15.405 **(16)** FUNERAL DIRECTORS EXAMINING BOARD. There is created a funeral directors examining board in the department of ~~regulation and licensing~~ safety and professional services. The funeral directors examining board shall consist of 6 members appointed for staggered 4-year terms. Four members shall be licensed funeral directors under ch. 445 in this state. Two members shall be public members.

***-1465/P4.67* *-0808/2.48* SECTION 153.** 15.405 (17) of the statutes is amended to read:

15.405 **(17)** BARBERING AND COSMETOLOGY EXAMINING BOARD. There is created a barbering and cosmetology examining board in the department of ~~regulation and licensing~~ safety and professional services. The barbering and cosmetology examining board shall consist of 9 members appointed for 4-year terms. Four members shall be licensed barbers, aestheticians, or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school.

***-1465/P4.68* *-0808/2.49* SECTION 154.** 15.406 (2) (intro.) of the statutes is amended to read:

15.406 **(2)** DIETITIANS AFFILIATED CREDENTIALING BOARD. (intro.) There is created in the department of ~~regulation and licensing~~ safety and professional services, attached to the medical examining board, a dietitians affiliated credentialing board consisting of the following members appointed for 4-year terms:

***-1465/P4.69* *-0808/2.50* SECTION 155.** 15.406 (3) (intro.) of the statutes is amended to read:

15.406 **(3)** PODIATRY AFFILIATED CREDENTIALING BOARD. (intro.) There is created in the department of ~~regulation and licensing~~ safety and professional services, attached to the medical examining board, a podiatry affiliated credentialing board consisting of the following members appointed for 4-year terms:

***-1465/P4.70* *-0808/2.51* SECTION 156.** 15.406 (4) (intro.) of the statutes is amended to read:

15.406 **(4)** ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. (intro.) There is created in the department of ~~regulation and licensing~~ safety and professional services, attached to the medical examining board, an athletic trainers affiliated credentialing board consisting of the following members appointed for 4-year terms:

***-1465/P4.71* *-0808/2.52* SECTION 157.** 15.406 (5) (intro.) of the statutes is amended to read:

15.406 **(5)** OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD. (intro.) There is created in the department of ~~regulation and licensing~~ safety and professional services, attached to the medical examining board, an occupational therapists affiliated credentialing board consisting of the following members appointed for 4-year terms:

***-1465/P4.72* *-0808/2.53* SECTION 158.** 15.406 (6) (a) (intro.) of the statutes is amended to read:

15.406 **(6)** (a) (intro.) There is created in the department of ~~regulation and licensing~~ safety and professional services, attached to the medical examining board, a massage therapy and bodywork therapy affiliated credentialing board. The affiliated credentialing board shall consist of the following 7 members appointed for 4-year terms:

1 ***-1465/P4.73* *-0808/2.54* SECTION 159.** 15.407 (1m) of the statutes is
2 amended to read:

3 15.407 **(1m)** RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
4 created a respiratory care practitioners examining council in the department of
5 ~~regulation and licensing~~ safety and professional services and serving the medical
6 examining board in an advisory capacity in the formulating of rules to be
7 promulgated by the medical examining board for the regulation of respiratory care
8 practitioners. The respiratory care practitioners examining council shall consist of
9 3 certified respiratory care practitioners, each of whom shall have engaged in the
10 practice of respiratory care for at least 3 years preceding appointment, one physician
11 and one public member. The respiratory care practitioner and physician members
12 shall be appointed by the medical examining board. The members of the examining
13 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply
14 to the respiratory care practitioners examining council.

15 ***-1465/P4.74* *-0808/2.55* SECTION 160.** 15.407 (2) (intro.) of the statutes is
16 amended to read:

17 15.407 **(2)** COUNCIL ON PHYSICIAN ASSISTANTS. (intro.) There is created a council
18 on physician assistants in the department of ~~regulation and licensing~~ safety and
19 professional services and serving the medical examining board in an advisory
20 capacity. The council's membership shall consist of:

21 ***-1465/P4.75* *-0808/2.56* SECTION 161.** 15.407 (2m) (intro.) of the statutes
22 is amended to read:

23 15.407 **(2m)** (intro.) There is created a perfusionists examining council in the
24 department of ~~regulation and licensing~~ safety and professional services and serving

the medical examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

***-1465/P4.76* *-0808/2.57* SECTION 162.** 15.407 (3) (intro.) of the statutes is amended to read:

15.407 **(3)** EXAMINING COUNCILS; BOARD OF NURSING. (intro.) The following examining councils are created in the department of ~~regulation and licensing~~ safety and professional services to serve the board of nursing in an advisory capacity. Section 15.08 (1) to (4) (a) and (6) to (10), applies to the examining councils.

***-1272/P4.8* SECTION 163.** 15.407 (5) of the statutes is amended to read:

15.407 **(5)** COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is created in the department of ~~regulation and licensing~~ safety and professional services a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate examining board appointed by the real estate examining board, at least 2 members shall be licensed real estate brokers with at least 5 years of experience as real estate brokers, and at least one member shall be a licensed real estate salesperson with at least 2 years of experience as a real estate salesperson. Of the 2 public members, at least one member shall have at least 2 years of experience in planning or presenting real estate educational programs. No member of the council may serve more than 2 consecutive terms.

****NOTE: This is reconciled s. 15.407 (5). This SECTION has been affected by drafts with the following LRB numbers: -1272/P3 and -1465/P3.

***-1465/P4.77* *-0808/2.59* SECTION 164.** 15.407 (6) (intro.) of the statutes is amended to read:

15.407 **(6)** PHARMACIST ADVISORY COUNCIL. (intro.) There is created a pharmacist advisory council in the department of ~~regulation and licensing~~ safety and professional services and serving the pharmacy examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

***-1465/P4.79* *-0808/2.61* SECTION 165.** 15.407 (8) (intro.) of the statutes is amended to read:

15.407 **(8)** CREMATORY AUTHORITY COUNCIL. (intro.) There is created a crematory authority council in the department of ~~regulation and licensing~~ safety and professional services consisting of the secretary of ~~regulation and licensing~~ safety and professional services or a designee of the secretary, who shall serve as a nonvoting member, and the following persons appointed for 3-year terms:

***-1465/P4.80* *-0808/2.62* SECTION 166.** 15.407 (9) (a) (intro.) of the statutes is amended to read:

15.407 **(9)** (a) (intro.) There is created a sign language interpreter council in the department of ~~regulation and licensing~~ safety and professional services consisting of the secretary of ~~regulation and licensing~~ safety and professional services or a designee of the secretary and the following 8 members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms:

***-1465/P4.81* *-1059/P3.24* SECTION 167.** 15.435 (1) (a) 1. of the statutes is amended to read:

15.435 **(1)** (a) 1. The ~~secretary of commerce~~ chief executive officer of the Wisconsin Economic Development Corporation and the secretary of revenue or their designees.

***-1097/3.2* SECTION 168.** 15.445 (1) of the statutes is amended to read:

15.445 **(1)** ARTS BOARD. There is created an arts board ~~which is attached to~~ in the department of tourism ~~under s. 15.03~~. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state, and at least 2 members shall be from the southeast portion of this state.

***-1465/P4.82* *-0808/2.63* SECTION 169.** 15.445 (2) (e) of the statutes is amended to read:

15.445 **(2)** (e) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources, the secretary of transportation, ~~the secretary of commerce,~~ the secretary of administration, the director of the state historical society and the chancellor of the University of Wisconsin-Extension, or their designees, shall serve as liaison representatives to the board. The board may request any federally recognized American Indian tribe or band in this state, other than the Ho-Chunk Nation, that expresses an interest in the governance of the Kickapoo valley reserve to appoint a liaison representative to the board. The liaison representatives are not board members and have no voting power.

***-1187/P5.40* SECTION 170.** 15.67 (1) (a) 1m. of the statutes is created to read:

15.67 **(1)** (a) 1m. One member of the board of trustees of the University of Wisconsin-Madison.

***-1187/P5.41* SECTION 171.** 15.797 (1) (b) 8. of the statutes is amended to read:

15.797 **(1)** (b) 8. One member who is a University of Wisconsin System <u>or University of Wisconsin-Madison</u> faculty member with expertise regarding the health impacts of wind energy systems.

***-1187/P5.42* SECTION 172.** 15.91 of the statutes is amended to read:

15.91 Board of regents of the University of Wisconsin System; creation. There is created a board of regents of the University of Wisconsin System consisting of the state superintendent of public instruction, the president, or by his or her designation another member, of the technical college system board and 14 citizen members appointed for staggered 7-year terms, and 2 students enrolled at least half-time and in good academic standing at institutions within the University of Wisconsin System who are residents of this state, for 2-year terms. The student members may be selected from recommendations made by elected representatives of student governments at institutions within the University of Wisconsin System. The governor shall appoint one student member who is at least 18 years old and one undergraduate student member who is at least 24 years old and represents the views of nontraditional students, such as those who are employed or are parents. The governor may not appoint a student member from the same institution in any 2 consecutive terms~~;~~ <u>and</u> the 2 student members who are appointed may not be from the same institution~~; and a student from the University of Wisconsin-Madison and a student from the University of Wisconsin-Milwaukee may not serve on the Board of Regents at the same time~~. If a student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents.

***-1187/P5.43* SECTION 173.** 15.915 (1) of the statutes is repealed.

***-1187/P5.44* SECTION 174.** 15.915 (2) of the statutes is repealed.

***-1465/P4.83* *-0808/2.64* SECTION 175.** 15.917 (1) (intro.) of the statutes is amended to read:

15.917 **(1)** RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the University of Wisconsin System a rural health development council consisting of 17 members nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms, and the ~~secretaries~~ secretary of ~~commerce and~~ health services, or ~~their designees~~ his or her designee. The appointed members shall include all of the following:

***-1187/P5.45* SECTION 176.** 15.917 (1) (a) of the statutes is amended to read:

15.917 **(1)** (a) A representative of the University of Wisconsin ~~Medical~~ School of Medicine and Public Health.

***-1187/P5.46* SECTION 177.** 15.94 (intro.) of the statutes is amended to read:

15.94 Technical college system board; creation. (intro.) There is created a technical college system board consisting of ~~13~~ 14 members. No person may serve as president of the board for more than 2 successive annual terms. The board shall be composed of:

***-1187/P5.47* SECTION 178.** 15.94 (2v) of the statutes is created to read:

15.94 **(2v)** The chairperson, or by his or her designation another member, of the board of trustees of the University of Wisconsin-Madison.

***-1187/P5.48* SECTION 179.** 15.96 (1) (b) of the statutes is amended to read:

15.96 **(1)** (b) Three members of the board of ~~regents~~ trustees of the University of Wisconsin-Madison appointed by the ~~president~~ chairperson of the board of ~~regents~~ trustees.

1 ***-1187/P5.49* SECTION 180.** 15.96 (1) (d) of the statutes is amended to read:

2 15.96 **(1)** (d) The dean of the University of ~~Wisconsin-Madison Medical~~
3 Wisconsin School of Medicine and Public Health.

4 ***-1187/P5.50* SECTION 181.** 15.96 (1) (e) of the statutes is amended to read:

5 15.96 **(1)** (e) A chairperson of a department at the University of
6 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
7 appointed by the chancellor of the University of Wisconsin-Madison.

8 ***-1187/P5.51* SECTION 182.** 15.96 (1) (f) of the statutes is amended to read:

9 15.96 **(1)** (f) A faculty member of a health professions school of the University
10 of Wisconsin-Madison ~~health professions school~~, other than the University of
11 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
12 appointed by the chancellor of the University of Wisconsin-Madison.

13 ***-1187/P5.52* SECTION 183.** 16.002 (2) of the statutes, as affected by 2011
14 Wisconsin Act 7, is amended to read:

15 16.002 **(2)** "Departments" means constitutional offices, departments, and
16 independent agencies and includes all societies, associations, and other agencies of
17 state government for which appropriations are made by law, but not including
18 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,
19 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: The above exempts the UW from the following:

Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ... prescribe the procedures for departments to allocate and charge, the central services costs of [DOA] or of individual departments to selected federal grants or contracts."

Section 16.53 (1) (ca), which requires all departments to "diligently review and supervise the travel expenditures of their employees" and allows them to promulgate rules governing such expenditures that are consistent with uniform guidelines established under s. 20.916 (8).

Section 16.54 (10), which requires all departments, "before acceptance of any federal grant on behalf of the state which will or may involve the provision of auditing

services by the legislative audit bureau," to provide written notification to the state auditor.

Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system.

Section 16.61 (3) (d) 4., which requires the public records board to furnish state departments with copies of its final plan for preserving essential public records.

Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed."

***-1187/P5.53* SECTION 184.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.004 **(4)** FREEDOM OF ACCESS. The secretary and such employees of the department as the secretary designates may enter into the offices of state agencies and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs. 37, 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts and any other matter that in the secretary's judgment should be examined and may interrogate the agency's employees publicly or privately relative thereto.

***-1187/P5.54* SECTION 185.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.004 **(5)** AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs. 37, 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

***-1187/P5.55* SECTION 186.** 16.004 (8) (am) of the statutes is amended to read:

16.004 **(8)** (am) The secretary shall maintain a system of rental policies for state-owned housing administered by all agencies other than the University of Wisconsin-Madison, and shall periodically review the system for possible changes.

1 Whenever the secretary proposes to change rental policies other than rental rates,
2 the secretary shall submit a report relating to the system to the joint committee on
3 finance. The report shall include any changes in rental policies recommended by the
4 secretary.

5 ***-1187/P5.56* SECTION 187.** 16.004 (12) (a) of the statutes, as affected by 2011
6 Wisconsin Act 7, is amended to read:

7 16.004 **(12)** (a) In this subsection, "state agency" means an association,
8 authority, board, department, commission, independent agency, institution, office,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, including the legislature, the office of the governor, and the
11 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
12 the University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the
13 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
14 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
15 Development Corporation, and the Fox River Navigational System Authority.

16 ***-1252/P3.1* SECTION 188.** 16.004 (15) (bm) of the statutes is repealed.

17 ***-0241/4.1* SECTION 189.** 16.009 (1) (em) 6. of the statutes is amended to read:

18 16.009 **(1)** (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

19 ***-1187/P5.57* SECTION 190.** 16.04 (1) (intro.) of the statutes is amended to
20 read:

21 16.04 **(1)** (intro.) The department shall ensure optimum efficiency and economy
22 in the fleet management and maintenance activities of all agencies, as defined in s.
23 16.52 (7), other than the University of Wisconsin- Madison. The department may:

24 ***-1224/P3.2* SECTION 191.** 16.04 (1) (a) of the statutes is amended to read:

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

***-1187/P5.58* SECTION 192.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.045 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of 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.

***-1224/P3.3* SECTION 193.** 16.045 (1) (f) of the statutes is repealed.

***-1224/P3.4* SECTION 194.** 16.045 (2) of the statutes is amended to read:

16.045 **(2)** The department shall, whenever feasible~~, require~~ and cost-effective, encourage agencies to store no motor fuel except gasohol or alternative fuel in facilities maintained by the agencies for the storage of fuel for and the refueling of state-owned or state-leased vehicles. This subsection does not authorize construction or operation of such facilities.

***-1224/P3.5* SECTION 195.** 16.045 (4) of the statutes is amended to read:

16.045 **(4)** The department shall ~~require~~, whenever feasible and cost-effective, encourage all state employees to utilize hybrid-electric vehicles or vehicles that

operate on gasohol or alternative fuel for all state-owned or state-leased motor vehicles whenever such utilization is feasible. However, the department shall not lease or purchase any hybrid-electric vehicle, or authorize the lease or purchase of any hybrid-electric vehicle, unless the manufacturer certifies to the department that final assembly of the vehicle occurred in the United States.

***-1224/P3.6* SECTION 196.** 16.045 (4m) (intro.) of the statutes is amended to read:

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

***-1224/P3.7* SECTION 197.** 16.045 (4m) (a) (intro.) and 1. of the statutes are consolidated, renumbered 16.045 (4m) (a) and amended to read:

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

***-1224/P3.8* SECTION 198.** 16.045 (4m) (a) 2. of the statutes is repealed.

***-1224/P3.9* SECTION 199.** 16.045 (4m) (b) (intro.) and 1. of the statutes are consolidated, renumbered 16.045 (4m) (b) and amended to read:

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

***-1224/P3.10* SECTION 200.** 16.045 (4m) (b) 2. of the statutes is repealed.

***-1224/P3.11* SECTION 201.** 16.045 (5) of the statutes is amended to read:

16.045 **(5)** The department shall, whenever feasible and cost-effective, encourage distribution of gasohol and alternative fuels and usage of hybrid-electric vehicles or vehicles that operate on gasohol or alternative fuels by officers and employees who use personal motor vehicles on state business and by residents of this state generally. ~~The department shall report to the appropriate standing committees~~

~~under s. 13.172 (3) concerning distribution of gasohol and alternative fuels and usage of hybrid-electric vehicles and vehicles that operate on gasohol or alternative fuels in this state, no later than April 30 of each year.~~

***-1224/P3.12* SECTION 202.** 16.045 (6) of the statutes is repealed.

***-1050/P3.1* SECTION 203.** 16.15 (1) (ae) of the statutes is amended to read:

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

***-1050/P3.2* SECTION 204.** 16.15 (1) (ah) of the statutes is amended to read:

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

***-1050/P3.3* SECTION 205.** 16.15 (1) (ar) of the statutes is amended to read:

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

***-0830/P6.1* SECTION 206.** 16.19 of the statutes is repealed.

***-0698/3.5* SECTION 207.** 16.255 (1) (intro.) of the statutes is amended to read:

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

***-0698/3.6* SECTION 208.** 16.255 (3) (d) of the statutes is amended to read:

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

***-1231/2.4* SECTION 209.** 16.257 of the statutes is repealed.

***-1019/5.1* SECTION 210.** 16.27 (5) (c) of the statutes is amended to read:

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

***-1195/2.1* SECTION 211.** 16.27 (5) (c) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

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

****NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

***-1195/2.2* SECTION 212.** 16.27 (5) (e) of the statutes is amended to read:

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

***-1450/2.2* SECTION 213.** 16.28 of the statutes is created to read:

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

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

***-1465/P4.84* *-0805/P2.3* SECTION 214.** 16.40 (24) of the statutes is created to read:

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

***-1187/P5.59* SECTION 215.** 16.41 (1) of the statutes is amended to read:

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

***-1187/P5.60* SECTION 216.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, section 19, is amended to read:

16.417 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the

courts, but not including an authority or the body created under subch. III of ch. 149 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.

***-1187/P5.61* SECTION 217.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, section 20, and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

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

***-1187/P5.62* SECTION 218.** 16.42 (1) (intro.) of the statutes is amended to read:

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

***-0393/2.1* SECTION 219.** 16.505 (2m) of the statutes is amended to read:

16.505 **(2m)** The board of regents of the University of Wisconsin System may create or abolish a full-time equivalent position or portion thereof from revenues appropriated under s. 20.285 (1) ~~(gs),~~ (h), (ip), (iz), (j), ~~(kc),~~ (m), (n), or (q) to (w) or (3)

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

***-1187/P5.63* SECTION 220.** 16.513 (1) of the statutes is amended to read:

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

***-1187/P5.64* SECTION 221.** 16.513 (3) (a) of the statutes is amended to read:

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

1 ***-1187/P5.65* SECTION 222.** 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/P5.66* SECTION 223.** 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/P5.67* SECTION 224.** 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

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

***-1187/P5.68* SECTION 225.** 16.54 (8g) of the statutes is amended to read:

16.54 **(8g)** Subsections (1) to (8) do not apply to federal moneys made available to the ~~board of regents~~ Board of Regents of the University of Wisconsin System or the Board of Trustees of the University of Wisconsin-Madison for instruction, extension, 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.

***-1187/P5.69* SECTION 226.** 16.54 (8r) (a) of the statutes is amended to read:

16.54 **(8r)** (a) Whenever the federal government makes available moneys for instruction, extension, special projects or emergency employment opportunities, the ~~board of regents~~ Board of Regents of the University of Wisconsin System and the Board of Trustees of the University of Wisconsin-Madison may accept the moneys on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of Trustees shall, in the administration of the expenditure of such moneys, comply with the requirements of the act of congress making the moneys available and with the regulations prescribed by the federal government or the federal agency administering the act, insofar as the act or regulations are consistent with state law. The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any plan, budget, application or proposal required by the federal agency as a precondition to receipt of the moneys. The ~~board of regents~~ Board of Regents and the Board of Trustees may, consistent with state law, perform any act required by the act of 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/P5.70* SECTION 227.** 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/P4.85* *-1059/P3.25* SECTION 228.** 16.54 (14) of the statutes is
12 repealed.

13 ***-1322/2.1* SECTION 229.** 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/P5.71* SECTION 230.** 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

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

***-1187/P5.72* SECTION 231.** 16.61 (13) (b) of the statutes is amended to read:

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

SECTION 232. 16.70 (1e) of the statutes is amended to read:

16.70 **(1e)** "Agency" means an office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts~~, but not including an~~. "Agency" includes the University of Wisconsin-Madison but does not include any other authority.

***-1252/P3.2* SECTION 233.** 16.70 (3g) of the statutes is renumbered 84.01 (13) (a) and amended to read:

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

***-1262/2.2* SECTION 234.** 16.705 (1p) of the statutes is created to read:

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

***-1187/P5.74* SECTION 235.** 16.705 (1r) (d) of the statutes is amended to read:

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

***-1187/P5.75* SECTION 236.** 16.705 (1r) (e) of the statutes is created to read:

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

***-1252/P3.3* SECTION 237.** 16.705 (2) of the statutes is repealed.

***-1252/P3.4* SECTION 238.** 16.705 (3) of the statutes is repealed.

***-1252/P3.5* SECTION 239.** 16.705 (8) of the statutes is repealed.

***-1263/P2.1* SECTION 240.** 16.705 (9) of the statutes is created to read:

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

***-1187/P5.76* SECTION 241.** 16.71 (4) of the statutes is created to read:

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

***-1267/P1.1* SECTION 242.** 16.72 (2) (d) of the statutes is repealed.

***-1187/P5.77* SECTION 243.** 16.72 (8) of the statutes is amended to read:

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

***-1187/P5.78* SECTION 244.** 16.73 (4m) of the statutes is created to read:

16.73 **(4m)** The Board of Trustees of the University of Wisconsin-Madison may enter into agreements with other higher education institutions under which any of the parties may agree to participate in, administer, sponsor, or conduct purchasing of materials, supplies, equipment, permanent personal property, miscellaneous capital, or contractual services. The University of Wisconsin-Madison may purchase from any vendor selected as a result of such purchasing agreements.

***-1187/P5.79* SECTION 245.** 16.73 (5) of the statutes is amended to read:

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

***-1216/P2.1* SECTION 246.** 16.75 (1) (b) of the statutes is amended to read:

16.75 **(1)** (b) When the estimated cost exceeds ~~$25,000~~ $50,000, the department shall invite bids to be submitted. The department either shall ~~either~~ solicit sealed bids to be opened publicly at a specified date and time, or shall solicit bidding by auction to be conducted electronically at a specified date and time. Whenever bids are invited, due notice inviting bids shall be published as a class 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by the department. The bid opening or auction shall occur at least 7 days after the date of the last insertion of the notice or at least 7 days after the date of posting on the Internet. The notice shall specify whether sealed bids are invited or bids will be accepted by

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

***-1216/P2.2* SECTION 247.** 16.75 (1) (c) of the statutes is amended to read:

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

***-1216/P2.3* SECTION 248.** 16.75 (2m) (b) of the statutes is amended to read:

16.75 **(2m)** (b) When the estimated cost exceeds ~~$25,000~~ $50,000, the department may invite competitive sealed proposals by publishing a class 2 notice under ch. 985 or by posting notice on the Internet at a site determined or approved by the department. The notice shall describe the materials, supplies, equipment, or contractual services to be purchased, the intent to make the procurement by solicitation of proposals rather than by solicitation of bids, any requirement for surety and the date the proposals will be opened, which shall be at least 7 days after the date of the last insertion of the notice or at least 7 days after the date of posting on the Internet.

***-1216/P2.4* SECTION 249.** 16.75 (2m) (c) of the statutes is amended to read:

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

***-1465/P4.86* *-0808/2.65* SECTION 250.** 16.75 (3m) (a) 1. of the statutes is amended to read:

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

***-1465/P4.87* *-0808/2.66* SECTION 251.** 16.75 (3m) (a) 2. of the statutes is amended to read:

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

***-1465/P4.88* *-0808/2.67* SECTION 252.** 16.75 (3m) (a) 3. of the statutes is amended to read:

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

***-1465/P4.89* *-0808/2.68* SECTION 253.** 16.75 (3m) (a) 4. of the statutes is amended to read:

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

***-1465/P4.90* *-0808/2.69* SECTION 254.** 16.75 (3m) (c) 5. a. of the statutes is amended to read:

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

***-1465/P4.91* *-0808/2.70* SECTION 255.** 16.75 (3m) (c) 5. b. of the statutes is amended to read:

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

***-1267/P1.2* SECTION 256.** 16.75 (3t) (c) (intro.) of the statutes is amended to read:

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

competitive proposals before awarding the order or contract. This paragraph does not apply to the printing of the following forms:

***-1465/P4.92* *-0808/2.71* SECTION 257.** 16.75 (4) (b) of the statutes is amended to read:

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

***-1252/P3.6* SECTION 258.** 16.75 (6) (bm) of the statutes is amended to read:

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

***-1216/P2.5* SECTION 259.** 16.75 (6) (c) of the statutes is amended to read:

16.75 **(6)** (c) If the secretary determines that it is in the best interest of this state to do so, he or she may, with the approval of the governor, waive the requirements of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual services, other than printing and stationery, from a private source other than a source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the purchase is expected to exceed ~~$25,000~~ $50,000, the department shall first publish a class 2 notice under ch. 985 or post a notice on the Internet at the site determined or approved by the department under sub. (1) (b) describing the materials, supplies, equipment, or contractual services to be purchased, stating the intent to make the

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

***-1259/P3.1* SECTION 260.** 16.75 (10e) (b) of the statutes is amended to read:

16.75 **(10e)** (b) ~~The~~ If s. 16.855 (10s) (a) provides an applicable standard for the type of agency consuming equipment being purchased and the purchase will cost more than $5,000 per unit the department, any other designated purchasing agent under s. 16.71 (1), any agency making purchases under s. 16.74, and any authority may not purchase that type of energy consuming equipment unless the specifications for the equipment meet the applicable standards ~~for the equipment established under s. 16.855 (10s) (a). If there is no standard under s. 16.855 (10s) (a) applicable to the type of energy consuming equipment being purchased, or if~~. If there is an applicable standard under s. 16.855 (10s) (a), but the energy consuming equipment meeting that standard is not reasonably available, the department, purchasing agent, agency, or authority shall ensure, for purchases over $5,000 per unit, that the energy consuming equipment that is purchased maximizes energy efficiency to the extent technically and economically feasible. The department, purchasing agent, agency, or authority shall not determine that energy consuming equipment that meets the applicable standard under s. 16.855 (10s) (a) either is not reasonably available on the basis of cost alone or is not cost-effective unless the difference in the cost of the purchase and installation of the equipment that meets the standard and the equipment that would otherwise be installed is greater than the difference in the cost of operating the equipment that meets the standard and the equipment that would otherwise be installed over the anticipated life of the equipment.

***-1267/P1.3* SECTION 261.** 16.751 of the statutes is amended to read:

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

***-1465/P4.93* *-0808/2.72* SECTION 262.** 16.752 (8) (e) of the statutes is amended to read:

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

***-1187/P5.87* SECTION 263.** 16.78 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.78 **(1)** Every agency other than the ~~board of regents~~ Board of Regents of the University of Wisconsin System, the Board of Trustees of the University of Wisconsin-Madison, or an agency making purchases under s. 16.74 shall make all purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the department, unless the department requires the agency to purchase the materials, supplies, equipment, or contractual services pursuant to a master contract established under s. 16.972 (2) (h), or grants written authorization to the agency to procure the materials, supplies, equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual services from another agency or to provide the materials, supplies, equipment, or contractual services to itself. The ~~board of regents~~ Board of Regents of the University of Wisconsin System may make

purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the department.

***-1221/3.3* SECTION 264.** 16.841 of the statutes is repealed.

***-1187/P5.88* SECTION 265.** 16.847 (1) (b) of the statutes is amended to read:

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

***-1187/P5.89* SECTION 266.** 16.85 (1) of the statutes is amended to read:

16.85 **(1)** To take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87, performed by, or for, the state, or any department, board, institution, commission, or officer of the state, and any such work to be performed for the University of Wisconsin-Madison, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, ~~and~~ 36.11, 37.03, and 37.11, except work to be performed for the University of Wisconsin-Madison with respect to a building, structure, or facility that is funded entirely from sources other than general purpose revenue or general fund supported borrowing; the engineering, architectural, and construction work of the department of transportation; and the engineering service performed by the department of ~~commerce~~ safety and professional services, department of revenue, public service commission, department of health services, and other departments, boards, and commissions

1 when the service is not related to the maintenance, and construction and planning,
2 of the physical properties of the state. The department may not authorize
3 construction work for any state office facility in the city of Madison after May 11,
4 1990, unless the department first provides suitable space for a child care center
5 primarily for use by children of state employees.

****NOTE: This is reconciled s. 16.85 (1). This SECTION is affected by drafts with the following LRB numbers: LRB-1187 and LRB-1465.

6 ***-1221/3.4*** **SECTION 267.** 16.85 (1) of the statutes, as affected by 2011
7 Wisconsin Act .... (this act), is amended to read:

8 16.85 **(1)** To take charge of and supervise all engineering or architectural
9 services or construction work, as defined in s. 16.87, performed by, or for, the state,
10 or any department, board, institution, commission, or officer of the state, and any
11 such work to be performed for the University of Wisconsin-Madison, including
12 nonprofit-sharing corporations organized for the purpose of assisting the state in the
13 construction and acquisition of new buildings or improvements and additions to
14 existing buildings as contemplated under ss. 13.488, 36.09, 36.11, 37.03, and 37.11,
15 except work to be performed for the University of Wisconsin-Madison with respect
16 to a building, structure, or facility that is funded entirely from sources other than
17 general purpose revenue or general fund supported borrowing; the engineering,
18 architectural, and construction work of the department of transportation; and the
19 engineering service performed by the department of safety and professional services,
20 department of revenue, public service commission, department of health services,
21 and other departments, boards, and commissions when the service is not related to
22 the maintenance, and construction and planning, of the physical properties of the
23 state. ~~The department may not authorize construction work for any state office~~

~~facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a child care center primarily for use by children of state employees.~~

****NOTE: This is reconciled s. 16.85 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-1187/P4, LRB-1221/2, and LRB-1465/P3.

***-1187/P5.90* SECTION 268.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.85 **(2)** To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency or the University of Wisconsin-Madison. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

***-1187/P5.91* SECTION 269.** 16.85 (5) of the statutes is amended to read:

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

***-1187/P5.92* SECTION 270.** 16.85 (7) of the statutes is amended to read:

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

***-1187/P5.93* SECTION 271.** 16.85 (10) of the statutes is amended to read:

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

***-1187/P5.94* SECTION 272.** 16.85 (12) of the statutes is amended to read:

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

***-1187/P5.95* SECTION 273.** 16.851 of the statutes is amended to read:

16.851 Plans for state and university buildings, structures or facilities. Except as the department otherwise provides by rule, records of the department and

1 the University of Wisconsin-Madison containing plans or specifications for any
2 state-owned or state-leased or any university-owned or university-leased building,
3 structure or facility, or any proposed state-owned or state-leased or
4 university-owned or university-leased building, structure or facility, are not subject
5 to the right of public inspection or copying under s. 19.35 (1). If the department or
6 the University of Wisconsin-Madison transfers any records containing any such
7 plans or specifications to any other authority as defined in s. 19.32 (1), the
8 department or university shall require the authority to agree in writing not to make
9 the record available for public inspection or copying except as the department
10 otherwise permits by rule.

11 ***-1187/P5.96* SECTION 274.** 16.8511 of the statutes is amended to read:

12 **16.8511 Secretary of administration; powers, duties. (1)** The secretary
13 or the secretary's designated assistants shall make a biennial inspection of each
14 building of each institution of the state and the University of Wisconsin-Madison.
15 The secretary may delegate this responsibility to the board, commission or officer in
16 charge of such institution.

17 **(2)** The secretary may delegate any of the work under this subchapter to the
18 various state agencies or to the University of Wisconsin-Madison when the secretary
19 determines that the best interests of the state or the university will be served. All
20 such delegation will be in writing and accompanied by the proper rules and
21 guidelines the agencies or the university must follow to ensure performance to the
22 satisfaction of the secretary.

23 ***-1465/P4.94* *-0808/2.74* SECTION 275.** 16.854 (1) (a) of the statutes is
24 amended to read:

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

***-1465/P4.95* *-0808/2.75* SECTION 276.** 16.854 (1) (b) of the statutes is amended to read:

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

***-1187/P5.97* SECTION 277.** 16.855 (2) (intro.) of the statutes is amended to read:

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

***-1187/P5.98* SECTION 278.** 16.855 (2) (b) 2. of the statutes is amended to read:

16.855 **(2)** (b) 2. If the federal government participates in a state or University of Wisconsin-Madison project, the bid guarantee required in this paragraph controls, unless the federal government makes a specific provision for a different bid guarantee.

***-1187/P5.99* SECTION 279.** 16.855 (5) of the statutes is amended to read:

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

***-1187/P5.100* SECTION 280.** 16.855 (7) of the statutes is amended to read:

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

***-1187/P5.101* SECTION 281.** 16.855 (10) of the statutes is amended to read:

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

***-1465/P4.96* *-0808/2.76* SECTION 282.** 16.855 (10m) (ac) of the statutes is amended to read:

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

***-1465/P4.97* *-0808/2.77* SECTION 283.** 16.855 (10n) (a) of the statutes is amended to read:

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

***-1187/P5.102* SECTION 284.** 16.855 (13) (c) of the statutes is amended to read:

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

***-1187/P5.103* SECTION 285.** 16.855 (14) (b) of the statutes is amended to read:

16.855 **(14)** (b) The state ~~is~~ and the University of Wisconsin-Madison are not liable to a prime contractor for damage from delay caused by another prime contractor if the department or the university takes reasonable action to require the delaying prime contractor to comply with its contract. If the state or the university

is not liable under this paragraph, the delayed prime contractor may bring an action for damages against the delaying prime contractor.

***-1187/P5.104* SECTION 286.** 16.855 (16) (a) of the statutes is amended to read:

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

***-1187/P5.105* SECTION 287.** 16.855 (16) (b) 2. of the statutes is amended to read:

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

***-1187/P5.106* SECTION 288.** 16.855 (20) of the statutes is amended to read:

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

***-1187/P5.107* SECTION 289.** 16.855 (22) of the statutes is amended to read:

16.855 **(22)** The provisions of this section, except sub. (10m), do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). The provisions of this section do not apply to construction work for any project by or for the University of Wisconsin-Madison that is funded entirely from sources other than general purpose revenue or general fund supported borrowing. If the estimated construction cost of any project, other than a University of Wisconsin-Madison project that is exempted under this subsection, is at least $40,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

***-1187/P5.108* SECTION 290.** 16.865 (1) (a) of the statutes is amended to read:

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

***-1187/P5.109* SECTION 291.** 16.865 (2) of the statutes is amended to read:

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

***-1187/P5.110* SECTION 292.** 16.865 (3) of the statutes is amended to read:

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

***-1187/P5.111* SECTION 293.** 16.865 (4) of the statutes is amended to read:

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

***-1187/P5.112* SECTION 294.** 16.865 (5) of the statutes is amended to read:

16.865 **(5)** ~~Arrange appropriate~~ Except as provided in sub. (10), arrange insurance contracts for the transfer of risk of loss on the part of the state and the University of Wisconsin-Madison or ~~its~~ their employees, to the extent such loss cannot reasonably be assumed by the individual agencies or the university or the self-funded programs. The placement of insurance may be by private negotiation

rather than competitive bid, if such insurance has a restricted number of interested carriers. The department shall approve all insurance purchases.

***-1187/P5.113* SECTION 295.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.865 **(8)** ~~Annually~~ Except as provided in sub. (10), annually in each fiscal year, allocate as a charge to each agency and to the University of Wisconsin-Madison a proportionate share of the estimated costs attributable to programs administered by the agency or the university to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies and to the University of Wisconsin-Madison to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, 238, or 279.

***-1187/P5.114* SECTION 296.** 16.865 (10) of the statutes is created to read:

16.865 **(10)** This section does not apply to the University of Wisconsin-Madison for any fiscal year if the University of Wisconsin-Madison, no later than December 31 preceding the beginning of that fiscal year, provides written notice to the

department that it has elected not to be governed by this section. Any notice of nonelection applies to all subsequent fiscal years unless the University of Wisconsin-Madison, no later than December 31 preceding the beginning of a fiscal year, provides written notice to the department that it has elected to be governed by this section. Any notice of election applies to all subsequent fiscal years unless the University of Wisconsin-Madison again provides timely notice of nonelection.

***-1465/P4.98* *-0808/2.78* SECTION 297.** 16.87 (1) (am) of the statutes is amended to read:

16.87 **(1)** (am) "Disabled veteran-owned business" means a business certified by the department of ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

***-1187/P5.115* SECTION 298.** 16.87 (2) (a) of the statutes is amended to read:

16.87 **(2)** (a) A contract for engineering services or architectural services or a contract involving an expenditure of $10,000 or more for construction work, or $30,000 or more for limited trades work, to be done for or furnished to the state or a department, board, commission, or officer of the state or the University of Wisconsin-Madison is exempt from the requirements of ss. 16.705 and 16.75.

***-1187/P5.116* SECTION 299.** 16.87 (5) of the statutes is created to read:

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

***-1187/P5.117* SECTION 300.** 16.875 of the statutes is amended to read:

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

***-1187/P5.118* SECTION 301.** 16.89 of the statutes is amended to read:

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

***-1187/P5.119* SECTION 302.** 16.891 (1) (b) of the statutes is amended to read:

16.891 **(1)** (b) "Total cost of occupancy" means the cost to operate and maintain the physical plant of a building, structure, or facility, including administrative costs of an agency or the University of Wisconsin-Madison attributable to operation and maintenance of a building, structure, or facility, together with any debt service costs associated with the building, structure, or facility, computed in the manner prescribed by the department.

***-1187/P5.120* SECTION 303.** 16.891 (2) of the statutes is amended to read:

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

the total cost of occupancy of all of the buildings, structures, and facilities within the institution.

***-1187/P5.121* SECTION 304.** 16.891 (4) of the statutes is amended to read:

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

***-1187/P5.122* SECTION 305.** 16.895 (title) of the statutes is amended to read:

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

***-1187/P5.123* SECTION 306.** 16.895 (2) (a) of the statutes is amended to read:

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

***-1187/P5.124* SECTION 307.** 16.895 (2) (c) of the statutes is amended to read:

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

***-1187/P5.125* SECTION 308.** 16.895 (2) (d) of the statutes is amended to read:

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

***-1187/P5.126* SECTION 309.** 16.895 (2) (e) of the statutes is amended to read:

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

***-1187/P5.127* SECTION 310.** 16.895 (2) (g) of the statutes is amended to read:

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

***-1187/P5.128* SECTION 311.** 16.895 (2) (h) of the statutes is amended to read:

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

***-1187/P5.129* SECTION 312.** 16.897 of the statutes is amended to read:

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

***-1187/P5.130* SECTION 313.** 16.90 (title) of the statutes is amended to read:

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

***-1187/P5.131* SECTION 314.** 16.90 (2) (a) of the statutes is amended to read:

16.90 **(2)** (a) Prepare all specifications for contracts for the purchase of fuel for each ~~state-owned or operated~~ heating, cooling or power plant that is owned or

operated by the state or the University of Wisconsin-Madison. All such specifications where feasible shall provide for purchase of such fuel on a heating value and quality basis and may provide for an adjustment of the base price of any fuel as a result of changes in production or transportation costs during the term of a contract.

***-1187/P5.132* SECTION 315.** 16.90 (2) (b) of the statutes is amended to read:

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

***-1187/P5.133* SECTION 316.** 16.90 (2) (c) of the statutes is amended to read:

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

***-1187/P5.134* SECTION 317.** 16.90 (2) (d) of the statutes is amended to read:

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

***-1187/P5.135* SECTION 318.** 16.90 (2) (e) of the statutes is amended to read:

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

***-1187/P5.136* SECTION 319.** 16.91 (2) of the statutes is amended to read:

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

***-1187/P5.137* SECTION 320.** 16.91 (3) of the statutes is amended to read:

16.91 **(3)** Payments for fuel delivered under contracts specified in sub. (2) and for delivery costs shall be made upon vouchers approved by the secretary. Upon being audited and paid, the department shall charge each purchase against the appropriation to the agency which has jurisdiction over the facility at which the fuel is used or to the University of Wisconsin-Madison, if the university has such jurisdiction. The secretary shall report on a quarterly basis to each such agency and to the University of Wisconsin-Madison the total amount of payments charged under this subsection to each of its appropriations and facilities. Approval of the payments by ~~the~~ any agency whose appropriation is charged is not required.

***-1187/P5.138* SECTION 321.** 16.92 (2) of the statutes is amended to read:

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

***-1187/P5.139* SECTION 322.** 16.93 (2) of the statutes is amended to read:

16.93 **(2)** Except as provided in sub. (3), any agency or the University of Wisconsin-Madison, with the approval of the department, may sell fuel, water,

sewage treatment service, electricity, heat or chilled water to another agency, a federal agency, a local government or a private entity.

***-1224/P3.13* SECTION 323.** 16.95 (intro.) of the statutes is amended to read:

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

***-1224/P3.14* SECTION 324.** 16.954 of the statutes is repealed.

***-1224/P3.15* SECTION 325.** 16.956 of the statutes is repealed.

***-1142/P1.1* SECTION 326.** 16.957 (2) (d) 2m. of the statutes is created to read:

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

***-0823/P1.1* SECTION 327.** 16.964 (1m) (k) of the statutes is repealed.

***-0830/P6.2* SECTION 328.** 16.964 (5) (a) of the statutes is amended to read:

16.964 **(5)** (a) The office shall provide grants from the appropriation under s. 20.505 (6) ~~(c)~~ (kb) to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. A city is eligible for a grant under this subsection in fiscal year 1994-95 if the city has a population of 25,000 or more. A city may receive a grant for a calendar year if the city applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime

index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

***-0830/P6.3* SECTION 329.** 16.964 (12) (b) of the statutes is amended to read:

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

***-0858/P1.1* SECTION 330.** 16.964 (12) (br) of the statutes is created to read:

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

***-0830/P6.4* SECTION 331.** 16.964 (14) (intro.) of the statutes is amended to read:

16.964 **(14)** (intro.) Beginning in fiscal year ~~2008-09~~ 2011-2012, from the appropriation under s. 20.505 (6) ~~(f)~~ (ke), the office shall in each fiscal year provide ~~$20,000~~ $17,000 to each of the following child advocacy centers for education, training, medical advice, and quality assurance activities:

****NOTE: This is reconciled s. 16.964 (14) (intro.). This section has been affected by drafts with the following LRB numbers: LRB-0830 and LRB-1104.

***-0827/P1.1* SECTION 332.** 16.964 (15) (b) of the statutes is renumbered 16.964 (15) (b) 1.

***-0827/P1.2* SECTION 333.** 16.964 (15) (b) 2. of the statutes is created to read: