or jail assessment after payment of personal board and expenses and support of personal dependents to the extent directed by the court.

SECTION 218. 345.61 (2) (c) of the statutes is amended to read:

345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 165.87 and the jail assessment required by s. ~~53.46~~ 302.46 (1), in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

SECTION 219. 440.61 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

440.61 (2) Schools operated by the department of ~~corrections~~ health and social services.

SECTION 220. 778.02 of the statutes is amended to read:

**778.02 Action in name of state; complaint; attachment.** Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to



allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to the provisions of the statute which imposes it, specifying the statute and for the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment and jail assessment. If the defendant is a nonresident of the state, an attachment may issue.

SECTION 221. 778.03 of the statutes is amended to read:

**778.03 Complaint to recover forfeited goods.** In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1).

SECTION 222. 778.06 of the statutes is amended to read:

**778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.

SECTION 223. 778.10 of the statutes is amended to read:

**778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by any ordinance or regulation of any county, town, city or village, or of any other domestic corporation may be sued for and recovered, ~~pursuant to~~ under this chapter, in the name of the county, town, city, village or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation ~~which~~ that imposes it and of the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village or corporation, except that all jail assessments shall be paid to the county treasurer.

SECTION 224. 778.105 of the statutes is amended to read:

**778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. 165.87. Jail assessment payments shall be made as provided in s. ~~53.46~~ 302.46 (1).

SECTION 225. 778.13 of the statutes is amended to read:

**778.13 Forfeitures collected, to whom paid.** All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the county treasurer may collect the payment of the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. 165.87. Jail assessment payments shall be made as provided in s. ~~53.46~~ 302.46 (1).

SECTION 226. 778.18 of the statutes is amended to read:

**778.18 Penalty upon municipal judge.** If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

SECTION 227. 800.03 (3) of the statutes is amended to read:

800.03 (3) The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment ~~which~~ that would be applicable under s. 165.87 and any jail assessment ~~which~~ that would be applicable under s. ~~53.46~~ 302.46 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

SECTION 228. 800.04 (2) (b) of the statutes is amended to read:

800.04 (2) (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment ~~which that~~ would be applicable under s. 165.87 and any jail assessment ~~which that~~ would be applicable under s. ~~53.46~~ 302.46 (1). On failure of the defendant to make a deposit under this paragraph, he or she may be committed to jail pending trial only if the judge finds that there is a reasonable basis to believe the person will not appear in court.

SECTION 229. 800.04 (2) (c) of the statutes is amended to read:

800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail assessment imposed by s. ~~53.46~~ 302.46 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

SECTION 230. 800.09 (1) (intro.) of the statutes is amended to read:

800.09 (1) (intro.) JUDGMENT. If a municipal court finds a defendant guilty it may render judgment by ordering payment of a forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. ~~53.46~~ 302.46 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or any combination thereof, as follows:

SECTION 231. 800.12 (2) of the statutes is amended to read:

800.12 (2) A municipality may by ordinance provide that a municipal judge may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 and jail assessment under s. ~~53.46~~ 302.46, a jail sentence not to exceed 7 days.

SECTION 232. 814.60 (2) (ag) of the statutes is amended to read:

814.60 (2) (ag) Jail assessment imposed by s. ~~53.46~~ 302.46 (1);

SECTION 233. 814.63 (3) (ag) of the statutes is amended to read:

814.63 (3) (ag) Jail assessment imposed by s. ~~53.46~~ 302.46 (1);

SECTION 234. 946.44 (2) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

946.44 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of ~~corrections~~ health and social services under s. 48.34 (4m) or who is subject to an order under s. 48.366.

SECTION 235. 946.45 (2) (d) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

946.45 (2) (d) "Prisoner" includes a person who is committed to the custody of the department of ~~corrections~~ health and social services under s. 48.34 (4m) or who is subject to an order under s. 48.366.

SECTION 236. 946.46 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

**946.46 Encouraging violation of probation or parole.** Whoever intentionally aids or encourages a parolee or probationer or any person committed to the department of corrections or the department of health and social services by reason of crime or delinquency to abscond or violate a term or condition of parole or probation is guilty of a Class A misdemeanor.

SECTION 237. 948.31 (1) (a) 2 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

948.31 (1) (a) 2. The department of health and social services ~~or department of corrections~~ or any person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody of the child has been transferred under ch. 48 to that department, person or agency.

SECTION 237m. 971.14 (7) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 238. 973.013 (3m) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

973.013 (3m) If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department of corrections shall place the person at a secured juvenile correctional facility, unless the department of health and social services, after consultation with the department of corrections, determines that placement in an institution under s. 302.01 is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department of health and social services by rule. This subsection does not preclude the department of

corrections from designating an adult correctional institution as a reception center for the person and subsequently transferring the person to a secured juvenile correctional facility. Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile correctional facility under this subsection.

SECTION 239. 973.05 (1) of the statutes is amended to read:

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. ~~53.46~~ 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, any applicable drug abuse program improvement surcharge imposed by s. 161.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1 or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

SECTION 240. 973.10 (2) (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

973.10 (2) (intro.) If a probationer violates the conditions of probation, the department of corrections may initiate a proceeding before the division of ~~corrections~~ hearings and appeals in the department of administration. Unless waived by the probationer, a hearing examiner for the division shall conduct an administrative hearing and enter an order either revoking or not revoking probation. Upon request of either party, the administrator of the division shall review the order. If the probationer waives the final administrative hearing, the secretary of corrections shall enter an order either revoking or not revoking probation. If probation is revoked, the department shall:

SECTION 241. 973.10 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

973.10 (3) A copy of the order of the department of corrections in the case of a waiver or the division of ~~corrections~~ hearings and appeals in the department of administration in the case of a final administrative hearing is sufficient authority for the officer executing it to take the probationer to court or to prison. The officer shall execute the order as a warrant for arrest

but any officer may, without order or warrant, take the probationer into custody whenever necessary in order to prevent escape or enforce discipline or for violation of probation.

SECTION 242. 973.10 (4) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

973.10 (4) The division of ~~corrections~~ hearings and appeals in the department of administration shall make either an electronic or stenographic record of all testimony at each probation revocation hearing. The division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

SECTION 243. 973.155 (2) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

973.155 (2) After the imposition of sentence, the court shall make and enter a specific finding of the number of days for which sentence credit is to be granted, which finding shall be included in the judgment of conviction. In the case of revocation of probation or parole, the department, if the hearing is waived, or the division of ~~corrections~~ hearings and appeals in the department of administration, in the case of a hearing, shall make such a finding, which shall be included in the revocation order.

SECTION 244. 975.10 of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 975.10 (1).

SECTION 245. 975.10 (2) of the statutes is created to read:

975.10 (2) If a parolee under sub. (1) violates the conditions of parole, the department of corrections may initiate a proceeding before the division of hearings and appeals in the department of administration. Unless waived by the parolee, a hearing examiner for the division shall conduct an administrative hearing and enter an order either revoking or not revoking parole. Upon request of either party, the administrator of the division shall review the order. If the parolee waives the final administrative hearing, the secretary of health and social services shall enter an order either revoking or not revoking parole.

SECTION 246. 1989 Wisconsin Act 31, section 3023 (1) (a) to (c), (e) to (g), (i) to (L), (n), (o), (q) and (r) are amended to read:

[1989 Wisconsin Act 31] Section 3023 (1) (a) *Assets and liabilities*. On the effective date of this paragraph, assets and liabilities of the department of health and social services relating to the administration of adult ~~and juvenile~~ corrections, probation and parole, as determined by agreement between the department of health and social services and the department of corrections, as created by this act, shall become the assets and liabilities of the department of corrections. In

