

1 cooperate with the secretary and shall comply with every request of the secretary
2 relating to his or her functions.

3 ***-1187/P4.57* SECTION 194.** 16.004 (8) (am) of the statutes is amended to read:

4 16.004 (8) (am) The secretary shall maintain a system of rental policies for
5 state-owned housing administered by all agencies other than the University of
6 Wisconsin-Madison, and shall periodically review the system for possible changes.
7 Whenever the secretary proposes to change rental policies other than rental rates,
8 the secretary shall submit a report relating to the system to the joint committee on
9 finance. The report shall include any changes in rental policies recommended by the
10 secretary.

11 ***-1187/P4.58* SECTION 195.** 16.004 (12) (a) of the statutes, as affected by 2011
12 Wisconsin Act 7, is amended to read:

13 16.004 (12) (a) In this subsection, “state agency” means an association,
14 authority, board, department, commission, independent agency, institution, office,
15 society, or other body in state government created or authorized to be created by the
16 constitution or any law, including the legislature, the office of the governor, and the
17 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
18 the University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the
19 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
20 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
21 Development Corporation, and the Fox River Navigational System Authority.

22 ***-1252/P3.1* SECTION 196.** 16.004 (15) (bm) of the statutes is repealed.

23 ***-0241/3.1* SECTION 197.** 16.009 (1) (em) 6. of the statutes is amended to read:

24 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

SECTION 198

1 ***-1187/P4.59* SECTION 198.** 16.04 (1) (intro.) of the statutes is amended to
2 read:

3 16.04 (1) (intro.) The department shall ensure optimum efficiency and economy
4 in the fleet management and maintenance activities of all agencies, as defined in s.
5 16.52 (7), other than the University of Wisconsin- Madison. The department may:

6 ***-1224/P2.3* SECTION 199.** 16.04 (1) (a) of the statutes is amended to read:

7 16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and
8 aircraft acquisition, use, maintenance, recording of operational and other costs,
9 performance evaluation and replacement of vehicles and aircraft. The department
10 shall incorporate the fuel usage ~~requirements~~ policies under s. 16.045 (4m) in any
11 policies or guidelines developed under this paragraph.

12 ***-1187/P4.60* SECTION 200.** 16.045 (1) (a) of the statutes, as affected by 2011
13 Wisconsin Act 7, is amended to read:

14 16.045 (1) (a) "Agency" means an office, department, independent agency,
15 institution of higher education, association, society, or other body in state
16 government created or authorized to be created by the constitution or any law, that
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
19 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, 238, or 279.

 ****NOTE: The above exempts the UW from DOA's authority over agency use of
gasohol, alternative fuels, and hybrid-electric vehicles.

20 ***-1224/P2.4* SECTION 201.** 16.045 (1) (f) of the statutes is repealed.

21 ***-1224/P2.5* SECTION 202.** 16.045 (2) of the statutes is amended to read:

22 16.045 (2) The department shall, whenever feasible, ~~require~~ and cost-effective,
23 encourage agencies to store no motor fuel except gasohol or alternative fuel in

1 facilities maintained by the agencies for the storage of fuel for and the refueling of
2 state-owned or state-leased vehicles. This subsection does not authorize
3 construction or operation of such facilities.

4 ***-1224/P2.6* SECTION 203.** 16.045 (4) of the statutes is amended to read:

5 16.045 (4) The department shall ~~require, whenever feasible and cost-effective,~~
6 encourage all state employees to utilize hybrid-electric vehicles or vehicles that
7 operate on gasohol or alternative fuel for all state-owned or state-leased motor
8 vehicles whenever such utilization is feasible. However, the department shall not
9 lease or purchase any hybrid-electric vehicle, or authorize the lease or purchase of
10 any hybrid-electric vehicle, unless the manufacturer certifies to the department
11 that final assembly of the vehicle occurred in the United States.

12 ***-1224/P2.7* SECTION 204.** 16.045 (4m) (intro.) of the statutes is amended to
13 read:

14 16.045 (4m) (intro.) The department shall ~~require, whenever feasible and~~
15 cost-effective, encourage all agencies to collectively reduce the usage of gasoline and
16 diesel fuel in state-owned vehicles that is petroleum-based below the total amount
17 that the agencies used in 2006 by at least the following percentages:

18 ***-1224/P2.8* SECTION 205.** 16.045 (4m) (a) (intro.) and 1. of the statutes are
19 consolidated, renumbered 16.045 (4m) (a) and amended to read:

20 16.045 (4m) (a) For gasoline: ~~1. Twenty,~~ 20 percent by ~~2010~~ 2015.

21 ***-1224/P2.9* SECTION 206.** 16.045 (4m) (a) 2. of the statutes is repealed.

22 ***-1224/P2.10* SECTION 207.** 16.045 (4m) (b) (intro.) and 1. of the statutes are
23 consolidated, renumbered 16.045 (4m) (b) and amended to read:

24 16.045 (4m) (b) For diesel fuel: ~~1. Ten,~~ 10 percent by ~~2010~~ 2015.

25 ***-1224/P2.11* SECTION 208.** 16.045 (4m) (b) 2. of the statutes is repealed.

1 *~~-1224/P2.12~~* SECTION 209. 16.045 (5) of the statutes is amended to read:

2 16.045 (5) The department shall, whenever feasible and cost-effective,
3 encourage distribution of gasohol and alternative fuels and usage of hybrid-electric
4 vehicles or vehicles that operate on gasohol or alternative fuels by officers and
5 employees who use personal motor vehicles on state business and by residents of this
6 state generally. ~~The department shall report to the appropriate standing committees~~
7 ~~under s. 13.172 (3) concerning distribution of gasohol and alternative fuels and usage~~
8 ~~of hybrid-electric vehicles and vehicles that operate on gasohol or alternative fuels~~
9 ~~in this state, no later than April 30 of each year.~~

10 *~~-1224/P2.13~~* SECTION 210. 16.045 (6) of the statutes is repealed.

11 *~~-1050/P2.1~~* SECTION 211. 16.15 (1) (ae) of the statutes is amended to read:

12 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~
13 ~~in s. 287.11 (2m) (a) 1~~ means the gross cost of transferring processed material to a
14 solid waste disposal facility and disposing of the processed material in the facility,
15 including any disposal costs not paid through fees charged by the facility.

16 *~~-1050/P2.2~~* SECTION 212. 16.15 (1) (ah) of the statutes is amended to read:

17 16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~
18 ~~287.11 (2m) (a) 2~~ means the net cost, including any storage costs, of selling processed
19 material to a broker, dealer or manufacturing facility, plus any cost of transporting
20 the processed material from the waste processing facility to the destination specified
21 by the broker, dealer, or manufacturing facility.

22 *~~-1050/P2.3~~* SECTION 213. 16.15 (1) (ar) of the statutes is amended to read:

23 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~
24 ~~3~~ means a component of solid waste that has been collected, transported to a waste
25 processing facility, and prepared for sale to a broker, dealer, or manufacturer.

1 ***-0830/P5.1* SECTION 214.** 16.19 of the statutes is repealed.

2 ***-0698/3.5* SECTION 215.** 16.255 (1) (intro.) of the statutes is amended to read:

3 16.255 (1) (intro.) The department shall determine the factors to be considered
4 in selecting a vendor of the program under s. ~~14.64~~ 16.641, which shall include:

5 ***-0698/3.6* SECTION 216.** 16.255 (3) (d) of the statutes is amended to read:

6 16.255 (3) (d) That the vendor communicate to the beneficiary and account
7 owner the requirements of s. ~~14.64~~ 16.641 (8).

8 ***-1231/1.4* SECTION 217.** 16.257 of the statutes is repealed.

9 ***-1019/4.1* SECTION 218.** 16.27 (5) (c) of the statutes is amended to read:

10 16.27 (5) (c) A household entirely composed of persons receiving aid to families
11 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
12 supplemental security income or state supplemental payments under 42 USC 1381
13 to 1383c or s. ~~49.77~~ 49.39.

14 ***-1195/1.1* SECTION 219.** 16.27 (5) (c) of the statutes is amended to read:

15 16.27 (5) (c) A household entirely composed of persons receiving aid to families
16 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition
17 assistance program benefits under 7 USC 2011 to 2036, or supplemental security
18 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

19 ***-1195/1.2* SECTION 220.** 16.27 (5) (e) of the statutes is amended to read:

20 16.27 (5) (e) A household that is not eligible under par. (c) that includes at least
21 one person who is eligible for ~~food stamps~~ supplemental nutrition assistance
22 program benefits under 7 USC 2011 to 2036, excluding any household in an
23 institution, as defined by the department of health services by rule.
24 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a
25 heating assistance benefit of not more than \$1.

1 ***-1450/2.2* SECTION 221.** 16.28 of the statutes is created to read:

2 **16.28 Office of business development.** (1) The office of business
3 development shall perform the functions determined by the secretary.

4 (2) The deputy director of the office shall be appointed by the governor to serve
5 at his or her pleasure.

6 ***-1465/P3.88* *-0805/P2.3* SECTION 222.** 16.40 (24) of the statutes is created
7 to read:

8 16.40 (24) Ensure performance of a duty or satisfaction of an obligation
9 transferred to the Wisconsin Housing and Economic Development Authority under
10 2011 Wisconsin Act (this act), section 9110 (1), if the Wisconsin Housing and
11 Economic Development Authority fails to perform the duty or satisfy the obligation.

12 ***-1187/P4.61* SECTION 223.** 16.41 (1) of the statutes is amended to read:

13 16.41 (1) All agencies shall keep their accounts and other financial records as
14 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically
15 directed by law. All agencies and authorities and the University of
16 Wisconsin-Madison shall furnish to the secretary all information relating to their
17 financial transactions which the secretary requests pursuant to this subchapter for
18 such periods as the secretary requests, and shall render such assistance in
19 connection with the preparation of the state budget report and the budget bill and
20 in auditing accounts, as the secretary or the governor may require.

21 ***-1187/P4.62* SECTION 224.** 16.417 (1) (a) of the statutes, as affected by 2011
22 Wisconsin Act 7, section 19, is amended to read:

23 16.417 (1) (a) "Agency" means an office, department, independent agency,
24 institution of higher education, association, society, or other body in state
25 government created or authorized to be created by the constitution or any law, that

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority or the body created under subch. III of ch. 149
3 or under ch. 37 or 238.

****NOTE: The above exempts the UW from the dual retention/employment requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1) (b) defines "authority" to include authorities created under specified statutes. By not including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of "agency" in the above, this draft exempts the UW from s. 16.417.

4 ***-1187/P4.63* SECTION 225.** 16.417 (1) (a) of the statutes, as affected by 2011
5 Wisconsin Act 7, section 20, and 2011 Wisconsin Act (this act), is repealed and
6 recreated to read:

7 16.417 (1) (a) "Agency" means an office, department, independent agency,
8 institution of higher education, association, society, or other body in state
9 government created or authorized to be created by the constitution or any law, that
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, but not including an authority or the body created under subch. III of ch. 149
12 or under ch. 37.

13 ***-1187/P4.64* SECTION 226.** 16.42 (1) (intro.) of the statutes is amended to
14 read:

15 16.42 (1) (intro.) All agencies, ~~other than~~ including the University of
16 Wisconsin-Madison but excluding the legislature and the courts, no later than
17 September 15 of each even-numbered year, in the form and content prescribed by the
18 department, shall prepare and forward to the department and to the legislative fiscal
19 bureau the following program and financial information:

20 ***-0393/1.1* SECTION 227.** 16.505 (2m) of the statutes is amended to read:

21 16.505 (2m) The board of regents of the University of Wisconsin System may
22 create or abolish a full-time equivalent position or portion thereof from revenues

1 appropriated under s. 20.285 (1) (~~gs~~), (h), (ip), (iz), (j), (~~ke~~), (m), (n), or (q) to (w) or (3)
2 (iz) or (n) and may create or abolish a full-time equivalent position or portion thereof
3 from revenues appropriated under s. 20.285 (1) (im) that are generated from
4 increased enrollment and from courses for which the academic fees or tuition
5 charged equals the full cost of offering the courses. No later than the last day of the
6 month following completion of each calendar quarter, the board of regents shall
7 report to the department and the cochairpersons of the joint committee on finance
8 concerning the number of full-time equivalent positions created or abolished by the
9 board under this subsection during the preceding calendar quarter and the source
10 of funding for each such position.

11 ***-1187/P4.65* SECTION 228.** 16.513 (1) of the statutes is amended to read:

12 16.513 (1) Each agency, including the University of Wisconsin-Madison, which
13 has a program revenue appropriation or appropriation of segregated revenues from
14 program receipts shall, at such times as required by the secretary, make quarterly
15 reports to the department projecting the revenues and expenditures for the ensuing
16 quarterly period under each such appropriation to the agency.

17 ***-1187/P4.66* SECTION 229.** 16.513 (3) (a) of the statutes is amended to read:

18 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
19 as determined under s. 20.903 (2), that are projected by an agency, including the
20 University of Wisconsin-Madison, or projected by the department under s. 16.40 (7)
21 to cover anticipated expenditures under a program revenue appropriation or
22 appropriation of segregated revenues from program receipts, the agency shall
23 propose and submit to the department a plan to assure that there are sufficient
24 moneys, assets, or accounts receivable to meet projected expenditures under the
25 appropriation.

1 ***-1187/P4.67* SECTION 230.** 16.528 (1) (a) of the statutes, as affected by 2011
2 Wisconsin Act 7, is amended to read:

3 16.528 (1) (a) “Agency” means an office, department, independent agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
8 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

 ***NOTE: The above exempts the UW from the requirements under s. 16.528 for
an agency to pay interest on late payments made by the agency.

9 ***-1187/P4.68* SECTION 231.** 16.53 (2) of the statutes, as affected by 2011
10 Wisconsin Act 7, is amended to read:

11 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
12 invoice, the agency shall notify the sender of the invoice within 10 working days after
13 it receives the invoice of the reason it is improperly completed. In this subsection,
14 “agency” means an office, department, independent agency, institution of higher
15 education, association, society, or other body in state government created or
16 authorized to be created by the constitution or any law, that is entitled to expend
17 moneys appropriated by law, including the legislature and the courts, but not
18 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
19 37, 52, 231, 233, 234, 237, 238, or 279.

20 ***-1187/P4.69* SECTION 232.** 16.53 (7) of the statutes is amended to read:

21 16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The
22 certificate of the proper officers of the ~~board of regents~~ Board of Regents of the
23 University of Wisconsin System, the Board of Trustees of the University of

1 Wisconsin-Madison, the department of health services, or the proper officers of any
2 other board or commission organized or established by the state, shall in all cases be
3 evidence of the correctness of any account which may be certified by them.

4 ***-1187/P4.70* SECTION 233.** 16.54 (8g) of the statutes is amended to read:

5 16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available
6 to the ~~board of regents~~ Board of Regents of the University of Wisconsin System or the
7 Board of Trustees of the University of Wisconsin-Madison for instruction, extension,
8 special projects or emergency employment opportunities.

****NOTE: The above ensures that the UW maintains an exemption under current
law that applies to the UW-System.

9 ***-1187/P4.71* SECTION 234.** 16.54 (8r) (a) of the statutes is amended to read:

10 16.54 (8r) (a) Whenever the federal government makes available moneys for
11 instruction, extension, special projects or emergency employment opportunities, the
12 ~~board of regents~~ Board of Regents of the University of Wisconsin System and the
13 Board of Trustees of the University of Wisconsin-Madison may accept the moneys
14 on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of
15 Trustees shall, in the administration of the expenditure of such moneys, comply with
16 the requirements of the act of congress making the moneys available and with the
17 regulations prescribed by the federal government or the federal agency
18 administering the act, insofar as the act or regulations are consistent with state law.
19 The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any
20 plan, budget, application or proposal required by the federal agency as a precondition
21 to receipt of the moneys. The ~~board of regents~~ Board of Regents and the Board of
22 Trustees may, consistent with state law, perform any act required by the act of
23 congress or the federal agency to carry out the purpose of the act of congress. The

1 ~~board of regents~~ Board of Regents shall deposit all moneys received under this
2 paragraph in the appropriation account under s. 20.285 (1) (m).

3 ***-1187/P4.72* SECTION 235.** 16.54 (9) (a) 1. of the statutes, as affected by 2011
4 Wisconsin Act 7, is amended to read:

5 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
6 institution of higher education, association, society or other body in state
7 government created or authorized to be created by the constitution or any law, which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

***NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that
apply to "moneys received by an agency from the federal government as reimbursement
for indirect costs of administration of a federal grant or contract for which no specific use
is mandated by the federal government."

11 ***-1465/P3.89* *-1059/P3.25* SECTION 236.** 16.54 (14) of the statutes is
12 repealed.

13 ***-1322/2.1* SECTION 237.** 16.548 (1) of the statutes is amended to read:

14 16.548 (1) The department may maintain a federal-state relations office in
15 Washington, D.C., for the purpose of promoting federal-state cooperation, headed by
16 a director. The director and a staff assistant for the office shall be appointed by the
17 governor outside the classified service, ~~subject to the concurrence of the joint~~
18 ~~committee on legislative organization.~~ The director and staff assistant shall serve
19 at the pleasure of the governor.

20 ***-1187/P4.73* SECTION 238.** 16.61 (13) (a) of the statutes is amended to read:

21 16.61 (13) (a) The historical society, as trustee for the state, shall be the
22 ultimate depository of the archives of the state, and the board may transfer to the
23 society such original records and reproductions as it deems proper and worthy of

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1 permanent preservation, including records and reproductions which the custodian
2 thereof has been specifically directed by statute to preserve or keep in the custodian's
3 office. The permanent preservation of records of the University of Wisconsin System
4 and of the University of Wisconsin-Madison may be accomplished under par. (b).
5 The society may deposit in the regional depositories established under s. 44.10, title
6 remaining with the society, the records of state agencies or their district or regional
7 offices which are primarily created in the geographic area serviced by the depository,
8 but the records of all central departments, offices, establishments and agencies shall
9 remain in the main archives in the capital city under the society's immediate
10 jurisdiction, except that the society may place the records temporarily at a regional
11 depository for periods of time to be determined by the society. Nothing in this
12 subsection nor in ch. 44 prevents the society's taking the steps for the safety of
13 articles and materials entrusted to its care in library, museum or archives, including
14 temporary removal to safer locations, dictated by emergency conditions arising from
15 a state of war, civil rebellion or other catastrophe.

16 ***-1187/P4.74* SECTION 239.** 16.61 (13) (b) of the statutes is amended to read:

17 16.61 (13) (b) The board may designate an archival depository at the
18 University of Wisconsin-Madison and at each university as defined in s. 36.05 (13)
19 which shall meet standards for university archival depositories established by the
20 board with the advice of the ~~board of regents~~ Board of Trustees, the Board of Regents,
21 and the historical society or their respective designated representatives. The board
22 may transfer to the appropriate university archival depository all original records
23 and reproductions the board deems worthy of permanent preservation.

24 ***-1187/P4.75* SECTION 240.** 16.70 (2) of the statutes is amended to read:

1 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
2 III of ch. 149 or under ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279.

3 ***-1252/P3.2*** SECTION 241. 16.70 (3g) of the statutes is renumbered 84.01 (13)
4 (a) and amended to read:

5 84.01 (13) (a) ~~"Cost-benefit~~ In this subsection, "cost-benefit analysis" means
6 a comprehensive study to identify and compare the total cost, quality, technical
7 expertise, and timeliness of a service performed by state employees and resources
8 with the total cost, quality, technical expertise, and timeliness of the same service
9 obtained by means of a contract for contractual services.

10 ***-1262/1.2*** SECTION 242. 16.705 (1p) of the statutes is created to read:

11 16.705 (1p) Subsection (1) does not apply to an agreement entered into by the
12 department of veterans affairs under s. 45.50 (2m) (c).

13 ***-1187/P4.76*** SECTION 243. 16.705 (1r) (d) of the statutes is amended to read:

14 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the
15 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),
16 (ja), (jm), (u), or (w) ~~or (5) (j)~~.

17 ***-1187/P4.77*** SECTION 244. 16.705 (1r) (e) of the statutes is created to read:

18 16.705 (1r) (e) Contractual services purchased by the Board of Trustees of the
19 University of Wisconsin-Madison with moneys other than moneys appropriated
20 under s. 20.280.

21 ***-1252/P3.3*** SECTION 245. 16.705 (2) of the statutes is repealed.

22 ***-1252/P3.4*** SECTION 246. 16.705 (3) of the statutes is repealed.

23 ***-1252/P3.5*** SECTION 247. 16.705 (8) of the statutes is repealed.

24 ***-1263/P2.1*** SECTION 248. 16.705 (9) of the statutes is created to read:

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1 16.705 (9) The department shall maintain a list of persons that are or have
2 been a party to a contract with the state under this subchapter who have violated a
3 provision of this subchapter or a contract under this subchapter. The parties on the
4 list are ineligible for state contracts and no state contract may be awarded to a party
5 on the ineligible list. The department may remove any party from the ineligible list
6 if the department determines that the party's practices comply with this subchapter
7 and provide adequate safeguards against future violations of this subchapter or
8 contracts under this subchapter.

9 ***-1187/P4.78* SECTION 249.** 16.71 (4) of the statutes is created to read:

10 16.71 (4) The department shall delegate to the Board of Trustees of the
11 University of Wisconsin-Madison the authority to enter into contracts for materials,
12 supplies, equipment, or services that relate to higher education and that agencies
13 other than the University of Wisconsin-System or the University of
14 Wisconsin-Madison do not commonly purchase.

15 ***-1267/P1.1* SECTION 250.** 16.72 (2) (d) of the statutes is repealed.

16 ***-1187/P4.79* SECTION 251.** 16.72 (8) of the statutes is amended to read:

17 16.72 (8) The department may purchase educational technology materials,
18 supplies, equipment, or contractual services from orders placed with the department
19 by school districts, cooperative educational service agencies, technical college
20 districts, ~~and the board of regents~~ Board of Regents of the University of Wisconsin
21 System, ~~and the Board of Trustees of the University of Wisconsin-Madison.~~

22 ***-1187/P4.80* SECTION 252.** 16.73 (4m) of the statutes is created to read:

23 16.73 (4m) The Board of Trustees of the University of Wisconsin-Madison may
24 enter into agreements with other higher education institutions under which any of
25 the parties may agree to participate in, administer, sponsor, or conduct purchasing

1 of materials, supplies, equipment, permanent personal property, miscellaneous
2 capital, or contractual services. The University of Wisconsin-Madison may
3 purchase from any vendor selected as a result of such purchasing agreements.

****NOTE: Please review this provision.

4 ***-1187/P4.81* SECTION 253.** 16.73 (5) of the statutes is amended to read:

5 16.73 (5) If the department designates the ~~board of regents~~ Board of Trustees
6 of the University of Wisconsin-System Wisconsin-Madison as its purchasing agent
7 for any purpose under s. 16.71 (1), the board may enter into a contract to sell any
8 materials, supplies, equipment or contractual services purchased by the board to the
9 University of Wisconsin Hospitals and Clinics Authority, and may contract with the
10 University of Wisconsin Hospitals and Clinics Authority for the joint purchase of any
11 materials, supplies, equipment or contractual services if the sale or purchase is made
12 consistently with that delegation and with this subchapter.

13 ***-1187/P4.82* SECTION 254.** 16.75 (1) (b) of the statutes is renumbered 16.75

14 (1) (b) 1. and amended to read:

15 16.75 (1) (b) 1. ~~When~~ Except as provided in subd. 2., when the estimated cost
16 exceeds \$25,000, the department shall invite bids to be submitted. ~~The~~

17 3. If subd. 1. or 2. requires bids to be solicited, the department shall either shall
18 solicit sealed bids to be opened publicly at a specified date and time, or shall solicit
19 bidding by auction to be conducted electronically at a specified date and time.
20 Whenever bids are invited, due notice inviting bids shall be published as a class 2
21 notice, under ch. 985 or posted on the Internet at a site determined or approved by
22 the department. The bid opening or auction shall occur at least 7 days after the date
23 of the last insertion of the notice or at least 7 days after the date of posting on the
24 Internet. The notice shall specify whether sealed bids are invited or bids will be

1 accepted by auction, and shall give a clear description of the materials, supplies,
2 equipment, or contractual services to be purchased, the amount of any bond, share
3 draft, check, or other draft to be submitted as surety with the bid or prior to the
4 auction, and the date and time that the public opening or the auction will be held.

5 ***-1216/P1.1* SECTION 255.** 16.75 (1) (b) of the statutes is amended to read:

6 16.75 (1) (b) When the estimated cost exceeds ~~\$25,000~~ \$50,000, the department
7 shall invite bids to be submitted. The department shall either solicit sealed bids to
8 be opened publicly at a specified date and time, or shall solicit bidding by auction to
9 be conducted electronically at a specified date and time. Whenever bids are invited,
10 due notice inviting bids shall be published as a class 2 notice, under ch. 985 or posted
11 on the Internet at a site determined or approved by the department. The bid opening
12 or auction shall occur at least 7 days after the date of the last insertion of the notice
13 or at least 7 days after the date of posting on the Internet. The notice shall specify
14 whether sealed bids are invited or bids will be accepted by auction, and shall give a
15 clear description of the materials, supplies, equipment, or contractual services to be
16 purchased, the amount of any bond, share draft, check, or other draft to be submitted
17 as surety with the bid or prior to the auction, and the date and time that the public
18 opening or the auction will be held.

19 ***-1187/P4.83* SECTION 256.** 16.75 (1) (b) 2. of the statutes is created to read:

20 16.75 (1) (b) 2. If the University of Wisconsin-Madison is making a purchase,
21 the University of Wisconsin-Madison may make the purchase without inviting bids
22 to be submitted if the estimated cost does not exceed \$50,000.

23 ***-1187/P4.84* SECTION 257.** 16.75 (1) (c) of the statutes is amended to read:

24 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is ~~\$25,000~~
25 ~~or less~~ than the bidding threshold under par. (b), the award may be made in

1 accordance with simplified procedures established by the department or the
2 University of Wisconsin-Madison, whichever is making the purchase, for such
3 transactions.

4 ***-1216/P1.2* SECTION 258.** 16.75 (1) (c) of the statutes is amended to read:

5 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is ~~\$25,000~~
6 \$50,000 or less, the award may be made in accordance with simplified procedures
7 established by the department for such transactions.

8 ***-1187/P4.85* SECTION 259.** 16.75 (2m) (b) of the statutes is renumbered 16.75

9 (2m) (b) 1. and amended to read:

10 16.75 (2m) (b) 1. ~~When~~ Except as provided in subd. 2., when the estimated cost
11 exceeds \$25,000, the department may invite competitive sealed proposals ~~by~~
12 publishing.

13 3. If competitive sealed proposals are invited, the department shall publish a
14 class 2 notice under ch. 985 or by posting post notice on the Internet at a site
15 determined or approved by the department. The notice shall describe the materials,
16 supplies, equipment, or contractual services to be purchased, the intent to make the
17 procurement by solicitation of proposals rather than by solicitation of bids, any
18 requirement for surety and the date the proposals will be opened, which shall be at
19 least 7 days after the date of the last insertion of the notice or at least 7 days after
20 the date of posting on the Internet.

21 ***-1216/P1.3* SECTION 260.** 16.75 (2m) (b) of the statutes is amended to read:

22 16.75 (2m) (b) When the estimated cost exceeds ~~\$25,000~~ \$50,000, the
23 department may invite competitive sealed proposals by publishing a class 2 notice
24 under ch. 985 or by posting notice on the Internet at a site determined or approved
25 by the department. The notice shall describe the materials, supplies, equipment, or

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1 contractual services to be purchased, the intent to make the procurement by
2 solicitation of proposals rather than by solicitation of bids, any requirement for
3 surety and the date the proposals will be opened, which shall be at least 7 days after
4 the date of the last insertion of the notice or at least 7 days after the date of posting
5 on the Internet.

6 ***-1187/P4.86* SECTION 261.** 16.75 (2m) (b) 2. of the statutes is created to read:

7 16.75 (2m) (b) 2. If the University of Wisconsin-Madison is making a purchase,
8 the University of Wisconsin-Madison may make the purchase without inviting
9 competitive sealed proposals if the estimated cost does not exceed \$50,000.

10 ***-1187/P4.87* SECTION 262.** 16.75 (2m) (c) of the statutes is amended to read:

11 16.75 (2m) (c) When the estimated cost is ~~\$25,000 or less~~ than the threshold
12 under par. (b) for requiring competitive sealed proposals, the department may award
13 the order or contract may be awarded in accordance with simplified procedures
14 established by the department or the University of Wisconsin-Madison, whichever
15 is making the purchase, for such transactions.

16 ***-1216/P1.4* SECTION 263.** 16.75 (2m) (c) of the statutes is amended to read:

17 16.75 (2m) (c) When the estimated cost is ~~\$25,000~~ \$50,000 or less, the
18 department may award the order or contract in accordance with simplified
19 procedures established by the department for such transactions.

20 ***-1465/P3.90* *-0808/2.65* SECTION 264.** 16.75 (3m) (a) 1. of the statutes is
21 amended to read:

22 16.75 (3m) (a) 1. "Disabled veteran-owned business" means a business
23 certified by the department of ~~eommeree~~ safety and professional services under s.
24 ~~560.0335~~ 490.02 (3).

1 ***-1465/P3.91* *-0808/2.66* SECTION 265.** 16.75 (3m) (a) 2. of the statutes is
2 amended to read:

3 16.75 **(3m)** (a) 2. “Disabled veteran-owned financial adviser” means a financial
4 adviser certified by the department of ~~commerce~~ safety and professional services
5 under s. ~~560.0335~~ 490.02 (3).

6 ***-1465/P3.92* *-0808/2.67* SECTION 266.** 16.75 (3m) (a) 3. of the statutes is
7 amended to read:

8 16.75 **(3m)** (a) 3. “Disabled veteran-owned investment firm” means an
9 investment firm certified by the department of ~~commerce~~ safety and professional
10 services under s. ~~560.0335~~ 490.02 (3).

11 ***-1465/P3.93* *-0808/2.68* SECTION 267.** 16.75 (3m) (a) 4. of the statutes is
12 amended to read:

13 16.75 **(3m)** (a) 4. “Minority business” means a business certified by the
14 department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04 (2).

15 ***-1465/P3.94* *-0808/2.69* SECTION 268.** 16.75 (3m) (c) 5. a. of the statutes
16 is amended to read:

17 16.75 **(3m)** (c) 5. a. In determining whether a purchase, contract or subcontract
18 complies with the goal established under par. (b) 1. or s. 16.855 (10m) (am) 1., 16.87
19 (2) (b), or 25.185 (2), the department shall include only amounts paid to minority
20 businesses, minority financial advisers and minority investment firms certified by
21 the department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04
22 (2).

23 ***-1465/P3.95* *-0808/2.70* SECTION 269.** 16.75 (3m) (c) 5. b. of the statutes
24 is amended to read:

1 16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract
2 is made with a disabled veteran-owned business, the department shall include only
3 amounts paid to disabled veteran-owned businesses certified by the department of
4 ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

5 ***-1267/P1.2*** SECTION 270. 16.75 (3t) (c) (intro.) of the statutes is amended to
6 read:

7 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
8 to the department of administration a current list of all materials, supplies,
9 equipment or contractual services, excluding commodities, that are supplied by
10 prison industries, as created under s. 303.01. The department of administration
11 shall distribute the list to all designated purchasing agents under s. 16.71 (1). Except
12 as otherwise provided in sub. (6) (am), prior to seeking bids or competitive sealed
13 proposals with respect to the purchase of any materials, supplies, equipment or
14 contractual services enumerated in the list, the department of administration or any
15 other designated purchasing agent under s. 16.71 (1) shall offer prison industries the
16 opportunity to supply the materials, supplies, equipment or contractual services if
17 the department of corrections is able to provide them at a price ~~comparable to that~~
18 is equal to or lower than one which may be obtained through competitive bidding or
19 competitive sealed proposals and is able to conform to the specifications, ~~provided the~~
20 ~~specifications are written in accordance with s. 16.72 (2) (d).~~ If the department of
21 administration or other purchasing agent is unable to determine whether the price
22 of prison industries is ~~comparable~~ equal to or lower than one obtained through
23 competitive bidding or competitive sealed proposals, it may solicit bids or
24 competitive proposals before awarding the order or contract. This paragraph does
25 not apply to the printing of the following forms:

1 ***-1465/P3.96* *-0808/2.71* SECTION 271.** 16.75 (4) (b) of the statutes is
2 amended to read:

3 16.75 (4) (b) The department shall seek the cooperation and assistance of the
4 department of ~~commerce~~ safety and professional services in the performance of its
5 duties under par. (a).

6 ***-1252/P3.6* SECTION 272.** 16.75 (6) (bm) of the statutes is amended to read:

7 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
8 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
9 16.705 (1) ~~and (2) to (8), (5), (6), and (7)~~ and 16.72 (2) (e) and (f) and (5) with respect
10 to any contract entered into by the department of children and families under s.
11 49.143, if the department of children and families presents the secretary with a
12 process for the procurement of contracts under s. 49.143 and the secretary approves
13 the process.

14 ***-1187/P4.88* SECTION 273.** 16.75 (6) (c) of the statutes is amended to read:

15 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
16 to do so, ~~he or she or, for purchases by the University of Wisconsin-Madison, the~~
17 chairperson of the Board of Trustees determines it is in the best interest of the
18 University of Wisconsin-Madison to do so, the secretary or chairperson may, with the
19 approval of the governor, waive the requirements of subs. (1) to (5) and may purchase
20 supplies, material, equipment, or contractual services, other than printing and
21 stationery, from a private source other than a source specified in par. (b). Except as
22 provided in sub. (2g) (c), if the cost of the purchase is expected to exceed \$25,000, the
23 department shall first publish a class 2 notice under ch. 985 or post a notice on the
24 Internet at the site determined or approved by the department under sub. (1) (b) 3.
25 describing the materials, supplies, equipment, or contractual services to be

1 purchased, stating the intent to make the purchase from a private source without
2 soliciting bids or competitive sealed proposals and stating the date on which the
3 contract or purchase order will be awarded. The date of the award shall be at least
4 7 days after the date of the last insertion or the date of posting on the Internet.

5 ***-1216/P1.5* SECTION 274.** 16.75 (6) (c) of the statutes is amended to read:

6 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
7 to do so, he or she may, with the approval of the governor, waive the requirements
8 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
9 services, other than printing and stationery, from a private source other than a
10 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the
11 purchase is expected to exceed ~~\$25,000~~ \$50,000, the department shall first publish
12 a class 2 notice under ch. 985 or post a notice on the Internet at the site determined
13 or approved by the department under sub. (1) (b) describing the materials, supplies,
14 equipment, or contractual services to be purchased, stating the intent to make the
15 purchase from a private source without soliciting bids or competitive sealed
16 proposals and stating the date on which the contract or purchase order will be
17 awarded. The date of the award shall be at least 7 days after the date of the last
18 insertion or the date of posting on the Internet.

19 ***-1259/P3.1* SECTION 275.** 16.75 (10e) (b) of the statutes is amended to read:

20 16.75 (10e) (b) ~~The~~ If s. 16.855 (10s) (a) provides an applicable standard for the
21 type of agency consuming equipment being purchased and the purchase will cost
22 more than \$5,000 per unit the department, any other designated purchasing agent
23 under s. 16.71 (1), any agency making purchases under s. 16.74, and any authority
24 may not purchase that type of energy consuming equipment unless the specifications
25 for the equipment meet the applicable standards ~~for the equipment established~~

1 ~~under s. 16.855 (10s) (a). If there is no standard under s. 16.855 (10s) (a) applicable~~
2 ~~to the type of energy consuming equipment being purchased, or if, If there is an~~
3 ~~applicable standard under s. 16.855 (10s) (a), but the energy consuming equipment~~
4 meeting that standard is not reasonably available, the department, purchasing
5 agent, agency, or authority shall ensure, for purchases over \$5,000 per unit, that the
6 energy consuming equipment that is purchased maximizes energy efficiency to the
7 extent technically and economically feasible. The department, purchasing agent,
8 agency, or authority shall not determine that energy consuming equipment that
9 meets the applicable standard under s. 16.855 (10s) (a) either is not reasonably
10 available on the basis of cost alone or is not cost-effective unless the difference in the
11 cost of the purchase and installation of the equipment that meets the standard and
12 the equipment that would otherwise be installed is greater than the difference in the
13 cost of operating the equipment that meets the standard and the equipment that
14 would otherwise be installed over the anticipated life of the equipment.

15 ***-1267/P1.3* SECTION 276.** 16.751 of the statutes is amended to read:

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

20 ***-1465/P3.97* *-0808/2.72* SECTION 277.** 16.752 (8) (e) of the statutes is
21 amended to read:

22 16.752 (8) (e) Comply with applicable occupational health and safety standards
23 prescribed by the U.S. secretary of labor, the federal occupational health and safety
24 administration or the department of ~~commerce~~ safety and professional services.

1 ***-1187/P4.89* SECTION 278.** 16.765 (1) of the statutes, as affected by 2011
2 Wisconsin Act 7, is amended to read:

3 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
4 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
5 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
6 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the
7 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
8 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
9 include in all contracts executed by them a provision obligating the contractor not
10 to discriminate against any employee or applicant for employment because of age,
11 race, religion, color, handicap, sex, physical condition, developmental disability as
12 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national
13 origin and, except with respect to sexual orientation, obligating the contractor to take
14 affirmative action to ensure equal employment opportunities.

15 ***-1187/P4.90* SECTION 279.** 16.765 (2) of the statutes, as affected by 2011
16 Wisconsin Act 7, is amended to read:

17 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
18 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
19 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
20 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the
21 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
22 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
23 include the following provision in every contract executed by them: "In connection
24 with the performance of work under this contract, the contractor agrees not to
25 discriminate against any employee or applicant for employment because of age, race,

1 religion, color, handicap, sex, physical condition, developmental disability as defined
2 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
3 not be limited to, the following: employment, upgrading, demotion or transfer;
4 recruitment or recruitment advertising; layoff or termination; rates of pay or other
5 forms of compensation; and selection for training, including apprenticeship. Except
6 with respect to sexual orientation, the contractor further agrees to take affirmative
7 action to ensure equal employment opportunities. The contractor agrees to post in
8 conspicuous places, available for employees and applicants for employment, notices
9 to be provided by the contracting officer setting forth the provisions of the
10 nondiscrimination clause”.

11 *-1187/P4.91* SECTION 280. 16.765 (5) of the statutes, as affected by 2011
12 Wisconsin Act 7, is amended to read:

13 16.765 (5) The head of each contracting agency and the boards of directors of
14 the University of Wisconsin Hospitals and Clinics Authority, the University of
15 Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
16 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
17 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
18 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
19 Entertainment Corporation shall be primarily responsible for obtaining compliance
20 by any contractor with the nondiscrimination and affirmative action provisions
21 prescribed by this section, according to procedures recommended by the department.
22 The department shall make recommendations to the contracting agencies and the
23 boards of directors of the University of Wisconsin Hospitals and Clinics Authority,
24 the University of Wisconsin-Madison, the Fox River Navigational System Authority,
25 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan

1 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
2 Care Authority, the Wisconsin Economic Development Corporation, and the Bradley
3 Center Sports and Entertainment Corporation for improving and making more
4 effective the nondiscrimination and affirmative action provisions of contracts. The
5 department shall promulgate such rules as may be necessary for the performance of
6 its functions under this section.

7 ***-1187/P4.92* SECTION 281.** 16.765 (6) of the statutes, as affected by 2011
8 Wisconsin Act 7, is amended to read:

9 16.765 (6) The department may receive complaints of alleged violations of the
10 nondiscrimination provisions of such contracts. The department shall investigate
11 and determine whether a violation of this section has occurred. The department may
12 delegate this authority to the contracting agency, the University of Wisconsin
13 Hospitals and Clinics Authority, the University of Wisconsin-Madison, the Fox
14 River Navigational System Authority, the Wisconsin Aerospace Authority, the
15 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
16 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
17 Development Corporation, or the Bradley Center Sports and Entertainment
18 Corporation for processing in accordance with the department's procedures.

19 ***-1187/P4.93* SECTION 282.** 16.765 (7) (intro.) of the statutes, as affected by
20 2011 Wisconsin Act 7, is amended to read:

21 16.765 (7) (intro.) When a violation of this section has been determined by the
22 department, the contracting agency, the University of Wisconsin Hospitals and
23 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
24 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
25 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the

1 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
2 Corporation, or the Bradley Center Sports and Entertainment Corporation, the
3 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the
4 University of Wisconsin-Madison, the Fox River Navigational System Authority, the
5 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
6 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
7 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
8 Sports and Entertainment Corporation shall:

9 *-1187/P4.94* SECTION 283. 16.765 (7) (d) of the statutes, as affected by 2011
10 Wisconsin Act 7, is amended to read:

11 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
12 further violations of this section and to report its corrective action to the contracting
13 agency, the University of Wisconsin Hospitals and Clinics Authority, the University
14 of Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
15 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
16 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
17 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
18 Entertainment Corporation.

19 *-1187/P4.95* SECTION 284. 16.765 (8) of the statutes, as affected by 2011
20 Wisconsin Act 7, is amended to read:

21 16.765 (8) If further violations of this section are committed during the term
22 of the contract, the contracting agency, the University of Wisconsin-Madison, the
23 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the
24 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
25 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation or the Bradley Center Sports and Entertainment
2 Corporation may permit the violating party to complete the contract, after complying
3 with this section, but thereafter the contracting agency, the University of
4 Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
5 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
6 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
7 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
8 Entertainment Corporation shall request the department to place the name of the
9 party on the ineligible list for state contracts, or the contracting agency, the
10 University of Wisconsin-Madison, the Fox River Navigational System Authority, the
11 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
12 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
13 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
14 Sports and Entertainment Corporation may terminate the contract without liability
15 for the uncompleted portion or any materials or services purchased or paid for by the
16 contracting party for use in completing the contract.

17 ***-1187/P4.96* SECTION 285.** 16.78 (1) of the statutes, as affected by 2011
18 Wisconsin Act 7, is amended to read:

19 16.78 (1) Every agency other than the ~~board of regents~~ Board of Regents of the
20 University of Wisconsin System, the Board of Trustees of the University of
21 Wisconsin-Madison, or an agency making purchases under s. 16.74 shall make all
22 purchases of materials, supplies, equipment, and contractual services relating to
23 information technology or telecommunications from the department, unless the
24 department requires the agency to purchase the materials, supplies, equipment, or
25 contractual services pursuant to a master contract established under s. 16.972 (2)

1 (h), or grants written authorization to the agency to procure the materials, supplies,
2 equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the
3 materials, supplies, equipment, or contractual services from another agency or to
4 provide the materials, supplies, equipment, or contractual services to itself. The
5 ~~board of regents~~ Board of Regents of the University of Wisconsin System may make
6 purchases of materials, supplies, equipment, and contractual services relating to
7 information technology or telecommunications from the department.

8 ***-1221/2.3* SECTION 286.** 16.841 of the statutes is repealed.

9 ***-1187/P4.97* SECTION 287.** 16.847 (1) (b) of the statutes is amended to read:

10 16.847 (1) (b) "State facilities" means all property owned and operated by the
11 state for the purpose of carrying out usual state functions, including the University
12 of Wisconsin-Madison and each institution within the University of Wisconsin
13 System.

****NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not
amended because under the draft the UW's real property will not be state-owned.

14 ***-1187/P4.98* SECTION 288.** 16.85 (1) of the statutes is amended to read:

15 16.85 (1) To take charge of and supervise all engineering or architectural
16 services or construction work, as defined in s. 16.87, performed by, or for, the state,
17 or any department, board, institution, commission, or officer of the state, and any
18 such work to be performed for the University of Wisconsin-Madison, including
19 nonprofit-sharing corporations organized for the purpose of assisting the state in the
20 construction and acquisition of new buildings or improvements and additions to
21 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, 37.03, and
22 37.11, except work to be performed for the University of Wisconsin-Madison with
23 respect to a building, structure, or facility that is funded entirely from sources other

1 than general purpose revenue or general fund supported borrowing; the engineering,
2 architectural, and construction work of the department of transportation; and the
3 engineering service performed by the department of commerce, department of
4 revenue, public service commission, department of health services, and other
5 departments, boards, and commissions when the service is not related to the
6 maintenance, and construction and planning, of the physical properties of the state.
7 The department may not authorize construction work for any state office facility in
8 the city of Madison after May 11, 1990, unless the department first provides suitable
9 space for a child care center primarily for use by children of state employees.

10 ***-1221/2.4*** SECTION 289. 16.85 (1) of the statutes is amended to read:

11 16.85 (1) To take charge of and supervise all engineering or architectural
12 services or construction work, as defined in s. 16.87, performed by, or for, the state,
13 or any department, board, institution, commission, or officer of the state, including
14 nonprofit-sharing corporations organized for the purpose of assisting the state in the
15 construction and acquisition of new buildings or improvements and additions to
16 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except the
17 engineering, architectural, and construction work of the department of
18 transportation and the engineering service performed by the department of
19 commerce, department of revenue, public service commission, department of health
20 services, and other departments, boards, and commissions when the service is not
21 related to the maintenance, and construction and planning, of the physical
22 properties of the state. ~~The department may not authorize construction work for any~~
23 ~~state office facility in the city of Madison after May 11, 1990, unless the department~~
24 ~~first provides suitable space for a child care center primarily for use by children of~~
25 ~~state employees.~~

1 ***-1465/P3.98* *-0808/2.73* SECTION 290.** 16.85 (1) of the statutes is amended
2 to read:

3 16.85 (1) To take charge of and supervise all engineering or architectural
4 services or construction work, as defined in s. 16.87, performed by, or for, the state,
5 or any department, board, institution, commission, or officer of the state, including
6 nonprofit-sharing corporations organized for the purpose of assisting the state in the
7 construction and acquisition of new buildings or improvements and additions to
8 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except the
9 engineering, architectural, and construction work of the department of
10 transportation and the engineering service performed by the department of
11 ~~commerce~~ safety and professional services, department of revenue, public service
12 commission, department of health services, and other departments, boards, and
13 commissions when the service is not related to the maintenance, and construction
14 and planning, of the physical properties of the state. The department may not
15 authorize construction work for any state office facility in the city of Madison after
16 May 11, 1990, unless the department first provides suitable space for a child care
17 center primarily for use by children of state employees.

18 ***-1187/P4.99* SECTION 291.** 16.85 (2) of the statutes, as affected by 2011
19 Wisconsin Act 7, is amended to read:

20 16.85 (2) To furnish engineering, architectural, project management, and other
21 building construction services whenever requisitions therefor are presented to the
22 department by any agency or the University of Wisconsin-Madison. The department
23 may deposit moneys received from the provision of these services in the account
24 under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned.
25 In this subsection, “agency” means an office, department, independent agency,

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1 institution of higher education, association, society, or other body in state
2 government created or authorized to be created by the constitution or any law, which
3 is entitled to expend moneys appropriated by law, including the legislature and the
4 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
5 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

6 ***-1187/P4.100* SECTION 292.** 16.85 (5) of the statutes is amended to read:

7 16.85 (5) To promote the use of energy conservation methods in state-owned
8 facilities and facilities owned by the University of Wisconsin-Madison, to implement
9 and refine a statewide energy monitoring system and to develop and implement
10 initiatives of replacing fossil fuels with renewable energy fuels.

11 ***-1187/P4.101* SECTION 293.** 16.85 (7) of the statutes is amended to read:

12 16.85 (7) To rebuild and repair discarded machinery of the several state
13 institutions and the University of Wisconsin-Madison when found feasible, and put
14 the same back into service in the same department or at the university or in any other
15 state department or the university, and upon requisition to furnish services and
16 material and loan equipment at fair rentals based on the cost thereof, in connection
17 with the construction, operation and maintenance of heating and power plants,
18 utilities and equipment.

19 ***-1187/P4.102* SECTION 294.** 16.85 (10) of the statutes is amended to read:

20 16.85 (10) To prepare in cooperation with the state agencies concerned and
21 with the University of Wisconsin-Madison, plans for the future growth and
22 development of various state institutions and to serve as technical adviser to the
23 building commission in connection with the development of the state long-range
24 building program provided in ss. 13.48 and 13.482.

25 ***-1187/P4.103* SECTION 295.** 16.85 (12) of the statutes is amended to read:

1 16.85 (12) To review and approve plans and specifications for any building or
2 structure that is constructed for the benefit of the University of Wisconsin System
3 or any institution thereof, and to periodically review the progress of any such
4 building or structure during construction to assure compliance with the approved
5 plans and specifications. This subsection does not apply to any building, structure,
6 or facility that is constructed, remodeled, repaired, renewed, or expanded for the
7 University of Wisconsin-Madison if the project is funded entirely from sources other
8 than general purpose revenue or general fund supported borrowing.

9 *-1187/P4.104* SECTION 296. 16.851 of the statutes is amended to read:

10 **16.851 Plans for state and university buildings, structures or facilities.**

11 Except as the department otherwise provides by rule, records of the department and
12 the University of Wisconsin-Madison containing plans or specifications for any
13 state-owned or state-leased or any university-owned or university-leased building,
14 structure or facility, or any proposed state-owned or state-leased or
15 university-owned or university-leased building, structure or facility, are not subject
16 to the right of public inspection or copying under s. 19.35 (1). If the department or
17 the University of Wisconsin-Madison transfers any records containing any such
18 plans or specifications to any other authority as defined in s. 19.32 (1), the
19 department or university shall require the authority to agree in writing not to make
20 the record available for public inspection or copying except as the department
21 otherwise permits by rule.

22 *-1187/P4.105* SECTION 297. 16.8511 of the statutes is amended to read:

23 **16.8511 Secretary of administration; powers, duties. (1)** The secretary

24 or the secretary's designated assistants shall make a biennial inspection of each
25 building of each institution of the state and the University of Wisconsin-Madison.

1 The secretary may delegate this responsibility to the board, commission or officer in
2 charge of such institution.

3 (2) The secretary may delegate any of the work under this subchapter to the
4 various state agencies or to the University of Wisconsin-Madison when the secretary
5 determines that the best interests of the state or the university will be served. All
6 such delegation will be in writing and accompanied by the proper rules and
7 guidelines the agencies or the university must follow to ensure performance to the
8 satisfaction of the secretary.

9 *-1465/P3.99* *-0808/2.74* SECTION 298. 16.854 (1) (a) of the statutes is
10 amended to read:

11 16.854 (1) (a) "Minority business" has the meaning given in s. ~~560.036~~ 490.04
12 (1) (e).

13 *-1465/P3.100* *-0808/2.75* SECTION 299. 16.854 (1) (b) of the statutes is
14 amended to read:

15 16.854 (1) (b) "Minority group member" has the meaning given in s. ~~560.036~~
16 490.04 (1) (f).

17 *-1187/P4.106* SECTION 300. 16.855 (2) (intro.) of the statutes is amended to
18 read:

19 16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the
20 estimated construction cost of a project exceeds \$40,000, or if less and in the best
21 interest of the state or the University of Wisconsin-Madison, the department shall:

22 *-1187/P4.107* SECTION 301. 16.855 (2) (b) 2. of the statutes is amended to
23 read:

24 16.855 (2) (b) 2. If the federal government participates in a state or University
25 of Wisconsin-Madison project, the bid guarantee required in this paragraph

1 controls, unless the federal government makes a specific provision for a different bid
2 guarantee.

3 ***-1187/P4.108* SECTION 302.** 16.855 (5) of the statutes is amended to read:

4 16.855 (5) Any or all bids may be rejected if, in the opinion of the department,
5 it is in the best interest of the state or the University of Wisconsin-Madison. The
6 reasons for rejection shall be given to the bidder or bidders in writing.

7 ***-1187/P4.109* SECTION 303.** 16.855 (7) of the statutes is amended to read:

8 16.855 (7) The department may issue contract change orders, if they are
9 deemed to be in the best interests of the state or the University of
10 Wisconsin-Madison.

11 ***-1187/P4.110* SECTION 304.** 16.855 (10) of the statutes is amended to read:

12 16.855 (10) When the department believes that it is in the best interests of the
13 state or the University of Wisconsin-Madison to contract for certain articles or
14 materials available from only one source, it may contract for said articles or
15 materials without the usual statutory procedure, after a publication of a class 1
16 notice, under ch. 985, in the official state newspaper.

17 ***-1465/P3.101* *-0808/2.76* SECTION 305.** 16.855 (10m) (ac) of the statutes
18 is amended to read:

19 16.855 (10m) (ac) In this subsection, “disabled veteran-owned business”
20 means a business certified by the department of ~~commerce~~ safety and professional
21 services under s. ~~560.0335~~ 490.02 (3).

22 ***-1465/P3.102* *-0808/2.77* SECTION 306.** 16.855 (10n) (a) of the statutes is
23 amended to read:

24 16.855 (10n) (a) In this subsection, “minority group member” has the meaning
25 given in s. ~~560.036~~ 490.04 (1) (f).

SECTION 307

1 ***-1187/P4.111* SECTION 307.** 16.855 (13) (c) of the statutes is amended to read:

2 16.855 (13) (c) Changes may be made in the list of subcontractors, with the
3 agreement of the department and the prime contractor, when in the opinion of the
4 department it is in the best interests of the state or the University of
5 Wisconsin-Madison to require the change.

6 ***-1187/P4.112* SECTION 308.** 16.855 (14) (b) of the statutes is amended to
7 read:

8 16.855 (14) (b) The state is and the University of Wisconsin-Madison are not
9 liable to a prime contractor for damage from delay caused by another prime
10 contractor if the department or the university takes reasonable action to require the
11 delaying prime contractor to comply with its contract. If the state or the university
12 is not liable under this paragraph, the delayed prime contractor may bring an action
13 for damages against the delaying prime contractor.

14 ***-1187/P4.113* SECTION 309.** 16.855 (16) (a) of the statutes is amended to
15 read:

16 16.855 (16) (a) This section does not apply to contracts between the state or the
17 University of Wisconsin-Madison and federal government or any agency thereof, or
18 with any political subdivision of the state. Subject to the approval of the governor,
19 the requirements of this section may be waived in emergency situations involving the
20 public health, welfare or safety or with respect to contracting with public utilities,
21 but only when any such waiver is deemed by the governor to be in the best interests
22 of the state or the university.

23 ***-1187/P4.114* SECTION 310.** 16.855 (16) (b) 2. of the statutes is amended to
24 read:

1 16.855 (16) (b) 2. In emergency situations, the governor may approve repairs
2 and construction of a building, structure, or facility in lieu of building commission
3 approval under s. 13.48 (10), and for such purposes, may authorize the expenditure
4 of up to \$500,000 from the state building trust fund or from other available moneys
5 appropriated to an agency or other available moneys of the University of
6 Wisconsin-Madison derived from any revenue source. The governor may delegate
7 to the secretary the authority to grant approvals under this subdivision. The
8 governor shall report any such authorization to the building commission at its next
9 regular meeting following the authorization. In this subdivision, “emergency”
10 means any natural or human-caused situation that results in or may result in
11 substantial injury or harm to the population or substantial damage to or loss of
12 property.

13 ***-1187/P4.115*** SECTION 311. 16.855 (20) of the statutes is amended to read:

14 16.855 (20) This section does not apply to construction work performed by
15 University of Wisconsin System or University of Wisconsin-Madison students when
16 the construction work performed is a part of a curriculum and where the work is
17 course-related for the student involved. Prior approval of the building commission
18 must be obtained for all construction projects to be performed by University of
19 Wisconsin System or University of Wisconsin-Madison students, except projects
20 specified in s. 13.48 (10) (c).

21 ***-1187/P4.116*** SECTION 312. 16.855 (22) of the statutes is amended to read:

22 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
23 construction work for any project that does not require the prior approval of the
24 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
25 with policies and procedures prescribed by the building commission under s. 13.48

1 (29). The provisions of this section do not apply to construction work for any project
2 by or for the University of Wisconsin-Madison that is funded entirely from sources
3 other than general purpose revenue or general fund supported borrowing. If the
4 estimated construction cost of any project, other than a University of
5 Wisconsin-Madison project that is exempted under this subsection, is at least
6 \$40,000, and the building commission elects to utilize the procedures prescribed
7 under s. 13.48 (29) to construct the project, the department shall provide adequate
8 public notice of the project and the procedures to be utilized to construct the project
9 on a publicly accessible computer site.

10 ***-1187/P4.117*** SECTION 313. 16.865 (1) (a) of the statutes is amended to read:

11 16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the
12 University of Wisconsin-Madison from losses which are catastrophic in nature and
13 minimize total cost to the state of all activities related to the control of accidental loss.

14 ***-1187/P4.118*** SECTION 314. 16.865 (2) of the statutes is amended to read:

15 16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate
16 exposure to loss to the state, ~~its~~ and University of Wisconsin-Madison and their
17 employees or injury to the public by reason of fire or other accidents and fortuitous
18 events at state-owned and the university-owned properties or facilities.

19 ***-1187/P4.119*** SECTION 315. 16.865 (3) of the statutes is amended to read:

20 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in
21 procedures, program conditions or capital improvement for all agencies and the
22 University of Wisconsin-Madison which would satisfactorily eliminate or reduce the
23 existing exposure.

24 ***-1187/P4.120*** SECTION 316. 16.865 (4) of the statutes is amended to read:

1 16.865 (4) ~~Manage the state employees' Except as provided in sub. (10),~~
2 ~~manage the~~ worker's compensation program ~~for state and University of~~
3 ~~Wisconsin-Madison employees~~ and the statewide self-funded programs to protect
4 the state ~~and the University of Wisconsin-Madison~~ from losses of and damage to
5 state property and liability.

6 ***-1187/P4.121*** SECTION 317. 16.865 (5) of the statutes is amended to read:

7 16.865 (5) ~~Arrange Except as provided in sub. (10), arrange appropriate~~
8 insurance contracts for the transfer of risk of loss on the part of the state ~~and the~~
9 ~~University of Wisconsin-Madison~~ or ~~its~~ ~~their~~ employees, to the extent such loss
10 cannot reasonably be assumed by the individual agencies ~~or the university~~ or the
11 self-funded programs. The placement of insurance may be by private negotiation
12 rather than competitive bid, if such insurance has a restricted number of interested
13 carriers. The department shall approve all insurance purchases.

14 ***-1187/P4.122*** SECTION 318. 16.865 (8) of the statutes, as affected by 2011
15 Wisconsin Act 7, is amended to read:

16 16.865 (8) ~~Annually Except as provided in sub. (10), annually~~ in each fiscal
17 year, allocate as a charge to each agency ~~and to the University of Wisconsin-Madison~~
18 a proportionate share of the estimated costs attributable to programs administered
19 by the agency ~~or the university~~ to be paid from the appropriation under s. 20.505 (2)
20 (k). The department may charge premiums to agencies ~~and to the University of~~
21 ~~Wisconsin-Madison~~ to finance costs under this subsection and pay the costs from the
22 appropriation on an actual basis. The department shall deposit all collections under
23 this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed
24 under this subsection may include judgments, investigative and adjustment fees,
25 data processing and staff support costs, program administration costs, litigation

SECTION 318

1 costs, and the cost of insurance contracts under sub. (5). In this subsection, “agency”
2 means an office, department, independent agency, institution of higher education,
3 association, society, or other body in state government created or authorized to be
4 created by the constitution or any law, that is entitled to expend moneys
5 appropriated by law, including the legislature and the courts, but not including an
6 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231,
7 232, 233, 234, 235, 237, 238, or 279.

8 ***-1187/P4.123* SECTION 319.** 16.865 (10) of the statutes is created to read:

9 16.865 (10) This section does not apply to the University of Wisconsin–Madison
10 for any fiscal year if the University of Wisconsin–Madison, no later than December
11 31 preceding the beginning of that fiscal year, provides written notice to the
12 department that it has elected not to be governed by this section. Any notice of
13 nonelection applies to all subsequent fiscal years unless the University of
14 Wisconsin–Madison, no later than December 31 preceding the beginning of a fiscal
15 year, provides written notice to the department that it has elected to be governed by
16 this section. Any notice of election applies to all subsequent fiscal years unless the
17 University of Wisconsin–Madison again provides timely notice of nonelection.

18 ***-1465/P3.103* *-0808/2.78* SECTION 320.** 16.87 (1) (am) of the statutes is
19 amended to read:

20 16.87 (1) (am) “Disabled veteran–owned business” means a business certified
21 by the department of ~~commerce~~ safety and professional services under s. ~~560.0335~~
22 490.02 (3).

23 ***-1187/P4.124* SECTION 321.** 16.87 (2) (a) of the statutes is amended to read:

24 16.87 (2) (a) A contract for engineering services or architectural services or a
25 contract involving an expenditure of \$10,000 or more for construction work, or

1 \$30,000 or more for limited trades work, to be done for or furnished to the state or
2 a department, board, commission, or officer of the state or the University of
3 Wisconsin-Madison is exempt from the requirements of ss. 16.705 and 16.75.

4 ***-1187/P4.125* SECTION 322.** 16.87 (5) of the statutes is created to read:

5 16.87 (5) This subsection does not apply to any project for the University of
6 Wisconsin-Madison that is funded entirely from sources other than general purpose
7 revenue or general fund supported borrowing.

8 ***-1187/P4.126* SECTION 323.** 16.875 of the statutes is amended to read:

9 **16.875 Setoffs.** All amounts owed by this state or the University of
10 Wisconsin-Madison under this subchapter are subject to being set off under s. 73.12.

11 ***-1187/P4.127* SECTION 324.** 16.89 of the statutes is amended to read:

12 **16.89 Construction and services controlled by this chapter.** No
13 department, independent agency, constitutional office or agent of the state shall
14 employ engineering, architectural or allied services or expend money for
15 construction purposes on behalf of the state, except as provided in this chapter. The
16 University of Wisconsin-Madison shall not employ engineering, architectural, or
17 allied services or expend money for construction purposes on behalf of the university,
18 except as provided in this chapter and except that the university may engage such
19 employment for any project that is financed entirely from sources other than general
20 purpose revenue or general fund supported borrowing.

21 ***-1187/P4.128* SECTION 325.** 16.891 (1) (b) of the statutes is amended to read:

22 16.891 (1) (b) "Total cost of occupancy" means the cost to operate and maintain
23 the physical plant of a building, structure, or facility, including administrative costs
24 of an agency or the University of Wisconsin-Madison attributable to operation and
25 maintenance of a building, structure, or facility, together with any debt service costs

1 associated with the building, structure, or facility, computed in the manner
2 prescribed by the department.

3 ***-1187/P4.129* SECTION 326.** 16.891 (2) of the statutes is amended to read:

4 16.891 (2) Except as provided in sub. (4), each agency and the University of
5 Wisconsin-Madison shall report to the department no later than October 1 of each
6 year concerning the total cost of occupancy of each state-owned or university-owned
7 building, structure, and facility, excluding public highways and bridges, under the
8 jurisdiction of the agency or university for the preceding fiscal year. The report shall
9 be made in a format prescribed by the department. Beginning in 2009, if a building,
10 structure, or facility is a part of an institution, the agency having jurisdiction of the
11 institution or the University of Wisconsin-Madison shall also include in its report
12 the total cost of occupancy of all of the buildings, structures, and facilities within the
13 institution.

14 ***-1187/P4.130* SECTION 327.** 16.891 (4) of the statutes is amended to read:

15 16.891 (4) The department may exempt an agency or the University of
16 Wisconsin-Madison from compliance with the reporting requirement under sub. (2)
17 with respect to any building, structure, or facility that the department determines
18 to have a minimal total cost of occupancy.

19 ***-1187/P4.131* SECTION 328.** 16.895 (title) of the statutes is amended to read:

20 **16.895 (title) ~~State-owned~~ State- or university-owned or operated**
21 **heating, cooling or power plants.**

22 ***-1187/P4.132* SECTION 329.** 16.895 (2) (a) of the statutes is amended to read:

23 16.895 (2) (a) Prepare all specifications, bid and administer contracts for the
24 purchase of fuels for all ~~state-owned or operated~~ heating, cooling or power plants
25 that are owned or operated by the state or the University of Wisconsin-Madison.

1 ***-1187/P4.133* SECTION 330.** 16.895 (2) (c) of the statutes is amended to read:

2 16.895 (2) (c) Determine the method of operation of ~~state-owned~~ state- or
3 university-owned or operated heating, cooling or power plants, including
4 maintenance standards and policies concerning utilization of alternative fuels and
5 energy conservation.

6 ***-1187/P4.134* SECTION 331.** 16.895 (2) (d) of the statutes is amended to read:

7 16.895 (2) (d) Assure compliance with federal and state laws, federal
8 regulations and state administrative rules applicable to ~~state-owned~~ state- or
9 university-owned or operated heating, cooling or power plants.

10 ***-1187/P4.135* SECTION 332.** 16.895 (2) (e) of the statutes is amended to read:

11 16.895 (2) (e) Delegate to any agency or to the University of
12 Wisconsin-Madison the department's authority under par. (c) or (d) and approve all
13 expenditures of the agency or university under par. (c) or (d).

14 ***-1187/P4.136* SECTION 333.** 16.895 (2) (g) of the statutes is amended to read:

15 16.895 (2) (g) Provide for emissions testing, waste product disposal and fuel
16 quality testing at ~~state-owned~~ state- or university-owned or operated heating,
17 cooling or power plants, and secure permits that are required for operation of the
18 plants.

19 ***-1187/P4.137* SECTION 334.** 16.895 (2) (h) of the statutes is amended to read:

20 16.895 (2) (h) Periodically assess to agencies and the University of
21 Wisconsin-Madison their proportionate cost of the expenses incurred by the
22 department under this subsection and ss. 16.85 (4), 16.90, 16.91 and 16.92 in
23 accordance with a method of apportionment determined by the department.

24 ***-1187/P4.138* SECTION 335.** 16.897 of the statutes is amended to read:

1 **16.897 Space and water heating systems.** In planning and designing space
2 or water heating systems for new or existing state facilities and facilities of the
3 University of Wisconsin-Madison, the department shall ensure that geothermal
4 technologies are utilized to the greatest extent that is cost-effective and technically
5 feasible.

6 ***-1187/P4.139*** SECTION 336. 16.90 (title) of the statutes is amended to read:

7 **16.90 (title) Fuel for state and university heating, cooling or power**
8 **plants.**

9 ***-1187/P4.140*** SECTION 337. 16.90 (2) (a) of the statutes is amended to read:

10 16.90 (2) (a) Prepare all specifications for contracts for the purchase of fuel for
11 each ~~state-owned or operated~~ heating, cooling or power plant that is owned or
12 operated by the state or the University of Wisconsin-Madison. All such
13 specifications where feasible shall provide for purchase of such fuel on a heating
14 value and quality basis and may provide for an adjustment of the base price of any
15 fuel as a result of changes in production or transportation costs during the term of
16 a contract.

17 ***-1187/P4.141*** SECTION 338. 16.90 (2) (b) of the statutes is amended to read:

18 16.90 (2) (b) Distribute fuel purchased by the department ~~or~~, any other agency,
19 or the University of Wisconsin-Madison to agencies ~~that require it~~ or to the
20 University of Wisconsin-Madison as required, and reallocate such fuel between
21 agencies or the University of Wisconsin-Madison in the event of a shortage.

22 ***-1187/P4.142*** SECTION 339. 16.90 (2) (c) of the statutes is amended to read:

23 16.90 (2) (c) Set standards for storage of fuel by agencies and the University
24 of Wisconsin-Madison.

25 ***-1187/P4.143*** SECTION 340. 16.90 (2) (d) of the statutes is amended to read:

1 16.90 (2) (d) Test all fuel purchased for each ~~state-owned~~ state- or
2 university-owned or operated heating, cooling or power plant wherein the annual
3 requirement is in excess of 12,500 therms and where purchased on a heating value
4 and quality basis.

5 ***-1187/P4.144*** SECTION 341. 16.90 (2) (e) of the statutes is amended to read:

6 16.90 (2) (e) Promulgate such rules as the secretary considers necessary, not
7 inconsistent with this section, to promote efficiency, energy conservation and
8 economy in the testing, handling and use of fuel for ~~state-owned~~ state- or
9 university-owned or operated heating, cooling or power plants.

10 ***-1187/P4.145*** SECTION 342. 16.91 (2) of the statutes is amended to read:

11 16.91 (2) No contract for the purchase of fuel for any ~~state-owned~~ state- or
12 university-owned or operated heating or heating and power plant wherein the
13 annual requirement is in excess of 12,500 therms is binding unless purchased upon
14 specifications furnished by the secretary. A contract for fuel may be for any term
15 deemed to be in the best interests of the state or the University of
16 Wisconsin-Madison, but the term and any provisions for renewal or extension shall
17 be incorporated in the bid specifications and the contract document.

18 ***-1187/P4.146*** SECTION 343. 16.91 (3) of the statutes is amended to read:

19 16.91 (3) Payments for fuel delivered under contracts specified in sub. (2) and
20 for delivery costs shall be made upon vouchers approved by the secretary. Upon being
21 audited and paid, the department shall charge each purchase against the
22 appropriation to the agency which has jurisdiction over the facility at which the fuel
23 is used or to the University of Wisconsin-Madison, if the university has such
24 jurisdiction. The secretary shall report on a quarterly basis to each such agency and
25 to the University of Wisconsin-Madison the total amount of payments charged under

1 this subsection to each of its appropriations and facilities. Approval of the payments
2 by the any agency whose appropriation is charged is not required.

3 ***-1187/P4.147* SECTION 344.** 16.92 (2) of the statutes is amended to read:

4 16.92 (2) Each agency and the University of Wisconsin-Madison shall utilize
5 the most cost-effective means of procurement of fuel, electricity, heat and chilled
6 water.

7 ***-1187/P4.148* SECTION 345.** 16.93 (2) of the statutes is amended to read:

8 16.93 (2) Except as provided in sub. (3), any agency or the University of
9 Wisconsin-Madison, with the approval of the department, may sell fuel, water,
10 sewage treatment service, electricity, heat or chilled water to another agency, a
11 federal agency, a local government or a private entity.

12 ***-1224/P2.14* SECTION 346.** 16.95 (intro.) of the statutes is amended to read:

13 **16.95 Powers and duties.** (intro.) The department shall, through a system
14 of comprehensive long-range planning, promote the development and the maximum
15 wise use of the energy, natural, and human resources of the state. ~~It~~ and develop and
16 implement a cost-effective, balanced, reliable, and environmentally responsible
17 energy strategy to promote economic growth. The department shall do all of the
18 following:

19 ***-1224/P2.15* SECTION 347.** 16.954 of the statutes is repealed.

20 ***-1224/P2.16* SECTION 348.** 16.956 of the statutes is repealed.

21 ***-1142/P1.1* SECTION 349.** 16.957 (2) (d) 2m. of the statutes is created to read:

22 16.957 (2) (d) 2m. In fiscal years 2011-12 and 2012-13, at the department's
23 discretion, subtract no more than \$10,000,000 from the amount required to be spent
24 on weatherization and other energy conservation services under par. (a).

25 ***-0823/P1.1* SECTION 350.** 16.964 (1m) (k) of the statutes is repealed.

1 ***-0830/P5.2* SECTION 351.** 16.964 (5) (a) of the statutes is amended to read:

2 16.964 (5) (a) The office shall provide grants from the appropriation under s.
3 20.505 (6) (e) (kb) to cities to employ additional uniformed law enforcement officers
4 whose primary duty is beat patrolling. A city is eligible for a grant under this
5 subsection in fiscal year 1994-95 if the city has a population of 25,000 or more. A city
6 may receive a grant for a calendar year if the city applies for a grant before September
7 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities
8 submitting an application for a grant that have the highest rates of violent crime
9 index offenses in the most recent full calendar year for which data is available under
10 the uniform crime reporting system of the federal bureau of investigation.

11 ***-0830/P5.3* SECTION 352.** 16.964 (12) (b) of the statutes is amended to read:

12 16.964 (12) (b) The office shall make grants to counties to enable them to
13 establish and operate programs, including suspended and deferred prosecution
14 programs and programs based on principles of restorative justice, that provide
15 alternatives to prosecution and incarceration for criminal offenders who abuse
16 alcohol or other drugs. The office shall make the grants from the appropriations
17 under s. 20.505 (6) (b), (j) (kn), and (ku). The office shall collaborate with the
18 departments of corrections and health services in establishing this grant program.

19 ***-0858/P1.1* SECTION 353.** 16.964 (12) (br) of the statutes is created to read:

20 16.964 (12) (br) Any county that receives a grant under this subsection on or
21 after January 1, 2012, shall provide matching funds that are equal to 25 percent of
22 the amount of the grant.

23 ***-0830/P5.4* SECTION 354.** 16.964 (14) (intro.) of the statutes is amended to
24 read:

1 16.964 (14) (intro.) Beginning in fiscal year 2008-09, from the appropriation
2 under s. 20.505 (6) (f) (ke), the office shall in each fiscal year provide \$20,000 to each
3 of the following child advocacy centers for education, training, medical advice, and
4 quality assurance activities:

5 ***-1104/P2.1* SECTION 355.** 16.964 (14) (intro.) of the statutes is amended to
6 read:

7 16.964 (14) (intro.) Beginning in fiscal year ~~2008-09~~ 2011-12, from the
8 appropriation under s. 20.505 (6) (f), the office shall in each fiscal year provide
9 \$~~20,000~~ \$17,000 to each of the following child advocacy centers for education,
10 training, medical advice, and quality assurance activities:

11 ***-0827/P1.1* SECTION 356.** 16.964 (15) (b) of the statutes is renumbered
12 16.964 (15) (b) 1.

13 ***-0827/P1.2* SECTION 357.** 16.964 (15) (b) 2. of the statutes is created to read:

14 16.964 (15) (b) 2. The office may charge a person that is not a state agency a
15 fee for use of the statewide public safety interoperable communication system under
16 par. (a).

17 ***-1465/P3.104* *-0808/2.79* SECTION 358.** 16.967 (6) of the statutes is
18 amended to read:

19 16.967 (6) REPORTS. By March 31 of each year, the department of
20 administration, the department of agriculture, trade and consumer protection, the
21 department of ~~commerce~~ safety and professional services, the department of health
22 services, the department of natural resources, the department of tourism, the
23 department of revenue, the department of transportation, the board of regents of the
24 University of Wisconsin System, the public service commission, and the board of
25 curators of the historical society shall each submit to the department a plan to

1 integrate land information to enable such information to be readily translatable,
2 retrievable, and geographically referenced for use by any state, local governmental
3 unit, or public utility. Upon receipt of this information, the department shall
4 integrate the information to enable the information to be used to meet land
5 information data needs. The integrated information shall be readily translatable,
6 retrievable, and geographically referenced to enable members of the public to use the
7 information.

8 ***-0830/P5.5* SECTION 359.** 16.971 (9) of the statutes is amended to read:

9 16.971 (9) In conjunction with the public defender board, the director of state
10 courts, the departments of corrections and justice and district attorneys, the
11 department may maintain, promote and coordinate automated justice information
12 systems that are compatible among counties and the officers and agencies specified
13 in this subsection, using the moneys appropriated under s. 20.505 (1) ~~(ja)~~ (kh), (kp),
14 and (kq). The department shall annually report to the legislature under s. 13.172
15 (2) concerning the department's efforts to improve and increase the efficiency of
16 integration of justice information systems.

17 ***-0905/P2.1* SECTION 360.** 16.98 (4) of the statutes is amended to read:

18 16.98 (4) From the ~~appropriation~~ appropriations under s. 20.505 (1) (fo) and
19 (kg), the department may provide grants to any organization with which the
20 department contracts to operate the program under sub. (1).

21 ***-1308/P2.1* SECTION 361.** 16.99 (3b) of the statutes is amended to read:

22 16.99 (3b) "Juvenile correctional facility" means ~~the Southern Oaks Girls~~
23 School, the Ethan Allen School, the Copper Lake School and the Lincoln Hills School.

24 ***-1187/P4.149* SECTION 362.** 16.993 (1) of the statutes is amended to read:

1 16.993 (1) In cooperation with school districts, cooperative educational service
2 agencies, the technical college system board, the Board of Trustees of the University
3 of Wisconsin-Madison, and the ~~board of regents~~ Board of Regents of the University
4 of Wisconsin System, promote the efficient, cost-effective procurement, installation,
5 and maintenance of educational technology by school districts, cooperative
6 educational service agencies, technical college districts, the University of
7 Wisconsin-Madison, and the University of Wisconsin System.

8 ***-1187/P4.150* SECTION 363.** 16.993 (4) of the statutes is amended to read:

9 16.993 (4) In cooperation with the Board of Trustees of the University of
10 Wisconsin-Madison, the ~~board of regents~~ Board of Regents of the University of
11 Wisconsin System, the technical college system board, the department of public
12 instruction and other entities, support the development of courses for the instruction
13 of professional employees who are licensed by the state superintendent of public
14 instruction concerning the effective use of educational technology.

15 ***-1187/P4.151* SECTION 364.** 16.993 (7) of the statutes is amended to read:

16 16.993 (7) Purchase educational technology materials, supplies, equipment,
17 and contractual services for school districts, cooperative educational service
18 agencies, technical college districts, the Board of Trustees of the University of
19 Wisconsin-Madison, and the ~~board of regents~~ Board of Regents of the University of
20 Wisconsin System under s. 16.72 (8), and establish standards and specifications for
21 purchases of educational technology hardware and software by school districts,
22 cooperative educational service agencies, technical college districts, and the ~~board~~
23 ~~of regents~~ Board of Regents of the University of Wisconsin System.

24 ***-0829/P6.4* SECTION 365.** 17.07 (3m) of the statutes is amended to read: