



(DN) DEJ
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1857/16
JTK:kmg:rs

Wanted to be 2/13

DOA:.....Caucutt/Grinde/Milioto/Montgomery/Dombrowski/Fath/Coomber
- Department of electronic government

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: creation of a department of electronic government and
2 making appropriations.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants DEG broad powers to manage the state's information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the "chief information officer." The officer's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-01). The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of DEG. The staff includes a deputy, executive assistant, and three division administrators appointed outside the classified service.

The bill also creates an information technology management board which is attached to DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other members appointed by the governor without senate confirmation. The two other members serve for staggered four-year terms. The board advises DEG,

1 comparable, it may solicit bids or competitive proposals before awarding the order
2 or contract. This paragraph does not apply to the printing of the following forms:

3 SECTION 39. 16.75 (6) (am) 1. of the statutes is repealed.

4 SECTION 40. 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
5 amended to read:

6 16.75 (6) (am) Subsections (1) and (3t) do not apply to ~~major~~ procurements by
7 the department of electronic government. Annually not later than October 1, the
8 department of electronic government shall report to the department of
9 administration, in the form specified by the secretary, concerning all procurements
10 by the department of electronic government during the preceding fiscal year that
11 were not made in accordance with the requirements of subs. (1) and (3t).

12 SECTION 41. 16.751 (1) of the statutes is repealed.

13 SECTION 42. 16.751 (2) of the statutes is renumbered 16.751 and amended to
14 read:

15 **16.751 Information technology purchases by investment board.** The
16 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
17 to procurements authorized to be made by the investment board under s. 16.78 (1)
18 for information technology purposes.

19 SECTION 43. 16.752 (12) (i) of the statutes is amended to read:

20 16.752 (12) (i) Paragraph (a) does not apply to [✓]major procurements, as defined
21 in s. 16.75 (6) (am) by the department of electronic government.

22 SECTION 44. 16.78 of the statutes is amended to read:

23 **16.78 Purchases from ~~division of information technology services~~**
24 **department of electronic government.** (1) Every executive branch agency other
25 than the board of regents of the University of Wisconsin system and an agency

1 department of administration under s. 16.974 (7) (b) (2) to the extent that the
2 amounts due are not paid from the appropriation under s. ~~20.505-20.530~~ (1) (is).

3 SECTION 83. 20.275 (1) (tm) of the statutes is amended to read:

4 20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
5 the universal service fund, the amounts in the schedule to make payments to
6 telecommunications providers under contracts with the department of
7 administration under s. 16.974 (7) (e) (3) to the extent that the amounts due are not
8 paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) and, prior to July 1, 2002,
9 to make grants to private schools under s. 44.73 (6).

10 SECTION 84. 20.275 (1) (tu) of the statutes is amended to read:

11 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
12 universal service fund, the amounts in the schedule to make payments to
13 telecommunications providers under contracts with the department of
14 administration under s. 16.974 (7) (d) (4) to the extent that the amounts due are not
15 paid from the appropriation under s. ~~20.505 (1) (kL)~~ 20.530 (1) (ke).

16 SECTION 85. 20.505 (1) (im) of the statutes is amended to read:

17 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
18 schedule to provide services and to repurchase inventory items that are provided
19 primarily to purchasers other than state agencies. All moneys received from the sale
20 of services, other than services provided under par. (is), and inventory items which
21 are provided primarily to purchasers other than state agencies shall be credited to
22 this appropriation account.

23 SECTION 86. 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and
24 amended to read:

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

LRB 1857/5dn

JTK:mg:rs

6 dn

new
date

February 7, 2001

jld

Dan Caucutt/Brett Coomber/Cynthia Dombrowski/Erin Fath/Kirsten Grinde/Steve Milioto/John Montgomery:

This draft ^{corrects language in S. 16.752(12)(i) stats.} reconciles ~~LRB-0445/2, LRB-0657/1, LRB-0705/2, LRB-1462/1, LRB-1552/3, LRB-1555/1, LRB-1634/P5, LRB-1694/9, LRB-1773/3, LRB-1857/4, and LRB-1915/2. LRB-0445, LRB-0657, LRB-0705, LRB-1462, LRB-1552, LRB-1555, LRB-1634, LRB-1694, LRB-1773, LRB-1857, and LRB-1915 should continue to appear in the compiled bill.~~

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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

LRB-1857/6dn
JTK:jld:pg

February 13, 2001

Dan Caucutt/Brett Coomber/Cynthia Dombrowski/Erin Fath/Kirsten Grinde/Steve Milioto/John Montgomery:

This draft corrects language in s. 16.752 (12) (i), stats.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1857/6

JTK:kmg:pg

DOA:.....Caucutt/Grinde/Milioto/Montgomery/Dombrowski/Fath/Coomber
- Department of electronic government

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** creation of a department of electronic government and
2 making appropriations.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants DEG broad powers to manage the state's information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the "chief information officer." The officer's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-01]. The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of DEG. The staff includes a deputy, executive assistant, and three division administrators appointed outside the classified service.

The bill also creates an information technology management board which is attached to DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other members appointed by the governor without senate confirmation. The two other members serve for staggered four-year terms. The board advises DEG,

monitors progress in attaining the state's information technology goals, and hears appeals by executive branch agencies of actions of the officer. The board may affirm, modify, or set aside any such action.

Currently, the technology for educational achievement in Wisconsin (TEACH) board is attached to DOA. The TEACH board provides grants, loans, and other assistance to schools and other educational institutions in this state to aid in the installation of educational technology equipment and for the training of educators to use the technology. This bill retains the attachment of the TEACH board to DOA but makes purchases of materials, supplies, equipment, or services by the TEACH board subject to the approval of DEG.

The bill directs DEG, with the assistance of executive branch agencies and the advice of the board, to manage the information technology portfolio of state government to meet specified criteria. The portfolio includes information technology systems, applications, infrastructure and information resources, and human resources devoted to developing and maintaining information technology systems.

Currently, executive branch agencies are required to prepare, revise, and submit annually to DOA, for its approval, an information technology strategic plan that details how the agency plans to use information technology to serve its needs and those of its clients. This bill makes proposed strategic plans of executive branch agencies subject to approval of the chief information officer, with the advice of the board. The bill precludes the secretary of administration from including in the biennial budget compilation for presentation to the governor provision for development or implementation of any information technology project that is not consistent with the approved strategic plan of the agency.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided and may also charge legislative and judicial agencies for these costs as a component of any services provided by DEG to these agencies. The bill also permits DEG to assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected agency. The bill permits DEG to charge any executive branch agency for its reasonable costs incurred on behalf of the agency in carrying out this function.

Currently, DOA must provide computer services to state agencies in the executive, legislative, and judicial branches. DOA may also provide telecommunications services to those agencies and computer or telecommunications services to local governments and private schools, postsecondary institutions, museums, and zoos. DOA may also provide supercomputer services to state agencies, local governments, and entities in the private sector. Under this bill, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local

governmental unit, or any entity in the private sector. DEG may also develop and operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to DEG all revenues received from assessments or charges, without limitation, for the purpose of carrying out its functions. The bill also appropriates general purpose revenue to DEG equivalent to the depreciated value of its equipment.

Currently, the number of full-time equivalent (FTE) positions for each state agency within each revenue source is fixed by law or by the governor, JCF, or the legislature in budget determinations. Program-revenue funded positions may be adjusted by the governor with the concurrence of JCF and federally funded positions may be adjusted by the governor alone. This bill permits the chief information officer to transfer any number of FTE positions having responsibilities related to information technology or telecommunications from any executive branch agency to DEG or any other executive branch agency and to transfer the funding source for any position from one source to another for the purpose of carrying out the functions of DEG. Upon transfer of any position, the incumbent in that position is also transferred without loss of pay, fringe benefits, or seniority privileges. Under the bill, the secretary of administration provides to JCF a quarterly report of the position changes made by the chief information officer. The bill also permits the officer to transfer moneys from the appropriation account for any appropriation made to an executive branch agency, except a sum sufficient appropriation, without the consent of the agency, for the purpose of facilitating more efficient and effective funding of information technology or electronic communications resources within the executive branch of state government. Under the bill, any transfer of positions or funding may not be made if it would be inconsistent with state or federal law or any requirement imposed by the federal government as a condition to receipt of aids by this state.

Currently, every executive branch agency, other than the board of regents of the UW system, is required to purchase computer services from DOA, unless DOA grants permission to the agencies to procure the services from a private source or from another agency, or to provide the services to itself. This bill provides that every executive branch agency, including the board of regents of the UW system, must purchase all materials, equipment, supplies, and services relating to information technology or telecommunications from DEG, unless DEG requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or unless DEG grants permission to the agency to procure the materials, supplies, equipment, or services from a private source or from another agency, or to provide the materials, supplies, equipment, or services to itself. The bill also makes all contracts by any executive branch agency for the purchase of materials, supplies, equipment, or contractual services relating to information

technology or telecommunications subject to review and approval of the chief information officer.

Currently, subject to numerous exceptions, state agencies are generally required to make purchases through solicitation of bids or competitive sealed proposals preceded by public notice, and to allow DOC the opportunity to provide the materials, supplies, equipment, or services under certain conditions if DOC is able to do so. These requirements do not apply to purchases by the division of information technology services of DOA relating to the functions of the division. This bill provides that these requirements do not apply to purchases of any materials, supplies, equipment, or services by DEG. The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to DEG to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

Currently, the secretary of administration must notify JCF of the proposed acquisition of any information technology resource that DOA considers to be major or that is likely to result in a substantive change of service and that was not considered in the regular budget process. If the proposed acquisition is to be financed from general purpose revenue, or segregated revenue other than revenue derived from program receipts, the acquisition is subject to concurrence by JCF. This bill deletes this provision.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 13.101 (14) of the statutes is amended to read:
- 2 13.101 (14) With the concurrence of the joint committee on information policy
- 3 and technology, direct the department of ~~administration~~ electronic government to

1 report to the committee concerning any specific information technology system
2 project in accordance with s. 13.58 (5) (b) 4.

3 **SECTION 2.** 13.58 (5) (a) 5. of the statutes is amended to read:

4 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
5 ~~administration~~ electronic government, the joint committee on legislative
6 organization and the director of state courts, review and transmit comments
7 concerning the plans to the entities submitting the plans.

8 **SECTION 3.** 13.58 (5) (b) 1. of the statutes is amended to read:

9 13.58 (5) (b) 1. Direct the ~~subunit in the department of administration with~~
10 ~~policy-making responsibility related to information technology~~ electronic
11 government to conduct studies or prepare reports on items related to the committee's
12 duties under par. (a).

13 **SECTION 4.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

14 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
15 direct the department of ~~administration~~ electronic government to report
16 semiannually to the committee and the joint committee on finance concerning any
17 specific information technology system project which is being designed, developed,
18 tested or implemented and which the committees anticipate will have a total cost to
19 the state excceding \$1,000,000 in the current or any succceding fiscal biennium. The
20 report shall include all of the following:

21 **SECTION 5.** 13.90 (6) of the statutes is amended to read:

22 13.90 (6) The joint committee on legislative organization shall adopt, revise
23 biennially and submit to the cochairpersons of the joint committee on information
24 policy and technology, the governor and the ~~secretary of administration~~ chief
25 information officer, no later than September 15 of each even-numbered year, a

1 strategic plan for the utilization of information technology to carry out the functions
2 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
3 shall address the business needs of the legislature and legislative service agencies
4 and shall identify all resources relating to information technology which the
5 legislature and legislative service agencies desire to acquire, contingent upon
6 funding availability, the priority for such acquisitions and the justification for such
7 acquisitions. The plan shall also identify any changes in the functioning of the
8 legislature and legislative service agencies under the plan.

9 **SECTION 6.** 13.93 (2) (h) of the statutes is amended to read:

10 13.93 (2) (h) Approve specifications and scheduling for computer databases
11 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
12 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

13 **SECTION 7.** 14.20 (1) (a) of the statutes is amended to read:

14 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
15 (7).

16 **SECTION 8.** 15.07 (2) (L) of the statutes is created to read:

17 15.07 (2) (L) The governor shall serve as chairperson of the information
18 technology management board and the chief information officer shall serve as vice
19 chairperson of that board.

20 **SECTION 9.** 15.07 (3) (bm) 4. of the statutes is created to read:

21 15.07 (3) (bm) 4. The information technology management board shall meet at
22 least 4 times each year and may meet at other times on the call of the chairperson.

23 **SECTION 10.** 15.103 (3) of the statutes is repealed.

24 **SECTION 11.** 15.103 (5) of the statutes is repealed.

25 **SECTION 12.** 15.107 (7) (f) of the statutes is amended to read:

1 15.107 (7) (f) A representative of the ~~unit in the~~ department of ~~administration~~
2 ~~that deals with information technology~~ electronic government.

3 **SECTION 13.** 15.21 of the statutes is created to read:

4 **15.21 Department of electronic government; creation.** There is created
5 a department of electronic government under the direction and supervision of the
6 secretary of electronic government, who shall be known as the “chief information
7 officer.”

8 **SECTION 14.** 15.215 of the statutes is created to read:

9 **15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT**
10 **BOARD.** There is created an information technology management board which is
11 attached to the department of electronic government under s. 15.03. The board shall
12 consist of the governor, the chief information officer, the secretary of administration,
13 2 heads of departments or independent agencies appointed to serve at the pleasure
14 of the governor, and 2 other members appointed to serve for 4-year terms.

15 **SECTION 15.** 16.43 of the statutes is amended to read:

16 **16.43 Budget compiled.** The secretary shall compile and submit to the
17 governor or the governor-elect and to each person elected to serve in the legislature
18 during the next biennium, not later than November 20 of each even-numbered year,
19 a compilation giving all of the data required by s. 16.46 to be included in the state
20 budget report, except the recommendations of the governor and the explanation
21 thereof. The secretary shall not include in the compilation any provision for the
22 development or implementation of an information technology development project
23 for an executive branch agency that is not consistent with the strategic plan of the
24 agency, as approved under s. 22.13.

25 **SECTION 16.** 16.50 (3) of the statutes is amended to read:

1 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
2 the legislature or the courts, may increase the pay of any employee, expend money
3 or incur any obligation except in accordance with the estimate that is submitted to
4 the secretary as provided in sub. (1) and approved by the secretary or the governor.
5 No change in the number of full-time equivalent positions authorized through the
6 biennial budget process or other legislative act may be made without the approval
7 of the joint committee on finance, except for position changes made by the governor
8 under s. 16.505 (1) (c) or (2), by the chief information officer under s. 16.505 (2e), by
9 the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n) or by
10 the board of regents of the University of Wisconsin System under s. 16.505 (2m) or
11 (2p). The secretary may withhold, in total or in part, the funding for any position,
12 as defined in s. 230.03 (11), as well as the funding for part-time or limited term
13 employees until such time as the secretary determines that the filling of the position
14 or the expending of funds is consistent with s. 16.505 and with the intent of the
15 legislature as established by law or in budget determinations, or the intent of the
16 joint committee on finance in creating or abolishing positions under s. 13.10, the
17 intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),
18 the intent of the chief information officer in transferring positions under s. 16.505
19 (2e), or the intent of the board of regents of the University of Wisconsin System in
20 creating or abolishing positions under s. 16.505 (2m) or (2p). Until the release of
21 funding occurs, recruitment or certification for the position may not be undertaken.
22 The secretary shall submit a quarterly report to the joint committee on finance of any
23 position changes made by the governor under s. 16.505 (1) (c) or by the chief
24 information officer under s. 16.505 (2e). No pay increase may be approved unless it
25 is at the rate or within the pay ranges prescribed in the compensation plan or as

1 provided in a collective bargaining agreement under subch. V of ch. 111. At the
2 request of the secretary of employment relations, the secretary of administration
3 may authorize the temporary creation of pool or surplus positions under any source
4 of funds if the secretary of employment relations determines that temporary
5 positions are necessary to maintain adequate staffing levels for high turnover
6 classifications, in anticipation of attrition, to fill positions for which recruitment is
7 difficult. Surplus or pool positions authorized by the secretary shall be reported
8 quarterly to the joint committee on finance in conjunction with the report required
9 under s. 16.54 (8).

****NOTE: This is reconciled s. 16.50 (3). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

10 **SECTION 17.** 16.505 (1) (intro.) of the statutes is amended to read:

11 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) ~~and~~, (2n), and (2p),
12 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
13 created or abolished unless authorized by one of the following:

****NOTE: This is reconciled s. 16.505 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

14 **SECTION 18.** 16.505 (2e) of the statutes is created to read:

15 16.505 (2e) (a) In this subsection, "executive branch agency" has the meaning
16 given in s. 16.70 (4).

17 (b) 1. In addition to the procedure under sub. (2), the chief information officer
18 may, unless otherwise required by state or federal law or unless otherwise required
19 by the federal government as a condition to receipt of aids by this state, transfer any
20 whole or fractional number of authorized full-time equivalent positions having
21 responsibilities related to information technology or telecommunications functions
22 from any executive branch agency to the department of electronic government or

1 another executive branch agency, or may transfer the funding source for any such
2 positions within the appropriations made to an executive branch agency, for the
3 purpose of carrying out the authorized functions of the department of electronic
4 government. The chief information officer may also change the funding source, in
5 whole or in part, for any position transferred to the department of electronic
6 government or another executive branch agency under this paragraph. The chief
7 information officer may also rescind any previous action under this subdivision. If
8 the funding source for any position is changed under this subdivision and the
9 transfer or change in funding sources is rescinded, the funding source for that
10 position reverts to the original funding source. The number of authorized full-time
11 equivalent positions for the department of electronic government or any other
12 executive branch agency from which or to which positions are transferred under this
13 subdivision and the allocation of full-time equivalent positions to the department of
14 electronic government and other executive branch agencies among funding sources
15 is adjusted to reflect the transfer on the date on which the transfer is made.

16 2. On the effective date of any transfer of employees between executive branch
17 agencies under subd 1., any incumbent in a position that is affected by the transfer
18 is transferred to the appropriate executive branch agency required to effect the
19 transfer. Employees transferred under this paragraph have all of the rights and the
20 same status under subch. V of ch. 111 and ch. 230 in the executive branch agency to
21 which they are transferred that they enjoyed in the executive branch agency by
22 which they were employed immediately prior to the transfer. Notwithstanding s.
23 230.28 (4), no employee so transferred who has attained permanent status in class
24 may be required to serve a probationary period in the position to which the employee
25 is transferred.

1 3. Promptly following the completion of each calendar quarter, the chief
2 information officer shall report to the secretary the number of position changes made
3 by the chief information officer during the preceding calendar quarter, itemized for
4 each executive branch agency and funding source and, if applicable, the specific
5 appropriations from which funding for any position was provided or from which
6 funding for any position was deleted.

7 **SECTION 19.** 16.517 of the statutes is amended to read:

8 **16.517 Adjustments of program revenue positions and funding levels.**

9 No later than 30 days after the effective date of each biennial budget act, the
10 department shall provide to the joint committee on finance a report indicating any
11 initial modifications that are necessary to the appropriation levels established under
12 that act for program revenue and program revenue–service appropriations as
13 defined in s. 20.001 (2) (b) and (c) or to the number of full–time equivalent positions
14 funded from program revenue and program revenue–service appropriations
15 authorized by that act to account for any additional funding or positions authorized
16 under s. 16.505 (2), (2e), or (2m) or 16.515 in the fiscal year immediately preceding
17 the fiscal biennium of the budget that have not been included in authorizations
18 under the biennial budget act but which should be included as continued budget
19 authorizations in the fiscal biennium of the budget. Such modifications shall be
20 limited to adjustment of the appropriation or position levels to the extent required
21 to account for higher base levels for the fiscal year immediately preceding the fiscal
22 biennium of the budget due to appropriation or position increases authorized under
23 s. 16.505 (2), (2e), or (2m) or 16.515 during the fiscal year immediately preceding the
24 fiscal biennium of the budget. If the cochairpersons of the committee do not notify
25 the secretary that the committee has scheduled a meeting for the purpose of

1 reviewing the proposed modifications within 14 working days after the date of
2 receipt of the department's report, the department may make the modifications
3 specified in the report. If, within 14 working days after the date of the department's
4 report, the cochairpersons of the committee notify the secretary that the committee
5 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
6 department may not make the modifications specified in the report until the
7 committee approves the report.

8 **SECTION 20.** 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

9 **SECTION 21.** 16.52 (1), (2) and (3) of the statutes are amended to read:

10 16.52 (1) ~~KEEP SEPARATE ACCOUNTS~~ ACCOUNTS OF MONEYS AND FUNDS. ~~Keep~~ The
11 department shall keep in its office separate accounts of the revenues and funds of the
12 state, and of all moneys and funds received or held by the state, and also of all
13 encumbrances, expenditures, disbursements and investments thereof, showing the
14 particulars of every encumbrance, expenditure, disbursement and investment.

15 (2) **REVENUE ACCOUNTS.** ~~Place~~ The department shall place revenue estimates
16 on the books of accounts and credit actual receipts against them as of the last day of
17 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior
18 fiscal year received between the day after the date for closing of books specified by
19 the secretary under sub. (5) (a) and the next succeeding such date specified by the
20 secretary shall be credited by the secretary to the fiscal year following the year to
21 which the receipts apply. Except in the case of program revenue and continuing
22 appropriations, any refund of a disbursement to a general purpose revenue
23 appropriation, applicable to any prior fiscal year, received between these dates may
24 not be credited to any appropriation but shall be considered as a nonappropriated

1 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not
2 available for expenditure, whether or not applied to the fiscal year in which received.

3 (3) ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
4 keep separate accounts of all appropriations authorizing expenditures from the state
5 treasury, which accounts shall show the amounts appropriated, the amounts
6 allotted, the amounts encumbered, the amounts expended, the allotments
7 unencumbered and the unallotted balance of each appropriation.

8 **SECTION 22.** 16.52 (12) of the statutes is amended to read:

9 16.52 (12) DATE FOR INTERFUND TRANSFERS. Whenever it is provided by law for
10 a transfer of moneys to be made from one fund to another fund and no date is specified
11 for the transfer to be made, the department shall determine a date on which the
12 transfer shall be made or provide for partial transfers to be made on different dates,
13 and transfer the moneys in accordance with its determination.

14 **SECTION 23.** 16.52 (13) of the statutes is created to read:

15 16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS
16 TRANSFERS. The department shall execute transfers between appropriation accounts
17 authorized under s. 22.09 (4) upon the direction of the chief information officer.

18 **SECTION 24.** 16.61 (2) (af) of the statutes is amended to read:

19 16.61 (2) (af) "Form" has the meaning specified in s. ~~16.97~~ 22.01 (5p).

20 **SECTION 25.** 16.61 (3n) of the statutes is amended to read:

21 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
22 about the forms specified in s. ~~16.971~~ 22.03 (2m).

23 **SECTION 26.** 16.70 (4m) of the statutes is created to read:

24 16.70 (4m) "Information technology" has the meaning given in s. 22.01 (6).

25 **SECTION 27.** 16.70 (15) of the statutes is created to read:

1 16.70 (15) “Telecommunications” has the meaning given in s. 22.01 (10).

2 **SECTION 28.** 16.71 (1) of the statutes is amended to read:

3 16.71 (1) Except as otherwise required under this section and s. 16.78 or as
4 authorized in s. 16.74, the department shall purchase and may delegate to special
5 designated agents the authority to purchase all necessary materials, supplies,
6 equipment, all other permanent personal property and miscellaneous capital, and
7 contractual services and all other expense of a consumable nature for all agencies.
8 In making any delegation, the department shall require the agent to adhere to all
9 requirements imposed upon the department in making purchases under this
10 subchapter. All materials, services and other things and expense furnished to any
11 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
12 of the agency to which furnished.

13 **SECTION 29.** 16.71 (1m) of the statutes is created to read:

14 16.71 (1m) The department shall not delegate to any executive branch agency
15 the authority to enter into any contract for materials, supplies, equipment, or
16 contractual services relating to information technology or telecommunications prior
17 to review and approval of the contract by the chief information officer. No executive
18 branch agency may enter into any such contract without review and approval of the
19 contract by the chief information officer.

20 **SECTION 30.** 16.71 (2m) of the statutes is created to read:

21 16.71 (2m) The department of administration shall delegate authority to make
22 all purchases for the department of electronic government to the department of
23 electronic government. This delegation may not be withdrawn, but the department
24 of electronic government may elect to make any purchase through the department
25 of administration.

1 **SECTION 31.** 16.71 (4) of the statutes is amended to read:

2 16.71 (4) The With the approval of the department of electronic government,
3 the department of administration shall delegate authority to the technology for
4 educational achievement in Wisconsin board to make purchases of educational
5 technology equipment for use by school districts, cooperative educational service
6 agencies and public educational institutions in this state, upon request of the board.

7 **SECTION 32.** 16.72 (2) (a) of the statutes is amended to read:

8 16.72 (2) (a) The department of administration shall prepare standard
9 specifications, as far as possible, for all state purchases. By “standard specifications”
10 is meant a specification, either chemical or physical or both, prepared to describe in
11 detail the article which the state desires to purchase, and trade names shall not be
12 used. On the formulation, adoption and modification of any standard specifications,
13 the department of administration shall also seek and be accorded without cost, the
14 assistance, advice and cooperation of other agencies and officers. Each specification
15 adopted for any commodity shall, insofar as possible, satisfy the requirements of any
16 and all agencies which use it in common. Any specifications for the purchase of
17 materials, supplies, equipment, or contractual services for information technology
18 or telecommunications purposes are subject to the approval of the chief information
19 officer.

20 **SECTION 33.** 16.72 (2) (b) of the statutes is amended to read:

21 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
22 565.25 (2) (a) 4., the department shall prepare or review specifications for all
23 materials, supplies, equipment, other permanent personal property and contractual
24 services not purchased under standard specifications. Such “nonstandard
25 specifications” may be generic or performance specifications, or both, prepared to

1 describe in detail the article which the state desires to purchase either by its physical
2 properties or programmatic utility. When appropriate for such nonstandard items
3 or services, trade names may be used to identify what the state requires, but
4 wherever possible 2 or more trade names shall be designated and the trade name of
5 any Wisconsin producer, distributor or supplier shall appear first.

6 **SECTION 34.** 16.72 (2) (d) of the statutes is amended to read:

7 16.72 (2) (d) Except as permitted in ~~s.~~ ss. 16.75 (6) (am) and 16.751, to the extent
8 possible, the department and any other designated purchasing agent under s. 16.71
9 (1) shall write specifications for the purchase of materials, supplies, commodities,
10 equipment and contractual services so as to permit their purchase from prison
11 industries, as created under s. 303.01 (1).

12 **SECTION 35.** 16.72 (4) (a) of the statutes is amended to read:

13 16.72 (4) (a) Except as provided in ~~s.~~ ss. 16.71 and 16.74 or as otherwise
14 provided in this subchapter and the rules promulgated under s. 16.74 and this
15 subchapter, all supplies, materials, equipment and contractual services shall be
16 purchased for and furnished to any agency only upon requisition to the department.
17 The department shall prescribe the form, contents, number and disposition of
18 requisitions and shall promulgate rules as to time and manner of submitting such
19 requisitions for processing. No agency or officer may engage any person to perform
20 contractual services without the specific prior approval of the department for each
21 such engagement. Purchases of supplies, materials, equipment or contractual
22 services by the department of electronic government, the legislature, the courts or
23 legislative service or judicial branch agencies do not require approval under this
24 paragraph.

25 **SECTION 36.** 16.72 (8) of the statutes is amended to read:

1 16.72 (8) ~~The division of information technology services of the department~~
2 may purchase educational technology materials, supplies, equipment or contractual
3 services from orders placed with the department by the technology for educational
4 achievement in Wisconsin board on behalf of school districts, cooperative educational
5 service agencies, technical college districts and the board of regents of the University
6 of Wisconsin System.

7 **SECTION 37.** 16.75 (3t) (a) of the statutes is amended to read:

8 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~16.97~~
9 22.01 (5p).

10 **SECTION 38.** 16.75 (3t) (c) (intro.) of the statutes is amended to read:

11 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
12 to the department of administration a current list of all materials, supplies,
13 equipment or contractual services, excluding commodities, that are supplied by
14 prison industries, as created under s. 303.01. The department of administration
15 shall distribute the list to all designated purchasing agents under s. 16.71 (1). ~~Prior~~
16 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
17 sealed proposals with respect to the purchase of any materials, supplies, equipment
18 or contractual services enumerated in the list, the department of administration or
19 any other designated purchasing agent under s. 16.71 (1) shall offer prison industries
20 the opportunity to supply the materials, supplies, equipment or contractual services
21 if the department of corrections is able to provide them at a price comparable to one
22 which may be obtained through competitive bidding or competitive sealed proposals
23 and is able to conform to the specifications, provided the specifications are written
24 in accordance with s. 16.72 (2) (d). If the department of administration or other
25 purchasing agent is unable to determine whether the price of prison industries is

1 comparable, it may solicit bids or competitive proposals before awarding the order
2 or contract. This paragraph does not apply to the printing of the following forms:

3 **SECTION 39.** 16.75 (6) (am) 1. of the statutes is repealed.

4 **SECTION 40.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
5 amended to read:

6 16.75 (6) (am) Subsections (1) and (3t) do not apply to ~~major procurements by~~
7 the department of electronic government. Annually not later than October 1, the
8 department of electronic government shall report to the department of
9 administration, in the form specified by the secretary, concerning all procurements
10 by the department of electronic government during the preceding fiscal year that
11 were not made in accordance with the requirements of subs. (1) and (3t).

12 **SECTION 41.** 16.751 (1) of the statutes is repealed.

13 **SECTION 42.** 16.751 (2) of the statutes is renumbered 16.751 and amended to
14 read:

15 **16.751 Information technology purchases by investment board.** The
16 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
17 to procurements authorized to be made by the investment board under s. 16.78 (1)
18 for information technology purposes.

19 **SECTION 43.** 16.752 (12) (i) of the statutes is amended to read:

20 16.752 (12) (i) Paragraph (a) does not apply to ~~major procurements, as defined~~
21 in s. 16.75 (6) (am) by the department of electronic government.

22 **SECTION 44.** 16.78 of the statutes is amended to read:

23 **16.78 Purchases from ~~division of information technology services~~**
24 **department of electronic government.** (1) Every executive branch agency other
25 than the board of regents of the University of Wisconsin system and an agency

1 ~~making purchases under s. 16.74 shall purchase all computer~~ make all purchases of
2 materials, supplies, equipment, and contractual services relating to information
3 technology or telecommunications from the division of information technology
4 ~~services in the department of administration~~ electronic government, unless the
5 ~~division~~ department of electronic government requires the agency to purchase the
6 materials, supplies, equipment, or contractual services pursuant to a master
7 contract established under s. 22.05 (2) (h), or grants written authorization to the
8 agency to procure the materials, supplies, equipment, or contractual services under
9 s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual
10 services from another agency or to provide the materials, supplies, equipment, or
11 contractual services to itself. The board of regents of the University of Wisconsin
12 ~~System may purchase computer services from the division of information technology~~
13 ~~services.~~

14 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of
15 ~~computer~~ materials, supplies, equipment, or contractual services by any agency from
16 ~~the division of information technology services~~ department of electronic government
17 under sub. (1).

18 **SECTION 45.** 16.80 of the statutes is renumbered 22.19.

19 **SECTION 46.** Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes
20 is amended to read:

21 **CHAPTER 16**

22 **SUBCHAPTER VII**

23 **INFORMATION EDUCATIONAL**

24 **TECHNOLOGY**

1 **SECTION 47.** 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and
2 amended to read:

3 **22.01 Definitions.** (intro.) In this ~~subchapter~~ chapter:

4 **SECTION 48.** 16.97 (1) to (9) of the statutes are renumbered 22.01 (1) to (9).

5 **SECTION 49.** 16.97 (10) of the statutes is renumbered 16.97 and amended to
6 read:

7 **16.97 Definition.** ~~“Telecommunications” means the electronic movement of~~
8 ~~information in any form from one point to another~~ In this subchapter,
9 “telecommunications” has the meaning given in s. 22.01 (10).

10 **SECTION 50.** 16.971 (title) of the statutes is renumbered 22.03 (title).

11 **SECTION 51.** 16.971 (1) of the statutes is repealed.

12 **SECTION 52.** 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and
13 amended to read:

14 **22.03 (2) (a)** ~~The department shall ensure~~ Ensure that an adequate level of
15 information technology services is made available to all agencies by providing
16 systems analysis and application programming services to augment agency
17 resources, as requested. The department shall also ensure that executive branch
18 agencies make effective and efficient use of the information technology resources of
19 the state. The department shall, in cooperation with agencies, establish policies,
20 procedures and planning processes, for the administration of information technology
21 services, which executive branch agencies shall follow. The policies, procedures and
22 processes shall address the needs of agencies to carry out their functions. The
23 department shall monitor adherence to these policies, procedures and processes.

24 **SECTION 53.** 16.971 (2) (intro.) of the statutes is renumbered 22.03 (2) (intro.)
25 and amended to read:

1 22.03 (2) (intro.) The ~~division~~ department shall:

2 **SECTION 54.** 16.971 (2) (a) of the statutes is renumbered 22.03 (2) (ae) and
3 amended to read:

4 22.03 (2) (ae) Except as provided in sub. (2m), review and approve, modify or
5 reject all forms approved by a records and forms officer for jurisdiction, authority,
6 standardization of design and nonduplication of existing forms. Unless the ~~division~~
7 department rejects for cause or modifies the form within 20 working days after
8 receipt, it is considered approved. The ~~division's~~ department's rejection of any form
9 is appealable to the public records board. If the head of an agency certifies to the
10 ~~division~~ department that the form is needed on a temporary basis, approval by the
11 ~~division~~ department is not required.

12 **SECTION 55.** 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2) (am)
13 to (k).

14 **SECTION 56.** 16.971 (2) (L) to (m) of the statutes are renumbered 22.03 (2) (L)
15 to (m) and amended to read:

16 22.03 (2) (L) Require each executive branch agency to adopt, ~~revise biennially,~~
17 and submit for its approval, to the department, in a form specified by the department,
18 no later than March 1 of each year, a strategic plan for the utilization of information
19 technology to carry out the functions of the agency. As a part of each plan, the division
20 ~~shall require each executive branch agency to address the business needs of the~~
21 ~~agency and to identify all proposed information technology development projects~~
22 ~~that serve those business needs, the priority for undertaking such projects and the~~
23 ~~justification for each project, including the anticipated benefits of the project. Each~~
24 ~~plan shall identify any changes in the functioning of the agency under the plan. The~~
25 ~~division shall consult with the joint committee on information policy and technology~~

1 ~~in providing guidance for and scheduling of planning by executive branch agencies~~
2 in the succeeding fiscal year for review and approval under s. 22.13.

3 (Lm) No later than 60 days after enactment of each biennial budget act, require
4 each executive branch agency that receives funding under that act for an information
5 technology development project to file with the ~~division~~ department an amendment
6 to its strategic plan for the utilization of information technology under par. (L). The
7 amendment shall identify each information technology development project for
8 which funding is provided under that act and shall specify, in a form prescribed by
9 the ~~secretary~~ chief information officer, the benefits that the agency expects to realize
10 from undertaking the project.

11 (m) Assist in coordination and integration of the plans of executive branch
12 agencies relating to information technology approved under par. (L) and, using these
13 plans and the statewide long-range telecommunications plan under s. ~~16.99~~ 22.41
14 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the
15 use and application of information technology. The ~~division~~ department shall, no
16 later than September 15 of each even-numbered year, submit the statewide strategic
17 plan to the cochairpersons of the joint committee on information policy and
18 technology and the governor.

19 **SECTION 57.** 16.971 (2) (n) and (2m) of the statutes are renumbered 22.03 (2)
20 (n) and (2m).

21 **SECTION 58.** 16.971 (3) of the statutes is repealed.

22 **SECTION 59.** 16.971 (4) and (6) of the statutes are renumbered 22.03 (4) and (6).

23 **SECTION 60.** 16.971 (9) of the statutes is renumbered 22.03 (9) and amended
24 to read:

1 22.03 (9) In conjunction with the public defender board, the director of state
2 courts, the departments of corrections and justice and district attorneys, the ~~division~~
3 department of electronic government may maintain, promote and coordinate
4 automated justice information systems that are compatible among counties and the
5 officers and agencies specified in this subsection, using the moneys appropriated
6 under s. ~~20.505~~ 20.530 (1) (~~ja~~), (kp) and (kq). The ~~division~~ department of electronic
7 government shall annually report to the legislature under s. 13.172 (2) concerning
8 the ~~division's~~ department's efforts to improve and increase the efficiency of
9 integration of justice information systems.

 ****NOTE: This is reconciled s. 16.971 (9) [renumbered to be s. 22.03 (9)]. This
SECTION has been affected by drafts with the following LRB numbers: LRB-1857/4 and
LRB-1915/2.

10 **SECTION 61.** 16.971 (11) of the statutes is renumbered 22.03 (11) and amended
11 to read:

12 22.03 (11) The ~~division~~ department may charge executive branch agencies for
13 information technology development and management services provided to them by
14 the ~~division~~ department under this section.

15 **SECTION 62.** 16.973 (title) of the statutes is renumbered 22.05 (title) and
16 amended to read:

17 **22.05 (title) Powers of the ~~division of information technology services~~**
18 **department.**

19 **SECTION 63.** 16.973 (1) of the statutes is renumbered 22.05 (1).

20 **SECTION 64.** 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered
21 22.05 (2) (intro.) and (a) to (d) and amended to read:

22 22.05 (2) (intro.) The ~~division of information technology services~~ department
23 may:

1 (a) Provide such telecommunications services to agencies as the ~~division~~
2 department considers to be appropriate.

3 (b) Provide such computer services and telecommunications services to local
4 governmental units and the broadcasting corporation and provide such
5 telecommunications services to qualified private schools, postsecondary
6 institutions, museums and zoos, as the ~~division~~ department considers to be
7 appropriate and as the ~~division~~ department can efficiently and economically provide.
8 The ~~division~~ department may exercise this power only if in doing so it maintains the
9 services it provides at least at the same levels that it provides prior to exercising this
10 power and it does not increase the rates chargeable to users served prior to exercise
11 of this power as a result of exercising this power. The ~~division~~ department may
12 charge local governmental units, the broadcasting corporation, and qualified private
13 schools, postsecondary institutions, museums and zoos, for services provided to them
14 under this paragraph in accordance with a methodology determined by the ~~secretary~~
15 chief information officer. Use of telecommunications services by a qualified private
16 school or postsecondary institution shall be subject to the same terms and conditions
17 that apply to a municipality using the same services. The ~~division~~ department shall
18 prescribe eligibility requirements for qualified museums and zoos to receive
19 telecommunications services under this paragraph.

****NOTE: This is reconciled s. 16.973 (2) (b) [renumbered to be s. 22.05 (2) (b)]. This
SECTION has been affected by drafts with the following LRB numbers: LRB-0985/7 and
LRB-1857/4.

20 (c) Provide such supercomputer services to agencies, local governmental units
21 and entities in the private sector as the ~~division~~ department considers to be
22 appropriate and as the ~~division~~ department can efficiently and economically provide.
23 The ~~division~~ department may exercise this power only if in doing so it maintains the

1 services it provides at least at the same levels that it provides prior to exercising this
2 power and it does not increase the rates chargeable to users served prior to exercise
3 of this power as a result of exercising this power. The ~~division~~ department may
4 charge agencies, local governmental units and entities in the private sector for
5 services provided to them under this paragraph in accordance with a methodology
6 determined by the ~~secretary~~ chief information officer.

7 (d) Undertake such studies, contract for the performance of such studies, and
8 appoint such councils and committees for advisory purposes as the ~~division~~
9 department considers appropriate to ensure that the ~~division's~~ department's plans,
10 capital investments and operating priorities meet the needs of ~~state government and~~
11 ~~of agencies and of~~ local governmental units and entities in the private sector served
12 by the ~~division~~ department. The ~~division~~ department may compensate members of
13 any council or committee for their services and may reimburse such members for
14 their actual and necessary expenses incurred in the discharge of their duties.

15 **SECTION 65.** 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

16 **SECTION 66.** 16.974 (intro.) of the statutes is amended to read:

17 **16.974 Duties of the ~~division of information technology services~~**
18 **department.** (intro.) The ~~division of information technology services~~ department
19 shall:

20 **SECTION 67.** 16.974 (1) of the statutes is renumbered 22.07 (1) and amended
21 to read:

22 **22.07 (1)** Provide or contract with a public or private entity to provide computer
23 services to agencies. The ~~division~~ department may charge agencies for services
24 provided to them under this subsection in accordance with a methodology
25 determined by the ~~secretary~~ chief information officer.

1 **SECTION 68.** 16.974 (3) of the statutes is renumbered 22.07 (3).

2 **SECTION 69.** 16.974 (4) to (6) of the statutes are renumbered 22.07 (4) to (6) and
3 amended to read:

4 22.07 (4) Ensure responsiveness to the needs of agencies for delivery of
5 high-quality information technology processing services on an efficient and
6 economical basis, while not unduly affecting the privacy of individuals who are the
7 subjects of the information being processed by the ~~division~~ department.

8 (5) Utilize all feasible technical means to ensure the security of all information
9 submitted to the ~~division~~ department for processing by agencies, local governmental
10 units and entities in the private sector.

11 (6) With the advice of the ethics board, adopt and enforce standards of ethical
12 conduct applicable to its paid consultants which are similar to the standards
13 prescribed in subch. III of ch. 19, except that the ~~division~~ department shall not
14 require its paid consultants to file statements of economic interests.

15 **SECTION 70.** 16.974 (7) (a) of the statutes is renumbered 16.974 (1) and
16 amended to read:

17 16.974 (1) Coordinate with the technology for educational achievement in
18 Wisconsin board to provide secured correctional facilities, as defined in s. 44.70 (3r),
19 school districts and cooperative educational service agencies with
20 telecommunications access under s. 44.73 and contract with telecommunications
21 providers to provide such access.

 ****NOTE: This is reconciled s. 16.974 (7) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0445/2 and LRB-1857/4.

22 **SECTION 71.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2) to
23 (4).

1 **SECTION 72.** 16.975 of the statutes is renumbered 22.11 and amended to read:

2 **22.11 Access to information.** ~~The division of information technology services~~
3 department shall withhold from access under s. 19.35 (1) all information submitted
4 to the ~~division~~ department by agencies, authorities, units of the federal government,
5 local governmental units or entities in the private sector for the purpose of
6 processing. The ~~division~~ department may not process such information without the
7 consent of the agency, authority, unit or other entity which submitted the
8 information and may not withhold such information from the agency, authority, unit
9 or other entity or from any other person authorized by the agency, authority, unit or
10 entity to have access to the information. The agency, authority, unit or other entity
11 submitting the information remains the custodian of the information while it is in
12 the custody of the ~~division~~ department and access to such information by that agency,
13 authority, unit or entity or any other person shall be determined by that agency,
14 authority, unit or other entity and in accordance with law.

15 **SECTION 73.** 16.979 of the statutes is renumbered 16.006.

16 **SECTION 74.** Subchapter IX (title) of chapter 16 [precedes 16.99] of the statutes
17 is repealed.

18 **SECTION 75.** 16.99 (title) of the statutes is renumbered 22.41 (title).

19 **SECTION 76.** 16.99 (1) of the statutes is repealed.

20 **SECTION 77.** 16.99 (2) (intro.) and (a) of the statutes are renumbered 22.41 (2)
21 (intro.) and (a) and amended to read:

22 22.41 (2) (intro.) **POWERS AND DUTIES.** (intro.) The department shall ensure
23 maximum utility, cost-benefit and operational efficiency of all telecommunications
24 systems and activities of this state, and those which interface with cities, counties,

1 villages, towns, other states and the federal government. The department, with the
2 assistance and cooperation of all other ~~departments~~ agencies, shall:

3 (a) Develop and maintain a statewide long-range telecommunications plan,
4 which will serve as a major element for budget preparation, as guidance for technical
5 implementation and as a means of ensuring the maximum use of shared systems by
6 ~~departments~~ agencies when this would result in operational or economic
7 improvements or both.

8 **SECTION 78.** 16.99 (2) (b) to (e) of the statutes are renumbered 22.41 (2) (b) to
9 (e).

10 **SECTION 79.** 16.99 (2) (f) of the statutes is renumbered 22.41 (2) (f) and amended
11 to read:

12 22.41 (2) (f) Perform the functions of agency telecommunications officer for
13 those ~~departments~~ agencies with no designated focal point for telecommunications
14 planning, coordination, technical review and procurement.

15 **SECTION 80.** 16.99 (3) of the statutes is renumbered 22.41 (3).

16 **SECTION 81.** 19.36 (4) of the statutes is amended to read:

17 19.36 (4) **COMPUTER PROGRAMS AND DATA.** A computer program, as defined in s.
18 ~~16.971~~ 22.03 (4) (c), is not subject to examination or copying under s. 19.35 (1), but
19 the material used as input for a computer program or the material produced as a
20 product of the computer program is subject to the right of examination and copying,
21 except as otherwise provided in s. 19.35 or this section.

22 **SECTION 82.** 20.275 (1) (t) of the statutes is amended to read:

23 20.275 (1) (t) *Telecommunications access; private and technical colleges and*
24 *libraries.* Biennially, from the universal service fund, the amounts in the schedule
25 to make payments to telecommunications providers under contracts with the

1 department of administration under s. 16.974 ~~(7)(b)~~ (2) to the extent that the
2 amounts due are not paid from the appropriation under s. ~~20.505-20.530~~ (1) (is).

3 **SECTION 83.** 20.275 (1) (tm) of the statutes is amended to read:

4 20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
5 the universal service fund, the amounts in the schedule to make payments to
6 telecommunications providers under contracts with the department of
7 administration under s. 16.974 ~~(7)(e)~~ (3) to the extent that the amounts due are not
8 paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) and, prior to July 1, 2002,
9 to make grants to private schools under s. 44.73 (6).

10 **SECTION 84.** 20.275 (1) (tu) of the statutes is amended to read:

11 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
12 universal service fund, the amounts in the schedule to make payments to
13 telecommunications providers under contracts with the department of
14 administration under s. 16.974 ~~(7)(d)~~ (4) to the extent that the amounts due are not
15 paid from the appropriation under s. ~~20.505 (1)(kL)~~ 20.530 (1) (ke).

16 **SECTION 85.** 20.505 (1) (im) of the statutes is amended to read:

17 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
18 schedule to provide services and to repurchase inventory items that are provided
19 primarily to purchasers other than state agencies. All moneys received from the sale
20 of services, ~~other than services provided under par. (is),~~ and inventory items which
21 are provided primarily to purchasers other than state agencies shall be credited to
22 this appropriation account.

23 **SECTION 86.** 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and
24 amended to read:

1 20.530 (1) (is) *Information technology processing services to General program*
2 *operations; services to nonstate entities.* All moneys received from state authorities,
3 units of the federal government, local governmental units and entities in the private
4 sector for provision of computer services, telecommunications services and
5 supercomputer services under s. ~~16.973~~ 22.05 (2) (b) and (c) or 22.09 (2) or under s.
6 44.73 (2) (d), to be used for the purpose of providing those services and for the general
7 program operations of the department.

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

8 **SECTION 87.** 20.505 (1) (kc) of the statutes is renumbered 20.530 (1) (ke) and
9 amended to read:

10 20.530 (1) (ke) *Telecommunications and data processing General program*
11 *operations; services to state agencies.* The amounts in the schedule to provide state
12 ~~telecommunications services and data processing oversight and management~~
13 ~~services and telecommunications and data processing inventory items primarily to~~
14 ~~state agencies and to provide for the initial costs of establishment and operation of~~
15 ~~the division of information technology services.~~ All moneys received from the
16 provision of state information technology processing, mail processing, printing, and
17 ~~telecommunications and data processing services and sale of telecommunications~~
18 ~~and data processing inventory items primarily to state agencies~~ under ss. 22.05 and
19 22.07 or under s. 44.73 (2) (d), other than moneys received and disbursed under par-
20 (kL) and s. 20.225 (1) (kb), and all ~~reimbursements of advances received by the~~
21 ~~division of information technology services shall be credited to this appropriation~~
22 account all moneys received from the provision of information technology
23 development and management services to executive branch agencies under s. 22.03.

1 and all moneys transferred to this appropriation account from any other
2 appropriation account under s. 22.09 (4), to be used for the purpose of providing those
3 services and for the general program operations of the department.

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

****NOTE: This is reconciled s. 20.505 (1) (ke). This SECTION has been affected by drafts with the following LRB numbers: LRB-1555/1 and LRB-1857/4.

4 **SECTION 88.** 20.505 (1) (kL) of the statutes is repealed.

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

5 **SECTION 89.** 20.505 (1) (kp) of the statutes is renumbered 20.530 (1) (kp) and
6 amended to read:

7 20.530 (1) (kp) ~~Interagency assistance; justice~~ Justice information systems. The
8 amounts in the schedule for the development and operation of automated justice
9 information systems under s. 16.971 22.03 (9). All moneys transferred from the
10 appropriation ~~account~~ accounts under sub. s. 20.505 (6) ~~(kt)~~ (kp) and (pc) and
11 two-ninths of the moneys received under s. 814.635 (1) shall be credited to this
12 appropriation account.

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

****NOTE: This is reconciled s. 20.505 (1) (kp). This SECTION has been affected by drafts with the following LRB numbers: LRB-1552/3, LRB-1857/4, and LRB-1915/2.

13 **SECTION 90.** 20.505 (1) (kq) of the statutes is renumbered 20.530 (1) (kq) and
14 amended to read:

15 20.530 (1) (kq) Justice information systems development, operation and
16 maintenance. The amounts in the schedule for the purpose of developing, operating
17 and maintaining automated justice information systems under s. 16.971 22.03 (9).
18 All moneys transferred from the appropriation account under s. 20.505 (6) (j) 12.
19 shall be credited to this appropriation account.

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

1 **SECTION 91.** 20.505 (1) (kr) of the statutes is repealed.

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

2 **SECTION 92.** 20.505 (4) (is) of the statutes is renumbered 20.530 (1) (ir) and
3 amended to read:

4 20.530 (1) (ir) *Relay service.* The amounts in the schedule for a statewide
5 telecommunications relay service ~~and for general program operations.~~ All moneys
6 received from the assessments authorized under s. 196.858 shall be credited to this
7 appropriation account.

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

8 **SECTION 93.** 20.505 (6) (j) 12. of the statutes is amended to read:

9 20.505 (6) (j) 12. The amount transferred to ~~sub. s. 20.530~~ (1) (kq) shall be the
10 amount in the schedule under ~~sub. s. 20.530~~ (1) (kq).

11 **SECTION 94.** 20.530 of the statutes is created to read:

12 **20.530 Electronic government, department of.** There is appropriated to
13 the department of electronic government for the following program:

14 (1) INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES. (g) *Gifts, grants, and*
15 *bequests.* All moneys received from gifts, grants, and bequests, to be used to carry
16 out the purposes for which made and received.

17 (it) *Electronic communication services; nonstate entities.* All moneys received
18 from state authorities, units of the federal government, local governmental units,
19 and entities in the private sector for electronic communications services provided to
20 those entities by the department under s. 22.09 (3), to be used for the purpose of
21 providing those services.

1 (kf) *Electronic communications services; state agencies.* All moneys received
2 from state agencies for electronic communications services provided to the agencies
3 by the department under s. 22.09 (3), and all moneys transferred to this
4 appropriation account from any other appropriation account under s. 22.09 (4), to be
5 used for the purpose of providing those services.

6 (m) *Federal aid.* All moneys received from the federal government, as
7 authorized by the governor under s. 16.54, to be used for the purposes for which
8 received.

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

9 **SECTION 95.** 20.903 (2) (b) of the statutes is amended to read:

10 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys
11 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and
12 (es) ~~and~~, 20.505 (1) (im), (ka), (kb), and (kc) and (kd), and 20.530 (1) (is), (it), (ke), and
13 (kf) in an additional amount not exceeding the depreciated value of equipment for
14 operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) ~~and~~, 20.505
15 (1) (im), (ka), (kb), and (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf). The
16 secretary of administration may require such statements of assets and liabilities as
17 he or she deems necessary before approving expenditure estimates in excess of the
18 unexpended moneys in the appropriation account.

 ****NOTE: This is reconciled s. 20.903 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1551/1 and LRB-1857/4.

19 **SECTION 96.** 20.923 (4) (h) 2. of the statutes is created to read:

20 20.923 (4) (h) 2. Electronic government, department of: secretary (chief
21 information officer).

22 **SECTION 97.** Chapter 22 (title) of the statutes is created to read:

1 the system, with or without the consent of any affected executive branch agency. The
2 department may charge any executive branch agency for the department's
3 reasonable costs incurred in carrying out its functions under this paragraph on
4 behalf of that agency.

5 (h) Establish master contracts for the purchase of materials, supplies,
6 equipment, or contractual services relating to information technology or
7 telecommunications for use by agencies, authorities, local governmental units, or
8 entities in the private sector and require any executive branch agency to make any
9 purchases of materials, supplies, equipment, or contractual services included under
10 the contract pursuant to the terms of the contract.

11 (i) Accept gifts, grants, and bequests, to be used for the purposes for which
12 made, consistently with applicable laws.

13 **SECTION 100.** 22.07 (intro.) of the statutes is created to read:

14 **22.07 Duties of the department.** (intro.) The department shall:

15 **SECTION 101.** 22.09 of the statutes is created to read:

16 **22.09 Powers of the chief information officer.** The chief information
17 officer may:

18 (1) Establish and collect assessments and charges for all authorized services
19 provided by the department, subject to applicable agreements under sub. (2).

20 (2) Subject to s. 22.05 (2) (b), enter into and enforce an agreement with any
21 agency, any authority, any unit of the federal government, any local governmental
22 unit, or any entity in the private sector to provide services authorized to be provided
23 by the department to that agency, authority, unit, or entity at a cost specified in the
24 agreement.

1 **(3)** Develop or operate and maintain any system or device facilitating Internet
2 or telephone access to information about programs of agencies, authorities, local
3 governmental units, or entities in the private sector, or otherwise permitting the
4 transaction of business by agencies, authorities, local governmental units, or entities
5 in the private sector by means of electronic communication. The chief information
6 officer may assess executive branch agencies for the costs of systems or devices that
7 are developed, operated, or maintained under this subsection in accordance with a
8 methodology determined by the officer. The chief information officer may also charge
9 any agency, authority, local governmental unit, or entity in the private sector for such
10 costs as a component of any services provided by the department to that agency,
11 authority, local governmental unit, or entity.

12 **(4)** Notwithstanding ss. 20.115 to 20.585, transfer moneys from the
13 unencumbered balance in the account for any appropriation made to any executive
14 branch agency, other than a sum sufficient appropriation, to the appropriation
15 account under s. 20.530 (1) (ke) or (kf) or any other account for an appropriation made
16 to an executive branch agency, without the consent of any affected executive branch
17 agency, for the purpose of facilitating more efficient or effective funding of
18 information technology or electronic communications services within the executive
19 branch of state government, if the transfer is consistent with state and federal law
20 and with any requirement imposed by the federal government as a condition to
21 receipt of aids by this state. If any transfer under this subsection is made to or from
22 a sum certain appropriation, the amount in the schedule for the account from which
23 the transfer is made for the period during which the transfer is made is decreased
24 by the amount transferred and the amount in the schedule for the account to which

1 the transfer is made for the period during which the transfer is made is increased by
2 the amount transferred.

3 (5) Review and approve, approve with modifications, or disapprove any
4 proposed contract for the purchase of materials, supplies, equipment, or contractual
5 services relating to information technology or telecommunications by an executive
6 branch agency.

7 **SECTION 102.** 22.13 of the statutes is created to read:

8 **22.13 Strategic plans for executive branch agencies.** (1) As a part of each
9 proposed strategic plan submitted under s. 22.03 (2) (L), the department shall
10 require each executive branch agency to address the business needs of the agency
11 and to identify all proposed information technology development projects that serve
12 those business needs, the priority for undertaking such projects, and the justification
13 for each project, including the anticipated benefits of the project. Each proposed plan
14 shall identify any changes in the functioning of the agency under the plan. In each
15 even-numbered year, the plan shall include identification of any information
16 technology development project that the agency plans to include in its biennial
17 budget request under s. 16.42 (1).

18 (2) Each proposed strategic plan shall separately identify the initiatives that
19 the executive branch agency plans to undertake from resources available to the
20 agency at the time that the plan is submitted and initiatives that the agency proposes
21 to undertake that would require additional resources.

22 (3) Following receipt of a proposed strategic plan from an executive branch
23 agency under this section, the chief information officer shall, before June 1, notify
24 the agency of any concerns that the officer may have regarding the plan and provide
25 the agency with his or her recommendations regarding the proposed plan. The chief

1 information officer may also submit any concerns or recommendations regarding any
2 proposed plan to the board for its consideration. The board shall then consider the
3 proposed plan and provide the chief information officer with its recommendations
4 regarding the plan. The executive branch agency may submit modifications to its
5 proposed plan in response to any recommendations.

6 (4) Before June 15, the chief information officer shall consider any
7 recommendations provided by the board under sub. (3) and shall then approve or
8 disapprove the proposed plan in whole or in part.

9 (5) No executive branch agency may implement a new or revised information
10 technology development project authorized under a strategic plan until the
11 implementation is approved by the chief information officer in accordance with
12 procedures prescribed by the officer.

13 (6) The department shall consult with the joint committee on information
14 policy and technology in providing guidance for planning by executive branch
15 agencies.

16 **SECTION 103.** 22.15 of the statutes is created to read:

17 **22.15 Information technology portfolio management.** With the
18 assistance of executive branch agencies and the advice of the board, the department
19 shall manage the information technology portfolio of state government in accordance
20 with a management structure that includes all of the following:

21 (1) Criteria for selection of information technology assets to be managed.

22 (2) Methods for monitoring and controlling information technology
23 development projects and assets.

1 (3) Methods to evaluate the progress of information technology development
2 projects and the effectiveness of information technology systems, including
3 performance measurements for the information technology portfolio.

4 **SECTION 104.** 22.17 of the statutes is created to read:

5 **22.17 Information technology management board.** (1) The board shall
6 provide the chief information officer with its recommendations concerning any
7 elements of the strategic plan of an executive branch agency that are referred to the
8 board under s. 22.13 (3).

9 (2) The board may advise the chief information officer with respect to
10 management of the information technology portfolio of state government under s.
11 22.15.

12 (3) The board may, upon petition of an executive branch agency, review any
13 decision of the chief information officer under s. 16.505 (2e) or this chapter affecting
14 that agency. Upon review, the board may affirm, modify, or set aside the decision. If
15 the board modifies or sets aside the decision of the chief information officer, the
16 decision of the board stands as the decision of the chief information officer and the
17 decision is not subject to further review or appeal.

18 (4) The board may monitor progress in attaining goals for information
19 technology and telecommunications development set by the chief information officer
20 or executive branch agencies, and may make recommendations to the officer or
21 agencies concerning appropriate means of attaining those goals.

22 **SECTION 105.** 29.038 (1) (a) of the statutes is amended to read:

23 29.038 (1) (a) “Local governmental unit” has the meaning given in s. ~~16.97~~
24 22.01 (7).

25 **SECTION 106.** 36.25 (38) (b) 6. of the statutes is amended to read:

1 36.25 (38) (b) 6. To pay the department of ~~administration~~ electronic
2 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1).

3 **SECTION 107.** 44.70 (4) of the statutes is amended to read:

4 44.70 (4) “Telecommunications” has the meaning given in s. ~~16.99 (1)~~ 22.01
5 (10).

6 **SECTION 108.** 44.73 (1) of the statutes is amended to read:

7 44.73 (1) Except as provided in s. 196.218 (4t), the board, in consultation with
8 the department and subject to the approval of the department of electronic
9 government, shall promulgate rules establishing an educational
10 telecommunications access program to provide educational agencies with access to
11 data lines and video links.

12 **SECTION 109.** 44.73 (3) of the statutes is amended to read:

13 44.73 (3) The board shall submit an annual report to the department on the
14 status of providing data lines and video links that are requested under sub. (2) (a)
15 and the impact on the universal service fund of any payment under contracts under
16 s. 16.974 ~~(7)~~.

17 **SECTION 110.** 44.73 (6) of the statutes is amended to read:

18 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
19 award an annual grant to a school district or private school that had in effect on
20 October 14, 1997, a contract for access to a data line or video link, as documented by
21 the board. The board shall determine the amount of the grant, which shall be equal
22 to the cost incurred by the state to provide telecommunications access to a school
23 district or private school under a contract entered into under s. 16.974 ~~(7) (a) or (e)~~
24 (1) or (3) less the amount that the school district or private school would be paying
25 under sub. (2) (d) if the school district or private school were participating in the

1 program established under sub. (1), except that the amount may not be greater than
2 the cost that a school district or private school incurs under the contract in effect on
3 October 14, 1997. A school district or private school receiving a grant under this
4 subsection is not eligible to participate in the program under sub. (1). No grant may
5 be awarded under this subsection after June 30, 2002.

6 **SECTION 111.** 85.12 (3) of the statutes is amended to read:

7 85.12 (3) The department may contract with any local governmental unit, as
8 defined in s. ~~16.97~~ 22.01 (7), to provide that local governmental unit with services
9 under this section.

10 **SECTION 112.** 196.218 (5) (a) 6. of the statutes is amended to read:

11 196.218 (5) (a) 6. To pay the department of ~~administration~~ electronic
12 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1) to
13 the campuses of the University of Wisconsin System at River Falls, Stout, Superior
14 and Whitewater.

15 **SECTION 113.** 196.858 (1) of the statutes is amended to read:

16 196.858 (1) The commission shall annually assess against local exchange and
17 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
18 amounts appropriated under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

19 **SECTION 114.** 196.858 (2) of the statutes is amended to read:

20 196.858 (2) The commission shall assess a sum equal to the annual total
21 amount under sub. (1) to local exchange and interexchange telecommunications
22 utilities in proportion to their gross operating revenues during the last calendar year.
23 If total expenditures for telephone relay service exceeded the payment made under
24 this section in the prior year, the commission shall charge the remainder to assessed
25 telecommunications utilities in proportion to their gross operating revenues during

1 the last calendar year. A telecommunications utility shall pay the assessment within
2 30 days after the bill has been mailed to the assessed telecommunication utility. The
3 bill constitutes notice of the assessment and demand of payment. Payments shall
4 be credited to the appropriation account under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

5 **SECTION 115.** 221.0320 (3) (a) of the statutes is amended to read:

6 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
7 given in s. ~~16.97~~ 22.01 (7).

8 **SECTION 116.** 230.08 (2) (e) 1. of the statutes is amended to read:

9 230.08 (2) (e) 1. Administration — ~~12~~ 10.

10 **SECTION 117.** 230.08 (2) (e) 3r. of the statutes is created to read:

11 230.08 (2) (e) 3r. Electronic government — 3.

12 **SECTION 118.** 230.09 (2) (g) of the statutes is amended to read:

13 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
14 that the classification for a position is different than that provided for by the
15 legislature as established by law or in budget determinations, or as authorized by the
16 joint committee on finance under s. 13.10, or as specified by the governor in creating
17 positions under s. 16.505 (1) (c) or (2), the chief information officer in transferring
18 positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics
19 Board in creating positions under s. 16.505 (2n) or the board of regents of the
20 University of Wisconsin System in creating positions under s. 16.505 (2m), or is
21 different than that of the previous incumbent, the secretary shall notify the
22 administrator and the secretary of administration. The administrator shall
23 withhold action on the selection and certification process for filling the position. The
24 secretary of administration shall review the position to determine that sufficient
25 funds exist for the position and that the duties and responsibilities of the proposed

1 position reflect the intent of the legislature as established by law or in budget
2 determinations, the intent of the joint committee on finance acting under s. 13.10,
3 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the chief
4 information officer transferring positions under s. 16.505 (2e), the University of
5 Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the
6 intent of the board of regents of the University of Wisconsin System creating
7 positions under s. 16.505 (2m). The administrator may not proceed with the selection
8 and certification process until the secretary of administration has authorized the
9 position to be filled.

10 **SECTION 119.** 283.84 (1) (c) of the statutes is amended to read:

11 283.84 (1) (c) Reaches an agreement with the department or a local
12 governmental unit, as defined in s. ~~16.97~~ 22.01 (7), under which the person pays
13 money to the department or local governmental unit and the department or local
14 governmental unit uses the money to reduce water pollution in the project area.

15 **SECTION 120.** 758.19 (7) of the statutes is amended to read:

16 758.19 (7) The director of state courts shall adopt, revise biennially and submit
17 to the cochairpersons of the joint committee on information policy and technology, the
18 governor and the ~~secretary of administration~~ department of electronic government,
19 no later than September 15 of each even-numbered year, a strategic plan for the
20 utilization of information technology to carry out the functions of the courts and
21 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
22 business needs of the courts and judicial branch agencies and shall identify all
23 resources relating to information technology which the courts and judicial branch
24 agencies desire to acquire, contingent upon funding availability, the priority for such
25 acquisitions and the justification for such acquisitions. The plan shall also identify

1 any changes in the functioning of the courts and judicial branch agencies under the
2 plan.

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

4 (1) TRANSFER OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNCTIONS.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the department of administration that are primarily related to its
7 information technology or telecommunications functions, except educational
8 technology functions, as determined by the secretary of administration, shall become
9 assets and liabilities of the department of electronic government, as created by this
10 act.

11 (b) *Positions and employees.*

12 1. On the effective date of this subdivision, all full-time equivalent positions
13 in the department of administration having duties that are primarily related to its
14 information technology or telecommunications functions, except educational
15 technology functions, as determined by the secretary of administration, are
16 transferred to the department of electronic government, as created by this act.

17 2. All incumbent employees holding positions specified in subdivision 1. are
18 transferred on the effective date of this subdivision to the department of electronic
19 government, as created by this act.

20 3. Employees transferred under subdivision 2. have all of the rights and the
21 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
22 department of electronic government, as created by this act, that they enjoyed in the
23 department of administration immediately before the transfer. Notwithstanding
24 section 230.28 (4) of the statutes, no employee so transferred who has attained
25 permanent status in class is required to serve a probationary period.

1 (c) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of administration
3 that is primarily related to its information technology or telecommunications
4 functions, except educational technology functions, as determined by the secretary
5 of administration, is transferred to the department of electronic government, as
6 created by this act.

7 (d) *Contracts.* All contracts entered into by the department of administration
8 in effect on the effective date of this paragraph that are primarily related to its
9 information technology or telecommunications functions, except educational
10 technology functions, as determined by the secretary of administration, are
11 transferred to the department of electronic government, as created by this act. The
12 department of electronic government shall carry out any contractual obligations
13 under such a contract until the contract is modified or rescinded by the department
14 of electronic government to the extent allowed under the contract.

15 (e) *Rules and orders.* All rules promulgated by the department of
16 administration that are primarily related to its information technology or
17 telecommunications functions, except educational technology functions, and that
18 are in effect on the effective date of this paragraph remain in effect until their
19 specified expiration dates or until amended or repealed by the department of
20 electronic government, as created by this act. All orders issued by the department
21 of administration that are primarily related to its information technology or
22 telecommunications functions, except educational technology functions, and that
23 are in effect on the effective date of this paragraph remain in effect until their
24 specified expiration dates or until modified or rescinded by the department of
25 electronic government, as created by this act.