case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(b) *Supplies and equipment.* Except as provided in paragraphs (c) and (d), on the effective date of this paragraph, all materials, supplies, furniture and capital equipment of the department of health and social services that are used primarily for the administration of adult and juvenile corrections, probation and parole, as determined by agreement between the departments of health and social services and corrections, are transferred to the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(c) *Division supplies and equipment.* On the effective date of this paragraph, all materials, supplies and equipment of the department of health and social services that are used primarily for the probation and parole functions of the office of administrative hearings in the office of the secretary of health and social services, as determined by agreement between the department of health and social services and the division of ~~corrections~~ hearings and appeals in the department of administration, are transferred to the division of ~~corrections~~ hearings and appeals in the department of administration. In the case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(e) *Employee status.* Except as provided in section 230.337 of the statutes, as created by this act, employees transferred on January 1, 1990, to the department of corrections, the parole commission, ~~the division of youth services in the department of health and social services~~ or the division of ~~corrections~~ hearings and appeals in the department of administration have all the rights and the same status under subchapter V of chapter 111 and ~~chapter~~ chapters 40 and 230 of the statutes in the department of corrections, the commission or the division that they enjoyed in the department of health and social services immediately prior to the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(f) *Records.* Except as provided in paragraphs (g) and (h), on the effective date of this paragraph, all records of the department of health and social services relating to matters that fall primarily under the jurisdiction of the administration of adult and juvenile corrections, probation and parole, as determined by agreement between the department of health and social services and the department of corrections, are transferred to the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(g) *Division records.* On the effective date of this paragraph, all records of the office of administrative hearings in the office of the secretary of health and social services relating to probation and parole, as determined by agreement between the department of health and social services and the division of ~~corrections~~ hearings and appeals in the department of administration, are transferred to the division of ~~corrections~~ hearings and appeals in the department of administration. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(i) *Rules and orders.* All rules and orders issued by the department of health and social services relating to the administration of adult and juvenile corrections, probation and parole that are in effect on the effective date of this paragraph shall remain in effect until their specified expiration date or until modified or rescinded by the department of corrections, the parole commission or the division of ~~corrections~~ hearings and appeals in the department of administration, acting under the authority granted by this act or until January 1, 1992, whichever is first.

(j) *Contracts.* All contracts entered into by the department of health and social services relating to the administration of adult and juvenile corrections, probation and parole, which are in effect on the effective date of this paragraph, remain in effect and are transferred to the department of corrections. Unless modified or rescinded, the contractual obligations shall be carried out by the department of corrections. All approvals of program or project applications, relating to the administration of adult and juvenile corrections, probation and parole, by the department of health and social services remain in effect unless rescinded by the department of corrections.

(k) *Pending matters.* Except as provided in paragraphs (L) and (m), any matter pending with the secretary of health and social services on the effective date of this paragraph, relating to adult and juvenile corrections, probation and parole, is transferred to the department of corrections. All materials submitted to or actions taken by the secretary of health and social services with respect to the pending matter are deemed to have been submitted to or taken by the department of corrections.

(L) *Division pending matters.* Any matter relating to probation and parole pending with the office of administrative hearings in the office of the secretary of health and social services on the effective date of this paragraph is transferred to the division of ~~corrections~~ hearings and appeals in the department of administration. All materials submitted to or actions taken by the office of administrative hearings with respect to the pending matter are deemed to have been submitted to or taken by the division of ~~corrections~~ hearings and appeals in the department of administration.

(n) *Collections.* On and after the effective date of this paragraph, the department of corrections may

collect any amount payable under the statutes prior to the effective date of this paragraph for the cost of materials, activities or services provided by the department of health and social services relating to adult and juvenile corrections, probation and parole, and the amounts collected shall be credited to the applicable appropriations under chapter 20 of the statutes, as affected by this act.

(o) *Custody.* On the effective date of this paragraph, all persons in the custody of the department of health and social services as adult corrections inmates or clients, ~~except for certain clients on aftercare~~, as determined by agreement between the department of health and social services and the department of corrections, are transferred to the custody of the department of corrections. In case of disagreement, the department of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(q) *Transfer of positions.* In addition to positions transferred under SECTION 3123 (1) (a) to (u), on January 1, 1990, all positions and the incumbents in the former division of corrections in the department of health and social services are transferred to the department of corrections, except those positions and incumbents relating to juvenile corrections, as determined by agreement between the departments of health and social services and corrections, are transferred to the division of youth services in the department of health and social services. In case of a disagreement, the department of administration shall resolve the dispute.

(r) *Transfer of positions, change in funding source.* In addition to positions transferred under SECTION 3123 (1) (a) to (u), on January 1, 1990, ~~2.0~~ 1.5 FTE PR positions and the incumbents in the division of management services in the department of health and social services funded from the appropriation under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, are transferred to the department of corrections, and the positions become ~~2.0~~ 1.5 FTE GPR positions to be funded from the appropriation under section 20.410 (1) (a) of the statutes.

SECTION 246m. 1989 Wisconsin Act 31, section 3023 (1g) is amended to read:

[1989 Wisconsin Act 31] Section 3023 (1g) WISCONSIN RESOURCE CENTER. During the period beginning January 1, 1990, and ending June 30, 1990, the ~~department departments~~ of health and social services and corrections shall maintain at least the staff to inmate ratio at the Wisconsin resource center that was in effect July 1, 1989, with at least the same proportion of treatment staff to security staff.

SECTION 247. 1989 Wisconsin Act 31, section 3123 (1) (a) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (a) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to

the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$4,592,600~~ \$3,895,800 in fiscal year 1989-90 and ~~\$8,780,800~~ \$8,179,300 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, ~~419.2~~ 104.2 FTE GPR positions and the incumbents in the bureau of correctional health services in the division of health in the department of health and social services are transferred to the department of corrections. Under this paragraph, on July 1, 1990, an additional 9.5 FTE GPR positions authorized by this act in the bureau of correctional health services in the division of health in the department of health and social services are transferred to the department of corrections.

SECTION 248. 1989 Wisconsin Act 31, section 3123 (1) (b) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (b) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$31,300~~ \$27,000 in fiscal year 1989-90 and \$52,300 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.0 FTE GPR position and the incumbent in the office of management and policy in the division of health in the department of health and social services are transferred to the department of corrections.

SECTION 249. 1989 Wisconsin Act 31, section 3123 (1) (d) is repealed.

SECTION 250. 1989 Wisconsin Act 31, section 3123 (1) (e) is repealed.

SECTION 251. 1989 Wisconsin Act 31, section 3123 (1) (f) is repealed.

SECTION 252. 1989 Wisconsin Act 31, section 3123 (1) (g) is repealed.

SECTION 253. 1989 Wisconsin Act 31, section 3123 (1) (h) is repealed.

SECTION 254. 1989 Wisconsin Act 31, section 3123 (1) (i) is repealed.

SECTION 255. 1989 Wisconsin Act 31, section 3123 (1) (j) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (j) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$19,400~~ \$17,800 in fiscal year 1989-90 and \$35,600 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.0 FTE GPR position and the incumbent in the internal audit section ~~in the bureau of fiscal services~~ in the division of management services in the department of health and social services are transferred to the department of corrections.

SECTION 256. 1989 Wisconsin Act 31, section 3123 (1) (k) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (k) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$78,900~~ \$73,400 in fiscal year 1989-90 and \$146,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 4.0 FTE GPR positions and the incumbents in the bureau of fiscal services in the division of management services in the department of health and social services are transferred to the department of corrections.

SECTION 257. 1989 Wisconsin Act 31, section 3123 (1) (m) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (m) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$179,100~~ \$166,500 in fiscal year 1989-90 and \$333,100 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 6.9 FTE GPR positions and the incumbents in the bureau of facilities and management services in the division of management services in the department of health and social services are transferred to the department of corrections.

SECTION 258. 1989 Wisconsin Act 31, section 3123 (1) (n) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (n) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, ~~\$37,100~~ \$34,800 in fiscal year 1989-90 and \$69,600 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 1.6 FTE PR positions and the incumbents in the bureau of facilities and management services in the division of management services in the department of health and social services are transferred to the department of corrections.

SECTION 259. 1989 Wisconsin Act 31, section 3123 (1) (o) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (o) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$451,700~~ \$463,400 in fiscal year 1989-90 and ~~\$846,700~~ \$869,900 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 21.0 FTE GPR positions and the incumbents in the department

of health and social services are transferred to the department of corrections.

SECTION 260. 1989 Wisconsin Act 31, section 3123 (1) (p) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (p) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (k) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, ~~\$2,816,800~~ \$3,235,400 in fiscal year 1989-90 and ~~\$5,806,800~~ \$6,673,000 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 10.0 FTE PR positions and the incumbents in the bureau of administration in the division of management services in the department of health and social services are transferred to the department of corrections.

SECTION 261. 1989 Wisconsin Act 31, section 3123 (1) (q) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (q) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$71,100~~ \$66,400 in fiscal year 1989-90 and \$132,800 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 3.5 FTE GPR positions and the incumbents in the division of policy and budget in the department of health and social services are transferred to the department of corrections.

SECTION 262. 1989 Wisconsin Act 31, section 3123 (1) (r) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (r) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, ~~\$96,800~~ \$97,900 in fiscal year 1989-90 and ~~\$180,800~~ \$195,900 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 4.0 FTE GPR positions and the incumbents in the office of legal counsel in the office of the secretary in the department of health and social services are transferred to the department of corrections.

SECTION 263. 1989 Wisconsin Act 31, section 3123 (1) (s) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (s) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of administration under section 20.505 (4) (~~ff~~) (f) of the statutes, as affected by the acts of 1989, ~~\$343,300~~ \$332,100 in fiscal year 1989-90 and ~~\$641,300~~ \$664,100 in fiscal year 1990-91. Under this paragraph, on January 1, 1990, 13.0 FTE GPR positions and the incumbents in the

office of administrative hearings in the office of the secretary in the department of health and social services are transferred to the division of corrections hearings and appeals in the department of administration.

SECTION 264. 1989 Wisconsin Act 31, section 3123 (1) (u) is amended to read:

[1989 Wisconsin Act 31] Section 3123 (1) (u) ~~There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of administration under section 20.505 (4) (fc) of the statutes, as affected by the acts of 1989, \$ 0 in fiscal year 1989-90 and \$ 0 in fiscal year 1990-91.~~ Under this paragraph, on January 1, 1990, 8.5 FTE GPR positions and, subject to sections 15.145 (1) and 230.337 (2) of the statutes, the incumbents for the parole board in the office of the secretary in the department of health and social services are transferred to the parole commission in the department of administration corrections.

SECTION 265. **Nonstatutory provisions.** (1) OSHKOSH CORRECTIONAL INSTITUTION. The authorization in 1989 Wisconsin Act 31 for 9.0 FTE GPR positions for the department of health and social services relating to the expansion of the Oshkosh correctional institution takes effect on the effective date of this subsection.

(2) DECEMBER 1989 JOINT FINANCE COMMITTEE MEETING. The secretary of health and social services shall submit a request for consideration of issues relating to this act by the joint committee on finance at its December 1989 meeting pursuant to section 13.10 of the statutes. The committee shall consider any such request.

(2b) PROVISIONAL APPOINTMENT OF SECRETARY. On or after January 1, 1990, the governor may provisionally appoint the initial secretary of corrections using the procedure under section 17.20 (2) of the statutes. In that case, the appointment is subject to the provisions of section 17.20 (2) of the statutes.

**Vetoed in Part** ~~(2g) Study. The department of health and social services shall complete a study regarding the most suitable state department to administer youth services. No later than February 1, 1990, the department shall submit a written report on the results of the study to the chief clerk of each house of the legislature for distribution to the legislature in the manner provided in section 13.172 (2) of the statutes.~~

**Vetoed in Part** ~~(3) PAROLE COMMISSION. Notwithstanding section 15.145 (1) of the statutes, as created by this act, the initial term of the chairperson of the parole commission shall expire on March 1, 1991. Notwithstanding section 15.145 (1) of the statutes, as created by this act, on or after January 1, 1990, prior to the initial appointment of the parole commission chairperson, the secretary of corrections may exercise the parole commission chairperson's authority under section~~

~~15.145 (1) of the statutes, as created by this act, to appoint the other parole commission members.~~ **Vetoed in Part**

SECTION 266. **Appropriation changes.** (1) There is transferred from the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1989, \$45,000 in fiscal year 1989-90 and \$80,300 in fiscal year 1990-91.

(2) There is transferred from the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1989, \$59,200 in fiscal year 1989-90 and \$114,600 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 3.0 FTE GPR positions and the incumbents remain in the department of health and social services.

(3) There is transferred from the appropriation to the department of corrections under section 20.410 (1) (i) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (i) of the statutes, as affected by the acts of 1989, in fiscal year 1989-90 and in fiscal year 1990-91 the amounts relating to gifts and grants for juvenile correctional institutions, as determined by agreement of the departments of health and social services and corrections. In case of a disagreement, the department of administration shall resolve the dispute.

(4) The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (j) of the statutes, as affected by the acts of 1989, are decreased by \$12,400 for fiscal year 1989-90 and by \$24,800 for fiscal year 1990-91 to reflect the transfer of authority for juvenile corrections to the department of health and social services.

(5) There is transferred from the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (jr) of the statutes, as affected by the acts of 1989, \$26,200 in fiscal year 1989-90 and \$53,000 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 0.75 FTE PR position and the incumbent remain in the department of health and social services.

(6) There is transferred from the appropriation to the department of corrections under section 20.410 (1) (kx) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (kx) of the statutes, as affected by the acts of 1989, \$558,400 in fiscal year 1989-90 and \$1,101,000 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 28.75 FTE

PR positions and the incumbents remain in the department of health and social services.

(7) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (af) of the statutes, as affected by the acts of 1989, \$426,100 in fiscal year 1989-90 and \$863,300 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 14.0 FTE GPR positions and the incumbents in the bureau of correctional health services in the division of health in the department of health and social services are transferred to the department of corrections.

(8) There is transferred from the appropriation to the department of health and social services under section 20.435 (1) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of administration under section 20.505 (4) (f) of the statutes, as affected by the acts of 1989, \$44,000 in fiscal year 1989-90 and \$87,900 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 1.0 FTE GPR position in the department of health and social services is transferred to the division of hearings and appeals in the department of administration.

(9) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (2) (aa) of the statutes, as affected by the acts of 1989, \$9,000 in fiscal year 1989-90 and \$8,900 in fiscal year 1990-91.

(10) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (2) (f) of the statutes, as affected by the acts of 1989, \$27,800 in fiscal year 1989-90 and \$29,800 in fiscal year 1990-91.

(10m) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (b) of the statutes, as affected by the acts of 1989, to the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1989, \$607,900 in fiscal year 1989-90 and \$1,215,900 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 45.0 FTE GPR positions and the incumbents in the department of health and social services are transferred to the department of corrections.

(11) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (b) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (2) (a) of the statutes, as affected by the acts of 1989, \$38,100 in fiscal year 1989-90 and \$38,100 in fiscal year 1990-

91. Under this subsection, on January 1, 1990, 1.0 FTE GPR position and the incumbent are transferred within the department of health and social services.

(12) There is transferred from the appropriation to the department of health and social services under section 20.435 (2) (b) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (2) (a) of the statutes, as affected by the acts of 1989, \$263,900 in fiscal year 1989-90.

(13) There is transferred from the appropriation to the department of health and social services under section 20.435 (3) (b) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1989, \$106,900 in fiscal year 1989-90 and \$195,300 in fiscal year 1990-91.

(14) There is transferred from the appropriation to the department of health and social services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1989, \$74,900 in fiscal year 1989-90 and \$149,900 in fiscal year 1990-91. Under this subsection, on January 1, 1990, 3.0 FTE GPR positions and the incumbents in the bureau of children, youth and families in the division of community services in the department of health and social services are transferred to the division of youth services in the department of health and social services.

(15) There is transferred from the appropriation to the department of health and social services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (az) of the statutes, as affected by the acts of 1989, \$50,700 in fiscal year 1989-90 and \$85,100 in fiscal year 1990-91. Under this subsection, 1.0 FTE GPR position in the division of community services in the department of health and social services is transferred to the division of corrections in the department of health and social services on the effective date of this subsection and to the division of youth services in the department of health and social services on January 1, 1990.

(16) The unencumbered balance of the appropriation to the department of health and social services under section 20.435 (6) (hm) of the statutes, as created by 1989 Wisconsin Act 31, immediately before this subsection takes effect, is transferred to the appropriation under section 20.435 (3) (hm) of the statutes, as affected by this act. Under this subsection, 14.5 FTE PR positions and the incumbents in the division of community services in the department of health and social services are transferred to the division of youth services in the department of health and social services.

(17) The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to



the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, are increased by \$13,000 for fiscal year 1989-90 and decreased by \$20,000 for fiscal year 1990-91 to reflect a change in the funding source for the parole commission.

(18) There is transferred from the appropriation to the department of health and social services under section 20.435 (8) (a) of the statutes, as affected by the acts of 1989, to the appropriation to the department of health and social services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1989, \$173,700 in fiscal year 1989-90 and \$347,400 in fiscal year 1990-91. Under this subsection, on January 1,

1990, 8.0 FTE GPR positions and the incumbents in the juvenile offender review program in the department of health and social services are transferred to the division of youth services in the department of health and social services.

**SECTION 267. Effective dates.** This act takes effect on January 1, 1990, or the day after publication, whichever is later, except as follows:

(1) The treatment of section 20.005 (3) (schedule) (by SECTION 8) of the statutes, the creation of section 20.435 (3) (az) of the statutes and SECTIONS 265 (1) and 266 (13) and (15) of this act take effect on the day after publication.

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