

CHAPTER 16

DEPARTMENT OF ADMINISTRATION

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SUBCHAPTER I

GENERAL ADMINISTRATION

16.001 Organization of department. (1)
PURPOSES. The purposes of this chapter are to conserve the state's resources by co-ordinating management services and providing effective

aid to agencies of the state government; to present clearly defined alternatives and objectives of state programs and policies so that the state's agencies, the governor and the legislature may plan co-operatively and finance the services which the state will provide for its citizens; to help the state's agencies furnish the agreed upon services as efficiently and effectively as possible, avoiding any duplication of effort or waste of

money; to assure the legislature and the governor that the services are being provided to the public at the agreed upon quantity, quality and cost; and to anticipate and resolve administrative and financial problems faced by the agencies, governor and legislature of the state.

(2) LIBERAL CONSTRUCTION OF STATUTES. Statutes applicable to the department of administration shall be construed liberally in aid of the purposes declared in sub. (1).

16.002 Definitions. In this chapter:

(1) "Department" means the department of administration.

(2) "Secretary" means the secretary of administration.

(4) "Departments" means constitutional offices, departments and independent agencies and includes all societies, associations and other agencies of state government for which appropriations are made by law.

History: 1977 c. 196.

16.003 Department of administration.

(1) PURPOSE. The department shall carry out the purposes of this chapter by improving the techniques used for such management specialties, not limited by enumeration, as budgeting, accounting, engineering, purchasing, records management and fleet management; by coordinating and providing services which are used by more than one agency, and by reviewing agencies' programs and management to identify problems and suggest improvements.

(2) STAFF. The secretary shall appoint, under the classified service, the staff necessary for performing the duties of the department.

History: 1971 c. 270; 1977 c. 196; 1979 c. 34.

16.004 Secretary, powers and duties. (1)

RULES. The secretary shall establish rules for administering the department and performing the duties assigned to it.

(2) INFORMATION; REPORTS; RECOMMENDATIONS. The secretary shall furnish all information requested by the governor or by any member of the legislature. The secretary shall report to the governor and the joint committee on finance by July 15 of each year recommendations and legislative proposals which will improve the administration of the state's agencies, which shall be a public document.

(3) INVESTIGATIONS AND HEARINGS. (a) The department, when directed by the governor, shall investigate any irregularities, and all phases of operating cost and functions, of executive or administrative agencies so as to determine the feasibility of consolidating, creating or

rearranging agencies for the purpose of effecting the elimination of unnecessary state functions, avoiding duplication, reducing the cost of administration and increasing efficiency.

(b) The secretary may hold either public or private hearings to inform himself of any matters relating to his functions and for that purpose shall be clothed with the powers relating to witnesses given by s. 885.01 (4) and s. 885.12 shall apply.

(4) FREEDOM OF ACCESS. The secretary and such employes of the department as the secretary designates may enter into the offices of state agencies, including authorities created under chs. 231, 232 and 234, and may examine their books and accounts and any other matter which in the secretary's judgment should be examined and may interrogate the agency's employes publicly or privately relative thereto.

(5) AGENCIES AND EMPLOYES TO COOPERATE. All state agencies, including authorities created under chs. 231, 232 and 234, and their officers and employes, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

(6) MANAGEMENT AUDITS. The secretary shall periodically make management audits of agencies, utilizing teams of specialists in the fields of purchasing, personnel, accounting, budgeting, space utilization, forms design and control, records management, and any other specialties necessary to effectively appraise all management practices, operating procedures and organizational structures.

(7) PERSONNEL MANAGEMENT INFORMATION SYSTEM. (a) The secretary shall establish and maintain a personnel management information system which shall be used to furnish the governor, the legislature and the department of employment relations with current information pertaining to authorized positions, payroll and related items for all civil service employes, except employes of the office of the governor, the courts and judicial branch agencies, and the legislature and legislative service agencies. It is the intent of the legislature that the university of Wisconsin system provide position and other information to the department and the legislature, which includes appropriate data on each position, facilitates accountability for each authorized position and traces each position over time. Nothing in this paragraph may be interpreted as limiting the authority of the board of regents of the university of Wisconsin system to allocate and reallocate positions by funding source within the legally authorized levels.

(b) The secretary shall report to the joint committee on finance in March of each year concerning the compliance of each agency in the

executive branch in providing the data necessary for operation of the personnel management information system.

(8) REVIEW OF RENTALS FOR STATE-OWNED HOUSING. (a) The secretary shall establish and maintain a system relating to the rentals charged for state-owned housing and shall review the system for possible changes every 2 years and shall submit a recommendation to the joint committee on finance in March of each even-numbered year. Such system shall also include a procedure for review of the need to retain state-owned housing units and possible disposition of such units. Recommendations regarding the disposition of any housing units shall be submitted to the building commission.

(b) The joint committee on finance, following its review, shall approve a rental rate structure to govern rental rates for state-owned housing for the subsequent 2-year period beginning July 1 of such even-numbered year.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 196 ss. 21, 130 (3); 1977 c. 272; 1979 c. 34, 221, 357; 1981 c. 20 ss. 3v, 55d, 55m.

16.006 State employes merit award board. (1) DUTIES. The state employes merit award board shall:

(a) Formulate, establish and maintain a plan or plans to encourage and reward unusual and meritorious suggestions and accomplishments by state employes promoting efficiency and economy in the performance of any function of state government;

(b) Appoint departmental or divisional committees to analyze and review suggestions and accomplishments of state employes submitted for consideration under such plan or plans, and make recommendations thereon to the board;

(c) Make and render merit awards to or for the benefit of state employes nominated to receive them in accordance with such plan or plans.

(2) PERSONNEL, FACILITIES AND EQUIPMENT. The department shall appoint, under the classified service, a secretary and such other employes as are necessary to carry out the board's duties, and shall provide such facilities and equipment as the board requires for the proper performance of its work. The board may request and shall receive from any state department such assistance as it requires.

(3) AWARDS. The board may determine the nature and extent of the merit awards to be made under this section which may include, but shall not be limited to, the following:

(a) Certificates, medals or other insignia which shall be in such form and shall be awarded at such times as the board determines;

(b) Cash awards, which shall be of such amount and shall be payable at such times as the board determines.

(4) RULES. The board may promulgate rules governing the operation of any plan or plans established under this section, the eligibility and qualifications of state employes participating therein, the character and quality of suggestions and accomplishments submitted for consideration, the method of their submission and the procedure for their review, nominations for merit awards, and the kind, character and value of such awards, and such other rules as are necessary for the proper administration of this section or for the accomplishment of the purposes thereof.

History: 1971 c. 270 s. 87; 1977 c. 196 s. 61; 1977 c. 418 s. 36; 1981 c. 20.

16.007 Claims board. (1) PURPOSE. The claims board shall receive, investigate and make recommendations on all claims presented against the state which are referred to the board by the department. No claim or bill relating to such a claim shall be considered by the legislature until a recommendation thereon has been made by the claims board.

(2) RULES. The board shall not be bound by common law or statutory rules of evidence, but shall admit all testimony having reasonable probative value, excluding that which is immaterial, irrelevant or unduly repetitious. It may take official notice of any generally recognized fact or established technical or scientific fact, but parties shall be notified either before or during hearing or by full reference in preliminary reports, or otherwise, of the facts so noticed, and the parties shall be afforded an opportunity to contest the validity of the official notice.

(3) PROCEDURE. When a claim has been referred to the claims board, the board may upon its own motion and shall upon request of the claimant, schedule such claim for hearing, giving the claimant at least 10 days' written notice of the date, time and place thereof. Those claims described under sub. (6) (b) shall not be heard or decided by the claims board. The board shall keep a record of its proceedings, but such proceedings may be recorded by a permanent recording device without transcription. It may require sworn testimony and may summon and compel attendance of witnesses and the production of documents and records. Any member of the board may sign and issue a subpoena.

(4) AGENCIES TO COOPERATE. The several agencies shall cooperate with the board and shall make their personnel and records available upon request when such request is not inconsistent with other statutes.

(5) **FINDINGS.** The board shall report its findings and recommendations, on all claims referred to it, to the legislature. Except as provided in sub. (6), if from its findings of fact the board concludes that any such claim is one on which the state is legally liable, or one which involves the causal negligence of any officer, agent or employe of the state, or one which on equitable principles the state should in good conscience assume and pay, it shall cause a bill to be drafted covering its recommendations and shall report its findings and conclusions and submit the drafted bill to the joint committee on finance at the earliest available time. If the claims board determines to pay or recommends that a claim be paid from a specific appropriation or appropriations, it shall include that determination or recommendation in its conclusions. A copy of its findings and conclusions shall be submitted to the claimant within 20 days after the board makes its determination. Findings and conclusions are not required for claims processed under sub. (6) (b).

(6) **SETTLEMENT.** (a) Except as provided in par. (b), whenever the claims board by unanimous vote finds that payment of not more than \$1,000 to a claimant is justified, it may order the amount so found to be justified paid on its own motion without submission of the claim in bill form to the legislature. Such amounts shall be paid on vouchers upon the certification of the chairperson and secretary of the board, and shall be charged as provided in sub. (6m).

(b) Whenever the representative of the department designated by the secretary pursuant to s. 15.105 (2) finds that payment of a claim described in this paragraph to a claimant is justified, the representative of the department may order the amount so found to be justified paid without approval of the claims board and without submission of the claim in the form of a bill to the legislature. Such claims shall be paid on vouchers upon the certification of the representative of the department, and shall be charged as provided in sub. (6m). The representative of the department shall annually report to the board all claims paid under this paragraph. Claims which may be paid directly by the department are:

1. Payment of the amount owed by the state under any check issued by it which has been voided for failure to present the check for payment within the prescribed period from the date of issuance.

2. Payment of a refund of state inheritance tax which has been overpaid by any taxpayer.

3. Payment of a refund due as the result of an overpayment made by mistake of the applicant in filing articles of incorporation or amendments thereto, or a certificate of authority for a foreign

corporation to transact business in this state pursuant to s. 180.87.

(6m) **PAYMENT CHARGES.** The claims board, for claims authorized to be paid under sub. (6) (a), or the representative of the department, for claims authorized to be paid under sub. (6) (b), may specify that a claim shall be paid from a specific appropriation or appropriations. If a claim requires legislative action, the board may recommend that the claim be paid from a specific appropriation or appropriations. If no determination is made as to the appropriation or appropriations from which a claim shall be paid, the claim shall be paid from the appropriation under s. 20.505 (4) (d).

(7) **EXCEPTION.** This section shall not be construed as relieving any 3rd party liability or releasing any joint tort-feasor.

(8) **EXPENSES.** The board may pay the actual and necessary expenses of employes of the department of justice or the department of administration authorized by the board to secure material information necessary to the disposition of a claim.

History: 1975 c. 397; 1977 c. 196 s. 130 (3); 1979 c. 34 s. 2102 (1) (c); 1981 c. 20.

16.008 Payment of special charges for extraordinary police service to state facilities.

(1) In this section "extraordinary police services" means those police services which are in addition to those being maintained for normal police service functions by a municipality or county and are required because of an assemblage or activity which is or threatens to become a riot, civil disturbance or other similar circumstance, or in which mob violence occurs or is threatened.

(2) The state shall pay for extraordinary police services provided directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of a state officer or agency responsible for the operation and preservation of such facilities. Municipalities or counties which provide extraordinary police services may submit claims to the claims board for actual additional costs related to wage and disability payments, pensions and worker's compensation payments, damage to equipment and clothing, replacement of expendable supplies, medical and transportation expense and other necessary expenses. The clerk of the municipality or county submitting a claim shall also transmit an itemized statement of charges and a statement which identifies the facility served and the person who requested the services. The board shall obtain a review of the claim and recommendations from the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and (6).

History: 1977 c. 418

16.009 Board on aging and long-term care. (1) The board on aging and long-term care shall:

(a) Appoint an executive director outside the classified service to serve at the pleasure of the board. The executive director shall supervise day-to-day implementation of the board's functions and shall appoint staff outside the classified service to perform these functions.

(b) Investigate complaints from any person concerning improper conditions or treatment of aged or disabled persons who receive long-term care or concerning noncompliance with or improper administration of federal or state laws, rules or regulations related to long-term care for the aged or disabled.

(c) Serve as mediator or advocate to resolve any problem or dispute relating to long-term care for the aged or disabled.

(d) Promote public education, planning and voluntary acts to resolve problems and improve conditions involving long-term care for the aged or disabled.

(e) Monitor the development and implementation of federal, state and local laws, regulations, rules, ordinances and policies that relate to long-term care facilities for the aged or disabled.

(f) As a result of information received while investigating complaints and resolving problems or disputes, publish material that assesses existing inadequacies in federal and state laws, regulations and rules concerning long-term care for the aged or disabled. The board shall initiate legislation as a means of correcting these inadequacies.

(g) Stimulate resident, client and provider participation in the development of programs and procedures involving resident rights and facility responsibilities, by establishing resident councils and by other means.

(h) Conduct statewide hearings on issues of concern to aged or disabled persons who are receiving or who may receive long-term care.

(i) Report annually to the governor and the legislature. The report shall set forth the scope of the programs for providing long-term care for the aged or disabled developed in the state, findings regarding the state's activities in the field of long-term care for the aged and disabled, recommendations for a more effective and efficient total program and the actions taken by the agencies of the state to carry out the board's recommendations.

(2) The board on aging and long-term care may contract with any state agency to carry out the board's activities.

History: 1981 c. 20

16.04 Vehicle fleet management. (1) The department shall ensure optimum efficiency and economy in the vehicle fleet management activities of all agencies. The department may:

(a) Develop uniform state policies and guidelines for vehicle acquisition, recording of operational and other costs, performance evaluation and replacement of vehicles.

(b) Screen all requests for additional or replacement vehicle acquisitions prior to forwarding the requests to the governor in accordance with s. 20.915 (1).

(c) Maintain a current inventory of all state-owned or leased motor vehicles.

(d) Prepare an annual report for submission to the governor and joint committee on finance, based upon a statewide uniform cost accounting system, which details all costs associated with vehicle fleet operations.

(2) Each agency shall assign a fleet manager who shall operate the agency's fleet in accordance with policies, guidelines and rules adopted by the department to implement this section.

(3) Each fleet manager shall review the use of state-owned or leased vehicles within his or her agency at least semiannually to determine whether usage criteria are being met. The department shall periodically audit the agencies' records relating to fleet operations and the use of state-owned or leased vehicles.

History: 1979 c. 34.

16.08 State policy regarding the long-term disposal of high-level radioactive waste and transuranic waste. (1) DEFINITIONS. As used in this section unless the context requires otherwise:

(a) "Board" means the radioactive waste review board.

(b) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste and transuranic waste.

(c) "High-level radioactive waste" means:

1. Fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for disposal; or

2. Highly radioactive waste resulting from reprocessing irradiated nuclear fuel including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed.

(d) "Transuranic waste" means waste material containing alpha-emitting radioactive elements having an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram.

(2) **COORDINATION.** (a) *Initial agency to be contacted.* The board shall serve as the initial agency in this state to be contacted by the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Receipt of information.* The board shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste. Notification of proposed plans include notification of proposals to conduct field work, on-site evaluation, on-site testing or similar activities.

(c) *Dissemination of information.* The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received under par. (b) to appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, interested citizen groups and persons who have requested in writing to receive this information.

(d) *Response.* The board shall respond to contacts under par. (a) and information received under par. (b) if a response is appropriate. The board shall consult with the radioactive waste policy council and the radioactive waste technical council and with appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups in preparing this response. The radioactive waste policy council and the radioactive waste technical council shall prepare written comments for use in this response if requested to do so by the board.

(3) **ADVOCATE.** The board shall serve as an advocate on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the long-term disposal of radioactive waste and transuranic waste.

(4) **EDUCATIONAL PROGRAMS.** The board shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste and transuranic waste, the long-term disposal of these wastes, the activities of the board, the activities of the federal department of energy and other federal agencies related to the long-term disposal of high-level radioactive waste and transuranic waste and the opportunities of the public to participate in procedures and decisions related

to the long-term disposal of high-level radioactive waste and transuranic waste.

(5) **REVIEW OF APPLICATIONS FOR FEDERAL FUNDS.** The board shall review any application to the federal department of energy or other federal agency by a state agency, local unit of government or regional planning commission for funds for any program related to the long-term disposal of high-level radioactive waste or transuranic waste. If the board finds that the application is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic waste or that the application is not in the best interest of the state, the board shall forward its findings to the governor, the joint committee on finance and the federal agency to which the application for funds is being made. If the board finds that the application of a state agency is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic waste or that the application of a state agency is not in the best interest of the state, the findings forwarded to the governor shall include a recommendation that the governor act under s. 16.54 (1) and stipulate conditions for the acceptance of the funds which are necessary to safeguard the interests of the state.

(6) **MONITOR FEDERAL ACTIVITY.** The board shall monitor activity in congress and the federal government related to the long-term disposal of high-level radioactive waste and transuranic waste. The board may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(7) **REQUEST ATTORNEY GENERAL TO INTERVENE.** If appropriate the board shall request the attorney general to intervene in federal proceedings to protect the state's interests and present the state's point of view on matters related to the long-term disposal of high-level radioactive waste or transuranic waste.

(8) **NEGOTIATION OF AGREEMENTS.** (a) *Negotiations with the federal department of energy.* The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Negotiations with other federal agencies.* The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with any federal agency other than the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(c) *Consultation.* The board shall consult with the radioactive waste policy council and the radioactive waste technical council during the negotiation of any agreement or modification to an agreement under par. (a) or (b). The radioactive waste policy council and the radioactive waste technical council shall prepare written comments on any agreement or draft agreement being negotiated by the board if requested to do so by the board.

(d) *Hearings.* The board shall conduct more than one public hearing on any proposed agreement or modification to an agreement negotiated under par. (a) or (b). The board shall provide 30 day's notice of the date and location of hearings conducted under this paragraph. The board shall prepare a written summary of testimony presented at hearings conducted under this paragraph and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

(e) *Approval of agreements and modifications by the board.* No agreement or modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved by a majority of the members of the full board.

(f) *Approval of agreements and modifications by the legislature and governor.* No agreement or modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved under sub. (10).

(g) *Technical revisions.* The board may negotiate what in the board's judgment are technical revisions to any agreement approved under sub. (10).

(h) *Approval of technical revisions by the board.* No technical revision to an agreement negotiated under par. (g) may take effect unless it is approved by a majority of the members of the full board.

(i) *Review of technical revisions by the legislature and governor.* No technical revision to an agreement negotiated under par. (g) may take effect unless it is considered approved under sub. (11).

(9) **AGREEMENTS WITH THE FEDERAL DEPARTMENT OF ENERGY.** (a) *Separate agreements.* The board may negotiate separate agreements with the federal department of energy concerning different stages of the process of evaluating and selecting a site for the long-term disposal of high-level radioactive waste or transuranic waste. The board shall negotiate a separate agreement with the federal department of energy for the final stages of the selection of any site for the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Contents.* Any agreement negotiated by the board with the federal department of energy under sub. (8) (a) shall include:

1. A general description of the roles of the state and the federal department of energy.

2. A compliance schedule which includes a list of significant events and stages which are expected to be reached as the federal department of energy assesses the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste and a description of the actions to be taken by the federal department of energy and the state at each event and stage.

3. The criteria that the department of energy shall use in evaluating the suitability of any site in the state for the long-term disposal of high-level radioactive waste or transuranic waste.

4. A requirement that the federal department of energy shall comply with all federal laws, American Indian laws, state laws and local ordinances and shall respect state sovereignty consistent with the 10th amendment to the U.S. constitution and the U.S. constitution, regardless of the ownership of the land on which the activity takes place.

5. A requirement that the federal department of energy and any of its contractors or subcontractors shall provide the board with all reports and documents the board requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation or rule. The requirement shall specify that the federal department of energy may not charge a fee for searching for or for supplying reports and documents requested by the board. The requirement shall specify that the federal department of energy shall provide the board with all reports and documents the board requests and any other relevant reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal department of energy regardless of whether the reports and documents have received the department of energy's final approval.

6. A requirement that, upon request by the board, the federal department of energy shall provide the data, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation or rule.

7. A requirement that the federal department of energy shall notify the board of any grants related to the long-term disposal of high-level radioactive waste and transuranic waste from the federal department of energy to any person in this state.

8. A requirement that the federal department of energy shall notify the board in a timely manner of any proposed field work, on-site evaluation, on-site testing or similar activities if any contractor or subcontractor intends to

conduct and a requirement that the federal department of energy shall allow the board to monitor these activities by designating a reasonable number of persons to observe the activities or by any other appropriate means.

9. A requirement that the federal department of energy shall provide the board in a timely manner with a copy of any requests for proposals and final contracts issued by the federal department of energy relating to the evaluation, selection or construction of a site for the long-term disposal of high-level radioactive waste or transuranic waste in this state.

10. A provision that the federal department of energy shall agree to provide funds to be used to provide educational programs under sub. (4) and to review the activities of the federal department of energy and its contractors and subcontractors which relate to assessing the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste.

11. A process for resolving disputes between the board and the federal department of energy including disputes concerning alleged violations of the written agreement and disputes concerning technical assessments made by the federal department of energy. The process for resolving disputes concerning technical assessments made by the federal department of energy may involve a process of scientific review and mediation.

12. A requirement that if the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive waste or transuranic waste, the federal department of energy shall prepare, prior to submission of an application to license or construct the repository, a repository plan which shall include descriptions of the federal department of energy's plans for construction of the repository, transportation of wastes to the repository, operation of the repository, closing of the repository and monitoring the repository after closure.

(c) *Objection to site selection.* Any agreement negotiated by the board with the federal department of energy under sub. (8) (a) shall include a list of reasons for which the board may object to the selection of a site within this state for the long-term disposal of high-level radioactive waste and transuranic waste. These reasons shall include the following:

1. The site or the transportation of waste to the site poses a danger to public health and safety or to the environment.

2. The federal department of energy fails to address to the satisfaction of the board the potential socioeconomic effects of the site or of the transportation of waste to the site.

3. The federal department of energy violates any written agreement or revision approved under sub. (10) or (11).

4. If, in the judgment of the board, the federal department of energy fails to comply with criteria, regulations or standards of other federal agencies concerning the long-term disposal of high-level radioactive waste or transuranic waste including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the disposal of high-level radioactive waste or transuranic waste at the site.

5. If, in the judgment of the board, the federal department of energy fails to use generally accepted scientific and technical practices in evaluating the suitability of a site for the long-term disposal of high-level radioactive waste or transuranic waste.

(10) **APPROVAL OF AGREEMENTS.** (a) *Submission.* The board shall submit any written agreement or modification to an agreement negotiated under sub. (8) (a) or (b), approved by the board and approved by the federal department of energy or other federal agency to the speaker of the assembly and the president of the senate. The board shall submit with the agreement or modification a written summary of the hearings held under sub. (8) (d).

(b) *Introduction of bill.* Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill to approve the agreement or modification to an agreement. The bill is not subject to s. 16.47 (2).

(c) *Legislative action required.* Within 120 days after the bill is introduced the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes the bill or passes a joint resolution which disapproves of the agreement or modification and returns the agreement or modification to the board for renegotiation. If the 120-day period extends beyond the date specified in s. 13.02 (1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill or joint resolution is passed prior to that time.

(d) *Veto review.* Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each house of the legislature shall schedule a veto review session.

(e) *Approval.* If the bill is enacted into law, the agreement or modification to the agreement is approved and shall take effect.

(11) REVIEW OF TECHNICAL REVISIONS. (a) *Submission.* The board shall submit any technical revision to a written agreement negotiated under sub. (8) (g), approved by the board and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

(b) *Referral to standing committees.* Each presiding officer shall refer the technical revision to one standing committee within 7 working days after the day on which the revision is received unless the revision is received on or after November 1 of an even-numbered year. If a revision is received on or after November 1 of an even-numbered year, each presiding officer shall refer the revision to one standing committee within 7 days after the first day of the next regular session of the legislature. Each presiding officer shall cause a statement to appear in the journal of the appropriate house that a technical revision to an agreement approved under sub. (6) is submitted for review.

(c) *Standing committee review.* Either standing committee may object to the technical revision by taking action in executive session within 30 days after the revision is referred to the committee. If a standing committee objects to the revision, it shall submit a written notice of the objection to the presiding officer of that house of the legislature and the presiding officer shall cause the written notice of the objection to appear in the journal of the house.

(d) *Review by the governor.* The governor may object to the technical revision by taking action within 30 days after the revision is received unless the revision is received on or after November 1 of an even-numbered year. If the revision is received on or after November 1 of an even-numbered year, the governor may object to the revision by taking action within 30 days after the first day of the next regular session of the legislature. If the governor objects to the revision, the governor shall submit a written notice of the objection to the presiding officer of each house of the legislature and each presiding officer shall cause the written notice of the objection to appear in the journal of each house.

(e) *Objection.* A standing committee to which a revision is referred or the governor may object to a technical revision for any reason including a belief that the revision is so substantial that the revised agreement should be approved under sub. (10) rather than this subsection. If either standing committee to which a revision is referred or the governor objects to a

technical revision within the 30-day review period, the revision may not take effect.

(f) *No objection.* If neither standing committee nor the governor objects to a technical revision within the 30-day review period, the revision is considered approved and shall take effect.

(11m) REVIEW OF FINAL SITE SELECTION AND SITE PLAN. (a) *Review by the board.* If the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive or transuranic waste, the board shall review the adequacy of the selected site and of the site plan prepared by the federal department of energy under sub. (9) (b) 12. The review shall include a full scientific review of the adequacy of the selected site and of the site plan. The board shall solicit written comments on the selected site and the site plan from the radioactive waste policy council and the radioactive waste technical council. The board shall utilize recognized experts in conducting its scientific review. The board shall conduct more than one public hearing on the site plan and shall make available to the public arguments and evidence for and against the site plan. The board shall provide 30 day's notice of the date and location of the public hearings. The board shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups on the adequacy of the selected site and the site plan. The board shall make these comments available to the public.

(b) *Recommendation to the legislature and the governor.* After completing this review, the board shall submit a recommendation to the speaker of the assembly, the president of the senate and the governor on whether the state should accept the site selected by the federal department of energy and the site plan. The reasons for which the board may recommend that the legislature and the governor object to the site selection or the site plan, or both, include those specified in sub. (9) (c). The recommendation to the speaker of the assembly and the president of the senate shall be accompanied by a request for the introduction of a bill to approve the site selected and the site plan or by a request for the introduction of a bill to disapprove the site or the site plan or both.

(c) *Introduction of legislation.* Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill reflecting the recommendation of the board on whether to approve or disapprove the site selected by the federal department of energy and the site plan. The bill is not subject to s. 16.47 (2).

(d) *Legislative action required.* Within 120 days after the legislation is introduced under par. (c), the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes a bill which approves the site selected by the federal department of energy and the site plan or the legislature passes a bill which disapproves the site or the site plan or both. If the 120-day period extends beyond the date specified under s. 13.02 (1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill is passed prior to that time.

(e) *Veto review.* Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each house of the legislature shall schedule a veto review session.

(f) *Transmittal of action by the legislature and the governor.* After the legislature takes action under par. (d) and after the governor takes any action under par. (e), the chief clerk of the house of origin shall notify the board of the action taken and the board shall send a report to the president of the United States, the members of the U.S. senate, the members of the U.S. house of representatives, the federal department of energy and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the board in accordance with par. (a), the recommendation made by the board under par. (b), the action of the legislature under par. (d) and any action of the governor under par. (e).

(12) **IMPLEMENTATION.** The board shall implement agreements, modifications and technical revisions approved under subs. (10) and (11). In implementing these agreements, modifications and revisions, the board may solicit the views of appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups.

(13) **FUNDING.** The board shall attempt to finance all of its expenses from moneys received from the federal department of energy and other federal agencies and from gifts and grants received from other persons.

(14) **STATE AGENCIES TO COOPERATE.** The board shall rely on the expertise of staff in other state agencies to assist the board in its duties whenever possible. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible.

(15) **SUNSET.** This section is effective until January 1, 1987.

History: 1981 c. 62.

SUBCHAPTER III

FINANCE

16.40 Department of administration, duties, powers. The department of administration shall:

(1) **PREPARE BUDGET.** Discharge all duties in connection with the compilation of the biennial state budget report imposed by ss. 16.42 to 16.46.

(2) **ATTEND FINANCE COMMITTEE.** Attend all public hearings of the joint committee on finance and such executive meetings as the committee may desire, answer questions and give information called for by the committee relative to the financial operations of the state and its several agencies.

(3) **PREPARE ANNUAL FINANCIAL STATEMENT.** Prepare at the end of each fiscal year not later than October 15, a condensed, and popular account of the finances of the state, showing the sources of the state's revenue and the purposes of its expenditures, including a comparison with the prior year; prepare at the end of each fiscal year not later than October 15, a statement of the condition of the general fund showing the cash balance, the accounts receivable, the accounts payable and the continuing unexpended and unencumbered appropriation balances; and prepare not earlier than January 1 nor later than February 1 in each year a tentative statement of the estimated receipts and disbursements of the general fund for the biennium in progress, showing also the estimated condition of the general fund at the end of the current biennium. A copy of each of such statements shall be filed in the legislative reference bureau and shall be sent to each member of the legislature.

(4) **FURNISH INFORMATION.** Furnish such other information regarding the finances of the state and the financial operations of agencies as may be called for by the governor, the governor-elect, the legislature or either house thereof, or any member thereof.

(5) **BOOKKEEPING FORMS.** Prescribe the forms of accounts and other financial records to be used by all agencies. Such accounts shall be as nearly uniform as is practical, and as simple as is consistent with an accurate and detailed record of all receipts and disbursements and of all other transactions affecting the acquisition, custodianship and disposition of value. The secretary may call upon the state auditor for advice and suggestions in prescribing such forms.

- (6) **TAKE TESTIMONY.** In the discharge of any duty imposed by law, administer oaths and take testimony and cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit courts.
- (7) **COLLECT REVENUE INFORMATION.** Collect from any available source and correlate information concerning any and all anticipated state revenues.
- (8) **COLLECT INFORMATION ON DISBURSEMENTS.** Collect and correlate information from all agencies concerning any agency disbursements and the proper time thereof.
- (9) **FORECAST REVENUES AND EXPENDITURES.** Forecast all revenues and expenditures of the state.
- (10) **DETERMINE MINIMUM CASH BALANCES.** Determine the minimum cash balances needed in operating banks at all times to meet the operating requirements of all agencies.
- (11) **ADVISE INVESTMENT BOARD DIRECTOR ON SURPLUS MONEYS.** Advise the executive director of the investment board daily concerning surplus moneys available for investment from each of the various state funds.
- (12) **ADVISE INVESTMENT BOARD DIRECTOR ON CASH NEEDS.** Advise the executive director of the investment board concerning the date when invested funds will be required in the form of cash. Said director shall furnish such reports of investments as may be required by the department of administration.
- (13) **COOPERATE IN IMPROVEMENTS OF STATE FUND MANAGEMENT.** Cooperate with the executive director of the investment board, the state treasurer, the department of revenue and other revenue agencies for the purpose of effecting improvements in the management and investment of state funds.
- (14) **REPORT ON ANNUAL APPROPRIATIONS AUTHORIZED.** Provide, on or before June 30 of each odd-numbered year, a report to the governor and the joint committee on finance on the final level of appropriations authorized for the fiscal year which are funded from general purpose revenues as defined in s. 20.001 (2) (a).
- (15) **PROVIDE ANNUAL EXPENDITURE REPORT.** Provide, on or before October 15 of each odd-numbered year, a summary expenditure report to the governor and the joint committee on finance on the actual total general revenue expenditures for the preceding fiscal year based on the more detailed information provided in the annual financial statements for the year required under sub. (3). In this subsection "general revenue expenditures" means all expenditures from any appropriation funded from general purpose revenues as defined in s. 20.001 (2) (a).
- (16) **DETERMINE PEOPLES ESCROW AMOUNT.** Submit, on or before October 15 of each odd-numbered year, a summary statement of the amount of any unappropriated general purpose revenues balance for the fiscal year ended the previous June 30. This statement shall also separately identify a contingency reserve amount, to be approved by the joint committee on finance, equal to 2% of gross general purpose revenue appropriations for the period as identified in the report required under sub. (14). The amount resulting from deducting the contingency reserve amount from the unappropriated general purpose revenues balance shall be the amount appropriated under s. 20.878 (1) (a). In this subsection "unappropriated general purpose revenues balance" means the general fund balance as reported under sub. (3).
- (17) **PROVIDE ESTIMATES FOR COMPENSATION AND FRINGE BENEFIT SUPPLEMENTS.** Provide a written estimate of the total amounts needed to finance the employe compensation and fringe benefit supplements under s. 20.865 (1) (c), (ci), (cm), (d), (i), (ic), (im), (j), (s), (si), (sm) and (t) to the joint committee on employment relations not later than March 31 of each even-numbered year, and provide a revised estimate as soon as possible after the department obtains any information which necessitates a revision in the amount to be provided. There shall be transferred from the appropriation under s. 20.877 (1) (a) to the appropriations under s. 20.865 (1) (c), (ci), (cm) and (d) or from the appropriation under s. 20.877 (1) (g) to the appropriations under s. 20.865 (1) (i), (ic), (im) and (j) or from the appropriation under s. 20.877 (1) (q) to the appropriations under s. 20.865 (1) (s), (si), (sm) and (t) the amounts estimated under this section. If the department determines that an amount above the initial amounts will be needed, the department shall provide a revised written estimate to the joint committee on employment relations and any additional amounts required as reestimated under this section shall be transferred from the appropriations under s. 20.877 (1) (a), (g) or (q) to the affected appropriation.
- (18) **REQUIRE AGENCIES TO PROVIDE COPIES.** Require each state agency, at the time that the agency submits a request to the department for an increased appropriation to be provided in an executive budget bill which is necessitated by the compensation plan under s. 230.12 or a collective bargaining agreement approved under s. 111.92, to provide a copy of the request to the

secretary of employment relations and the joint committee on employment relations.

History: 1971 c. 125; 1977 c. 196 s. 130 (3); 1977 c. 272; 1979 c. 1, 34, 221; 1981 c. 20, 27, 317; 1981 c. 390 s. 252.

16.41 Agency accounting, information, aid.

(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 such agencies shall also furnish to the secretary all information relating to their financial transactions which the secretary requests pursuant to this subchapter 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.

(2) The secretary and his duly authorized employes shall have free access to all financial accounts of every state department, and each department shall assist the secretary in preparing estimates of receipts and expenditures for inclusion in the state budget report.

(3) Upon request of the secretary all agencies shall furnish such information concerning anticipated revenues and expenditures as the secretary requires for effective control of state finances.

History: 1977 c. 196 s. 130 (3); 1977 c. 272, 273

16.412 Agency payments. At the request of any agency the secretary, with the approval of the state treasurer, may authorize the processing of specified regular periodic payments through the use of money transfer techniques including, without limitation because of enumeration, direct deposit, electronic funds transfer and automated clearinghouse procedures.

History: 1981 c. 20.

16.415 Certification of payrolls. (1)

Neither the secretary of administration nor other fiscal officer of this state shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state to pay any compensation to any person in the classified service of the state unless an estimate, payroll or account for such compensation, containing the names of every person to be paid, bears the certificate of the appointing authority that the persons named in such estimate, payroll or account have been appointed, employed, reinstated or promoted as required by law and the rules established thereunder and that the pay is in accordance with the law, compensation plan and rules of the administrator then in effect.

(2) Any person entitled to be certified as described in sub. (1), as having been appointed

or employed in pursuance of law and of the rules pursuant thereto, and refused such certificate, may maintain an action of mandamus to compel the appointing authority to issue such certificate.

(3) Any sums paid contrary to this section may be recovered from any appointing authority making such appointments in contravention of law or of the rules made pursuant thereto, or from any appointing authority signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any such appointing authority, in an action in the circuit court of any county within the state, maintained by the director or the board or by any member thereof, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has paid, a state, city or county tax within this state. All moneys recovered in any action brought under this section when collected, shall be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such action he or she shall be entitled to receive for personal use the taxable cost of such action and 5% of the amount recovered as attorney's fees.

History: 1971 c. 270 ss. 67, 68; 1973 c. 12; 1977 c. 196 ss. 63, 65, 130 (5), 131; 1977 c. 272 s. 98; 1977 c. 273

16.42 Agency requests. (1) All agencies, other than the legislature and the courts, prior to each budget period on the date and 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:

(a) A clear statement of the purpose or goal for each program or subprogram;

(b) Clear statements of specific objectives to be accomplished and, as appropriate, the performance measures used by the agency to assess progress toward achievement of these objectives;

(c) Proposed plans to implement the objectives and the estimated resources needed to carry out the proposed plans;

(d) A statement of legislation required to implement proposed programmatic and financial plans; and

(e) All fiscal or other information relating to such agencies that the secretary or the governor requires on forms prescribed by the secretary.

(2) The secretary may make budget estimates for all such agencies which fail to furnish by the specified date the information required under sub. (1).

History: 1971 c. 125, 215; 1973 c. 12, 333; 1975 c. 388; 1977 c. 29; 1977 c. 196 s. 130 (3), (4); 1977 c. 272; 1979 c. 34, 221; 1981 c. 20.

16.422 Management improvement plans.

(1) Departments which anticipate savings of moneys as a result of management improvements in their annual or biennial appropriations for general program operations in the general fund, the transportation fund, the conservation fund or the veterans trust fund may apply to the secretary to utilize the moneys saved or a portion thereof for a management improvement program.

(2) Departments submitting applications under this section shall identify actual or anticipated savings made during the current fiscal year for annual appropriations or during the current biennium for biennial appropriations, in such form and at such time as the secretary requires, but not later than the end of that fiscal year or biennium. Savings identified by departments may not be the result of reduced services or program levels, but shall be the result of providing existing services more efficiently than was anticipated at the time of budget development.

(3) During each fiscal year, the secretary and the legislative fiscal bureau shall jointly submit to the joint committee on finance a proposal establishing the maximum amount of transfers during the fiscal year for all departments undertaking management improvement plans under this section. The joint committee on finance may approve or disapprove the proposed limits or may increase or decrease the limits on the amounts which may be transferred.

(4) The secretary may authorize a transfer of moneys in a specified amount, within the limitation established under sub. (3), to be made from the appropriations specified in sub. (1) no later than June 30 of any year for an annual appropriation or no later than June 30 of any odd-numbered year for a biennial appropriation, to be used for an approved management improvement program.

(5) At appropriate intervals after making transfers under sub. (4), the secretary shall present the transfers to the legislative fiscal bureau and the joint committee on finance for their review.

(6) If, prior to the transfer, the amount of a transfer approved under this section is greater than the amount of the unencumbered balance in the appropriation from which it is to be made, the approved amount is automatically reduced to the amount of the unencumbered balance.

(7) Upon approval of the proposed transfer limits by the joint committee on finance, the department may transfer the amount approved to the appropriation under s. 20.876 (1) (ka), (kb), (kc) or (kd), depending upon the source

of funding for the appropriation from which the moneys are transferred.

(8) Departments may submit proposed management improvement plans utilizing moneys appropriated under s. 20.876 (1) to the department of administration in such form and at such time as the secretary requires.

(9) A plan submitted for approval under sub. (8) is subject to the following conditions:

(a) Moneys may not be used to fund new permanent positions.

(b) Moneys may not be used for any activity which has been disapproved by the governor or the legislature for inclusion in an executive budget bill.

(c) Any plan concerning data processing shall be based upon cost savings or program benefits as specified in s. 16.97.

(d) Moneys may be used for the general operations of state government, but not for aids to individuals, organizations or local units of government.

(e) A plan must be consistent with the following criteria:

1. It shall enable provision of a new or expanded service without an increase in cost; or

2. It shall enable provision of an existing service at reduced cost.

(10) Upon approval of a management improvement plan by the secretary, departments shall submit estimates for approval of expenditures in the manner prescribed in s. 16.50 prior to actual expenditure of the moneys for implementation of the plan.

History: 1979 c. 34; 1981 c. 20, 27.

16.425 Summary of tax exemption devices.

(1) **DECLARATION OF POLICY.** Because state policy objectives are sought and achieved by both governmental expenditures and tax exemption, and because both have an impact on the government's capacity to lower tax rates or raise expenditures, both should receive regular comprehensive review by the governor and the legislature in the budgetary process. This section seeks to facilitate such comprehensive review by providing for the generation of information concerning tax exemptions and other similar devices comparable to expenditure information.

(2) **DEFINITION.** For the purposes of this section "tax exemption device" means any tax provision which exempts, in whole or in part, certain persons, income, goods, services, or property from the impact of established taxes, including, but not limited because of failure of enumeration, to those devices known as tax deductions, tax allowances, tax exclusions, tax credits and tax exemptions.

(3) REPORT ON TAX EXEMPTION DEVICES. The department of revenue shall in each even-numbered year on the date prescribed for it by the secretary, furnish to the secretary a report detailing the approximate costs in lost revenue, the policy purposes and to the extent possible, indicators of effectiveness in achieving such purposes, for all state tax exemption devices, including those based on the federal internal revenue code, in effect at the time of the report. The report in 1974 need relate only to ch. 71 tax exemption devices. The report in 1976 need relate only to chs. 71 and 77 tax exemption devices. The report in 1978 need relate only to chs. 71, 72 and 77 tax exemption devices. The report in 1980 need relate only to chs. 71, 72, 76 and 77 tax exemption devices. The report in 1982 need relate only to chs. 70, 71, 72, 76 and 77 tax exemption devices. The report in 1982 shall include a qualitative analysis of private real property tax exemptions. The reports in 1984 and thereafter shall include an estimate of the value of private tax-exempt real property. The report shall be prepared in such a manner as to facilitate the making of comparisons with the information reported in s. 16.46 (1) to (6).

History: 1973 c. 90; 1981 c. 20.

16.43 Budget compiled. The secretary shall compile and submit to the governor or the governor-elect and to each person elected to serve in the legislature during the next biennium, not later than November 20 of each even-numbered year, a compilation giving all of the data required by s. 16.46 to be included in the state budget report, except the recommendations of the governor and the explanation thereof.

History: 1977 c. 29; 1981 c. 20.

16.44 Budget hearings. After the filing of the compilation required under s. 16.43, the governor or governor-elect shall consider all requests and all other information which may be of value in understanding the issues and problems to be dealt with in the executive budget. The governor or governor-elect may hold public hearings determined to be necessary to gather further information from agencies, interested citizens and others. The department of administration and all other agencies shall cooperate fully with the governor or governor-elect in providing information and analyses as requested.

History: 1973 c. 333; 1977 c. 196 s. 130 (3); 1977 c. 273.

16.45 Budget message to legislature. In each regular session of the legislature, the governor shall deliver his budget message to the 2 houses in joint session assembled. Unless a later

date is requested by the governor and approved by the legislature in the form of a joint resolution, the budget message shall be delivered on or before the last Tuesday in January. With such message the governor shall transmit to the legislature the biennial state budget report and the executive budget bills together with suggestions for the best methods for raising the needed revenues.

History: 1971 c. 2; 1973 c. 333.

16.46 Biennial budget, contents. The biennial state budget report shall be prepared by the secretary, under the direction of the governor, and a copy of a budget-in-brief thereof shall be furnished to each member of the legislature on the day of the delivery of the budget message. The biennial state budget report shall be furnished to each member of the legislature on or about February 15 of each odd-numbered year and shall contain the following information:

(1) A summary of the actual and estimated receipts of the state government in all operating funds under existing laws during the current and the succeeding bienniums, classified so as to show the receipts by funds, organization units and sources of income;

(2) A summary of the actual and estimated disbursements of the state government from all operating funds during the current biennium and of the requests of agencies and the recommendations of the governor for the succeeding biennium;

(3) A statement showing the condition of all operating funds of the treasury at the close of the preceding fiscal year and the estimated condition at the close of the current year;

(4) A statement showing how the total estimated disbursements during each year of the succeeding biennium compare with the estimated receipts, and the additional revenues, if any, needed to defray the estimated expenses of the state;

(5) A statement of the actual and estimated receipts and disbursements of each department and of all state aids and activities during the current biennium, the departmental estimates and requests, and the recommendations of the governor for the succeeding biennium. Estimates of expenditures shall be classified to set forth such expenditures by funds, organization units, appropriation, object and activities at the discretion of the secretary;

(6) Any explanatory matter which in the judgment of the governor or the secretary will facilitate the understanding by the members of the legislature of the state financial condition and of the budget requests and recommendations.

(7) The report of the department of revenue prepared under s. 16.425, together with the purposes and approximate costs in lost revenue of each new or changed tax exemption device provided in the proposed budget. This information shall be integrated with the rest of the information in this section in such a manner as to facilitate to the fullest extent possible, direct comparisons between expenditure information and tax exemption device information, as defined in s. 16.425.

(8) A report by the secretary of transportation which groups the items in the department of transportation budget request under s. 20.395 in terms of the goals and objectives of the department of transportation for achieving an efficient and effective transportation system in the state. The report shall be submitted as an appendix to the biennial state budget report.

History: 1971 c. 125; 1973 c. 90; 1977 c. 196 s. 130 (3); 1979 c. 34; 1981 c. 20.

16.461 Biennial budget, summary of funds. After the governor has submitted all budget recommendations, the secretary shall prepare a summary of the recommendations of all funds, to be distributed to the members of the legislature.

16.47 Budget bill. (1) The executive budget bill or bills shall incorporate the governor's recommendations for appropriations for the succeeding biennium. Each appropriation in each bill except those for highway construction and aids to local units may be divided into 3 allotments: personal services, other operating expenses and capital outlay or other meaningful classifications, or appropriations may be made in total for all expense. The appropriation method shall in no way affect the amount of detail or manner of presentation which may be requested by the joint committee on finance. Appropriation requests may be divided into 3 allotments: personal services, other operating expenses and capital outlay or such other meaningful classifications as may be approved by the joint committee on finance.

(1m) Immediately after the delivery of the budget message, the bills shall be introduced without change into either house by the joint finance committee and when introduced shall be referred to that committee.

(2) No bill containing an appropriation or increasing the cost of state government or decreasing state revenues in an annual amount exceeding \$10,000 shall be passed by either house until the budget bill has passed both houses; except that the governor or the joint committee on finance may recommend such bills to the presiding officer of either house, in

writing, for passage and the legislature may enact them, and except that the senate or assembly committee on organization may recommend to the presiding officer of its respective house any such bill not affecting state finances by more than \$100,000 biennially. Such bills shall be accompanied by a statement to the effect that they are emergency bills recommended by the governor, the joint committee on finance, or the senate or assembly committee on organization. Such statement by the governor or joint committee on finance shall be sufficient to permit passage prior to the budget bill. Such statement by the senate or assembly committee on organization shall be effective only to permit passage by its respective house.

History: 1971 c. 125; 1979 c. 34, 221; 1981 c. 20

16.49 Lobbying by officers. No department or any officer or employe thereof shall present any request for increased appropriations or any explanation, argument or appeal in support of any such request, except at a hearing of the governor or the joint committee on finance or at the request of either house or any committee thereof. Nor shall any department, officer or employe attempt to procure an increased appropriation other than through the regular and orderly presentation of budget requests in the manner provided in this chapter or to the governor in emergencies.

16.50 Departmental estimates. (1) EXPENDITURES. (a) Each department except the legislature and the courts shall prepare and submit to the secretary an estimate of the amount of money which it proposes to expend, encumber or distribute under any appropriation in ch. 20. The department of administration shall prepare and submit estimates for expenditures from appropriations under ss. 20.855, 20.865, 20.866, 20.867, 20.876, 20.877 and 20.878. The secretary may waive the submission of estimates of other than administrative expenditures from such funds as he or she determines. Estimates shall be prepared in such form, at such times and for such time periods as the secretary requires. Revised and supplemental estimates may be presented at any time under rules prescribed by the secretary.

(b) This subsection does not apply to appropriations under ss. 20.255 (1) (cc), 20.835 and 20.865 (4).

(2) ACTION THEREON BY SECRETARY. The secretary shall examine each such estimate to determine whether appropriations are available therefor and expenditures under the appropriations can be made without incurring danger of exhausting the appropriations before the end of the appropriation period and whether there will

be sufficient revenue to meet such contemplated expenditures except as provided in sub. (7). The secretary also shall examine each estimate to assure as nearly as possible that the proposed plan of program execution reflects the intentions of the joint committee on finance, legislature and governor, as expressed by them in the budget determinations. If satisfied that such estimate meets these tests, the secretary shall approve the estimate; otherwise he or she shall disapprove the estimate, in whole or in part, as the facts require. If the secretary is satisfied that an estimate for any period is more than sufficient for the execution of the normal functions of a department, he or she may modify or withhold approval of the estimate. This section shall be strictly construed by the secretary to the end that such budget determinations and policy decisions reflected by such determinations be implemented to the fullest extent possible within the concepts of proper management.

(3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employe, expend money or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor. No additional positions above the number authorized through the biennial budget process or other legislative act may be granted without the approval of the joint committee on finance, except for positions created by the governor under s. 16.505 (1) (c) or (2). The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part-time or limited term employes until such time as the secretary determines that the filling of the position or the expending of funds is consistent with the intent of the legislature as established by law or in budget determinations, or the intent of the joint committee on finance or as otherwise provided by law, or the intent of the governor creating positions under s. 16.505 (1) (c) or (2). Until the release of funding occurs, recruitment or certification for the position may not be undertaken. The secretary shall submit a quarterly report to the joint committee on finance of any additional positions created under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as published in a collective bargaining agreement under subch. V of ch. 111. At the request of the secretary of employment relations, the secretary of administration may authorize the temporary creation of pool or surplus positions under any source of funds if the secretary of employment relations

determines that temporary positions are necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus or pool positions authorized by the secretary shall be reported quarterly to the joint committee on finance in conjunction with the report required under s. 16.54 (8).

(4) APPEALS TO GOVERNOR. Any department feeling itself aggrieved by the refusal of the secretary to approve any estimate, or any item therein, may appeal from his decision to the governor, who, after a hearing and such investigation as he deems necessary, may set aside or modify such decision.

(5) DISBURSEMENTS. The secretary may not draw a warrant for payment of any expenditures incurred by any department nor may any department make any expenditure for which the approval of the secretary or the governor is necessary under this section, including any expenditure under s. 20.867, unless the expenditure was made in accordance with an estimate submitted to and approved by the secretary or by the governor. In the event that the secretary determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than 0.5% of the estimated general purpose revenue appropriations for that fiscal year, he or she may not decline to approve an estimate or to draw a warrant under this subsection, but shall instead proceed under sub. (7).

(6) PROPORTIONAL SPENDING. If the secretary determines that expenditures of general purpose or segregated fund revenues are utilized to match revenues received under s. 16.54 or 20.001 (2) (b) for the purposes of combined program expenditure, the secretary may require that disbursements of the general purpose revenue and corresponding segregated revenue be in direct proportion to the amount of program revenue or corresponding segregated revenue which is available or appropriated in ch. 20 or as condition of a grant or contract. If the secretary makes such a determination, the agency shall incorporate the necessary adjustments into the expenditure plans provided for in sub. (1).

(7) REVENUE SHORTFALL. (a) If following the enactment of the biennial budget act in any biennium the secretary determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than one-half of one percent of the estimated general purpose revenue appropriations for that fiscal year, he or she may not take any action under sub. (2) and shall immediately notify the governor, the presiding officers of

each house of the legislature and the joint committee on finance.

(b) Following such notification, the governor shall submit a bill containing his or her recommendations for correcting the imbalance between projected revenues and authorized expenditures. If the legislature is not in a floorperiod at the time of the secretary's notification, the governor shall call a special session of the legislature to take up the matter of the projected revenue shortfall and the governor shall submit his or her bill for consideration at that session.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39; 1977 c. 29, 196, 418; 1979 c. 32, 34; 1981 c. 20, 27, 30, 314.

Secretary is not authorized by 16.50 (2), 1979 stats., to reduce payments to municipalities under 79.03 and 79.16 (3). *Milwaukee v. Lindner*, 98 W (2d) 624, 297 NW (2d) 828 (1980).

Secretary is not authorized by 16.50 (2), 1979 stats., to reduce payments under school aids program. *School Dist. of LaFarge v. Lindner*, 100 W (2d) 111, 301 NW (2d) 196 (1981).

16.505 Position authorization. (1) Except as provided in sub. (2), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created unless authorized by one of the following:

(a) The legislature by law or in budget determinations.

(b) The joint committee on finance or as otherwise provided by law.

(c) The governor creating positions from funding specified in s. 20.001 (2) (e).

(2) If the governor proposes to authorize the creation of any position as defined in s. 230.03 (11) not authorized under sub. (1) from funding specified in s. 20.001 (2) (b) or (c), the governor shall notify the joint committee on finance in writing of his or her proposed action. If the committee does not schedule a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the notification, the position may be authorized by the governor. If the committee schedules a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the notification, the position may be created under this subsection only upon approval of the committee.

(3) If the secretary determines that the expenditure estimate established under s. 16.50 (1) for any agency so warrants, the secretary may require an agency to seek prior approval to expend funds for any position, including limited term employment. The secretary may also require any agency except a judicial branch agency or legislative service agency to comply with the procedures for entering position information for its employees, including limited term

employees, into the information system established under s. 16.004 (7).

History: 1977 c. 196, 418; 1979 c. 34; 1981 c. 20.

16.51 Department of administration; preauditing and accounting; additional duties and powers. The department of administration in the discharge of preauditing and accounting functions shall:

(1) **SUGGEST IMPROVEMENTS.** Suggest plans for the improvement and management of the public revenues and expenditures.

(4) **DIRECT COLLECTION OF MONEYS.** Except as otherwise provided by law, direct and superintend the collection of all moneys due the state.

(5) **KEEP AND STATE ACCOUNTS.** Keep and state all accounts in which the state is interested as provided in s. 16.52.

(6) **AUDIT CLAIMS.** Examine, determine and audit, according to law, the claims of all persons against the state as provided in s. 16.53.

(7) **AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS.** Receive, examine, determine and audit claims, duly certified and approved by the department of health and social services, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 53.01, including prisoners transferred to central state hospital or a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons are located by a district attorney or by the prisoner as a post-conviction remedy or a matter involving the prisoner's status as a prisoner. Expenses shall only include the amounts as were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

History: 1971 c. 125; 1977 c. 418; 1979 c. 221.

16.515 Supplementation of program revenue and program revenue-service appropriations. (1) The secretary may supplement any sum certain program revenue or program revenue-service appropriation which the secretary determines is insufficient because of unforeseen emergencies or insufficient to accomplish the purpose for which made, if the secretary finds that an emergency exists, no funds are available for such purposes and the purposes for which a supplemental appropriation is requested have been authorized or directed by the legislature. If the secretary proposes to supplement such an appropriation, the

secretary shall notify the joint committee on finance in writing of the proposed action. The secretary may proceed with the proposed action if within 14 working days of the notification the committee does not schedule a meeting for the purpose of reviewing the secretary's proposed action. If the committee schedules a meeting for the purpose of reviewing the proposed action, the action shall not take effect unless the committee approves the action.

(2) All supplements proposed under this section which are not acted upon by the committee shall be paid from the appropriation under s. 20.865 (8) (g).

History: 1981 c 20.

16.52 Accounting. The department of administration shall:

(1) **KEEP SEPARATE ACCOUNTS.** Keep in its office separate accounts of the revenues and funds of the state, and of all moneys and funds received or held by the state, and also of all encumbrances, expenditures, disbursements and investments thereof, showing the particulars of every encumbrance, expenditure, disbursement and investment.

(2) **REVENUE ACCOUNTS.** Place revenue estimates on the books of accounts and credit actual receipts against them as of the last day of each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior fiscal year received between August 1 and the next succeeding July 31 shall be credited by the secretary to the fiscal year in which that August 1 falls. Except in the case of program revenue and continuing appropriations, any refund of a disbursement to a general purpose revenue appropriation, applicable to any prior fiscal year, received between these dates may not be credited to any appropriation but shall be considered as a nonappropriated receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not available for expenditure, whether or not applied to the fiscal year in which received.

(3) **KEEP APPROPRIATION ACCOUNTS.** Keep separate accounts of all appropriations authorizing expenditures from the state treasury, which accounts shall show the amounts appropriated, the amounts allotted, the amounts encumbered, the amounts expended, the allotments unencumbered and the unallotted balance of each appropriation.

(5) **ENCUMBRANCES AND CHARGES FOR PRIOR FISCAL YEAR.** (a) On July 31 of each fiscal year all outstanding encumbrances entered for the previous fiscal year shall be transferred by the secretary as encumbrances against the appropriation for the current fiscal year, and an equivalent prior year appropriation balance

shall also be forwarded to the current year by the secretary. Payments made on previous year encumbrances forwarded shall be charged to the current fiscal year. All other charges incurred during any previous fiscal year, and not evidenced by encumbrances, which are presented for payment between August 1 in any fiscal year and July 31 in the next succeeding fiscal year shall be entered as charges in the fiscal year in which that August 1 falls. The requirements of this paragraph may be waived in whole or in part by the secretary with the advice of the state auditor on appropriations other than general purpose revenue appropriations and corresponding segregated revenue appropriations.

(b) After July 31, agencies shall be allowed not to exceed one month for reconciling July 31 prior year balances, correcting errors and certifying necessary adjustments to the central accounting office. No prior year corrections shall be permitted after August 31, it being incumbent upon all agencies to completely reconcile their records with the department of administration by said date. Each agency shall delegate to some individual the responsibility of reconciling its accounts as herein provided and shall certify the individual's name to the secretary. As soon as a reconciliation has been effected, the agency shall advise the secretary in writing of such fact and shall forward to the secretary a copy of such reconciliation. If any agency fails to reconcile its accounts as provided in this subsection, the person responsible for such reconciliation shall not be entitled to any further compensation for salary until such reconciliation is effected. With the approval of the state auditor any agency which relies extensively on central accounting records may be permitted to file a statement of agreement in lieu of a reconciliation on all or part of its accounts.

(c) In addition to the annual reconciliation of accounts required by par. (b), the secretary may request any state agency to reconcile its accounts with those of the department at such other times as he deems necessary. The manner and form of the reconciliation shall be determined by the secretary.

(6) **PRIOR APPROVAL OF PURCHASE ORDERS, ETC.** (a) All purchase orders, contracts, or printing orders shall, before any liability is incurred thereon, be submitted to the secretary for his or her approval as to legality of purpose and sufficiency of appropriated and allotted funds therefor. In all cases the date of the contract or order governs the fiscal year to which the contract or order is chargeable, unless the secretary determines that the purpose of the contract or order is to prevent lapsing of appropriations or to otherwise circumvent budgetary intent. Upon such approval, the secretary shall immediately

encumber all contracts or orders, and indicate the fiscal year to which they are chargeable.

(b) Pursuant to s. 16.72 and subject to ss. 16.53 and 20.903 local purchases may be made or miscellaneous expenses incurred by any state department.

(c) Any department feeling itself aggrieved by the refusal of the secretary to approve any proposed encumbrance or payment under this section or s. 16.53 may appeal from his decision to the governor, who, after a hearing and such investigation as he deems necessary, may set aside or modify such decision.

(7) **PETTY CASH FUND.** A petty cash fund in an amount not exceeding \$2,500 from the general program operations appropriations may be established for such agencies as the secretary determines. The operation and maintenance of petty cash funds and the character of expenditures therefrom shall be prescribed by the secretary.

(8) **REFUND ACCOUNTS.** The secretary shall establish rules permitting agencies, authorized to do so by the governor, to issue checks to refund amounts not to exceed \$5 each. The secretary may establish petty cash funds for such agencies for the purpose of paying refunds.

(9) **SECRETARY TO REQUIRE ACCOUNTS OF STATE MONEY, ETC.** The secretary shall require all persons receiving money or securities or having the disposition or management of any property of the state, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require.

(10) **DEPARTMENT OF PUBLIC INSTRUCTION.** The provisions of sub. (2) with respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal year shall not apply to the appropriation under s. 20.255 (1) (cc).

(11) **SECRETARY TO ALLOCATE DEPARTMENTAL CENTRAL SERVICES COSTS.** The secretary may allocate and charge, and may prescribe the procedures for departments to allocate and charge, the central services costs of the department of administration or of individual departments to selected federal grants or contracts. The charges to departments for the central services costs incurred by the department of administration and the indirect costs incurred by the departments in the administration of federally-aided programs under grants or contracts shall be made in accordance with the procedures adopted by the secretary.

History: 1971 c. 125, 261; 1973 c. 243; 1975 c. 41 s. 52; 1977 c. 29; 1977 c. 196 s. 130 (3), (4); 1977 c. 272, 273, 418; 1979 c. 34 ss. 65 to 67, 2102 (43) (a); 1981 c. 14.

16.525 State aid recipients' accounting.

Every association, society, institute or other organization that receives aid in any form through appropriations from the state shall report to the department of administration in August of each year. Such annual report shall contain a detailed statement of all receipts and expenditures of such association, society, institute or organization for the fiscal year concluded on the preceding June 30, and such portions as are of special importance may be published in the annual report of the department of administration under s. 15.04 (1) (d).

History: 1977 c. 196 s. 131

16.53 Preaudit procedure. The department of administration shall preaudit claims in accordance with the following procedures:

(1) **CLAIMS AGAINST STATE.** (a) *Audit.* The secretary is responsible for auditing claims against the state, when payment thereof out of the state treasury is authorized by law. Such audit may be on a sample basis in accordance with generally accepted auditing standards. The secretary may delegate in writing the audit function to the head of any department under terms and standards established by the secretary. The delegation shall be by mutual agreement and notice of the agreement shall be reported to the state auditor. If the secretary finds, through sample auditing, review of procedures, controls and any other audit techniques he deems necessary, that the delegated function is not being performed according to the established auditing standards, he shall in writing withdraw the delegated authority.

(b) *Payrolls.* Payrolls, to be entitled to audit, shall be certified by the proper officers who shall set forth the nature of the services rendered by each person named therein.

(c) *Other claims.* Unless otherwise provided by law, all other claims to be entitled to audit shall:

1. Specify the nature and particulars thereof on an official or original invoice.

2. Conform with statutory provisions and be necessarily incurred in the performance of duties required by the state service.

4. Include the claimant's affidavit, or statement under the penalties of perjury, setting forth that all items of traveling expenses were incurred in the performance of duties required by the public service, and that the amount charged for transportation or for other expenses incident to travel was actually paid out and that no part of such transportation was had upon a free pass or otherwise free of charge. The blank form of such travel voucher shall be prescribed by the secretary.

6. Exclude items of expenditure incurred while traveling outside the state by any officer or employe of any state department or institution thereof unless in the discharge of his duties required by the public service.

7. Exclude out-of-state expenses of an officer or employe of any state department or institution except upon the order of the head of that department or institution. The department or institution head may determine whether such requests shall be made individually or periodically. The governor may require periodic reports on out-of-state travel made by the personnel of each state agency with such detail as he may desire. The governor, by executive order, may require his prior approval for out-of-state travel by members of any state department or institution of the executive branch.

9. Be approved by the proper state officer.

10. Exclude items of expenditure incurred by an employe of any state department while permanently located outside the state unless prior approval of the department of administration has been obtained.

11. Exclude items of expenditure incurred while traveling outside the state by any officer or employe of a state department or agency if the department or agency would exceed the maximum expenditure limit for out-of-state travel established under s. 16.533.

(ca) *Supervision of expenditures.* All departments shall diligently review and supervise the travel expenditures of their employes and may adopt reasonable rules governing such expenditures. Such rules shall be consistent with the uniform guidelines established under s. 20.916 (8). Each claim shall be approved by the employe's appointing authority, as defined in s. 230.03 (4), or the appointing authority's authorized representative. The approval shall represent the concurrence with the accuracy, necessity and reasonableness of each expense. Claims so approved shall be audited by the department of administration in accordance with par. (a).

(cm) *Advancement of travel expenses.* The head of a state agency may, by presenting proper vouchers to the department of administration, advance money for travel expenses to employes. Travel expenses shall be advanced only when the estimated expense is expected to exceed \$50 and the advance shall not exceed 80% of the estimated expense.

(d) *Salaries and benefits, when payable.* 1. The secretary, with the approval of the joint committee on employment relations, shall fix the time and frequency for payment of salaries due elective and appointive officers and employes of the state. As determined under this subdivision, the salaries shall be paid either

monthly, semimonthly or for each 2-week period. Costs for benefits under ch. 108 which are paid on an actual basis may be charged to and collected from agencies by the secretary on an estimated or premium basis, credited to appropriate appropriations, and paid from the appropriations on an actual basis. In addition, the secretary may charge agencies for the department's costs of estimation, collection and payment of benefits under ch. 108 on a prorated basis in accordance with the percentage of costs attributable to each agency. Service charges shall be paid into the appropriation made under s. 20.505 (1) (ka).

2. In order to utilize modern accounting methods in processing payrolls, the department may convert and adjust salaries of all state officers and employes so that they are payable in equal payments throughout the year. To this end the secretary may promulgate rules necessary to administer this subdivision.

3. The secretary may promulgate rules pertaining to the administration of garnishment actions under s. 812.23, including rules superseding s. 812.18 (1) (b) whenever the state is the garnishee in such actions. In any garnishment action where the judgment debtor is employed by the university of Wisconsin system, the secretary may require the appropriate payroll processing center for the university of Wisconsin system to directly process necessary forms, papers, deductions and checks in connection with such action.

(3) **EXAMINATION OF CLAIMANTS.** The secretary may examine under oath the claimant or any other person relative to any claim presented against the state, and may require oral or written answers as to any facts relating to the justness of the claim, or as to the liability of the state.

(4) **AUDIT ORDER INDORSED ON CLAIM; RECORD.** The order of the secretary auditing any claim shall be indorsed on or annexed to such claim, shall specify the amount allowed, the fund from which the same is payable, and the law that authorizes payment of such claim out of the treasury; and said order with the claim and all evidence relative thereto shall be filed and preserved in his office.

(5) **WARRANTS; WHAT TO SPECIFY.** The secretary shall draw his warrant on the state treasurer payable to the claimant for the amount allowed by him upon every claim audited under sub. (1), specifying from what fund to be paid, the particular law which authorizes the same to be paid out of the state treasury, and at the secretary's discretion the post-office address of the payee; and he shall not credit the treasurer

for any sum of money paid out by him otherwise than upon such warrants.

(6) WARRANTS; SIGNATURES. Whenever it is impracticable for the secretary to personally sign warrants issued on the state treasury, his name may be signed thereto by one or more persons in his department designated by him or by the use of a mechanical device adopted by him for affixing a facsimile signature; and the state treasurer, when written authority and reasons therefor are filed in his office, shall honor warrants so signed, the same as if signed in person by the secretary, until such authority is revoked in writing.

(7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The certificate of the proper officers of the board of regents of the university of Wisconsin system, the department of health and social 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.

(9) TRANSFER OF FUNDS APPROPRIATED. Whenever an appropriation has been made from the general fund in the state treasury to any other fund therein, the secretary may withhold the transfer of such appropriation or any part thereof from the general fund until the moneys required to pay outstanding claims are duly audited and disbursed. Such authority is not limited to the fiscal year of the appropriation if the liability is properly recognized and recorded.

(10) PRIORITY OF CLAIMS. (a) If an emergency arises which requires the department to draw vouchers for payments which will be in excess of available funds in any state fund, the secretary, in consultation with the state treasurer, and after notifying the joint committee on finance under par. (b), may prorate and establish priority schedules for all payments within each fund, including those payments for which a specific payment date is provided by statute. The secretary shall draw all vouchers according to the following preference. All direct or indirect payments of principal or interest on state bonds and notes have first priority and may not be prorated or reduced under this subsection. All state employe payrolls shall have 2nd priority. All payments to local units of government which are required by statute to be made on a specific date and all aid payments to individuals have 3rd priority. All remaining payments have 4th priority. The secretary shall maintain records of all claims prorated under this subsection and shall provide written notice to the state treasurer when a potential cash flow emergency is anticipated.

(b) Whenever the secretary proposes to exercise his or her authority under par. (a), he or she shall, after consultation with the state treasurer, notify the joint committee on finance as to the need for any proration or prioritization and the procedures under which such proration or prioritization shall occur. If the joint committee on finance has not, within 2 working days after such notification, scheduled a meeting to review the secretary's proposal, the secretary may proceed with the proposed action. If the committee schedules a meeting within 2 working days after such notification, the secretary may not proceed with the proposed action until after the meeting is held.

(c) If the secretary prorates or establishes priority schedules for payments which are to be made to local units of government, he or she shall establish a procedure whereby any local unit of government which can demonstrate that it would be adversely affected by such action of the secretary may appeal to the secretary for a waiver from having its payment prorated or delayed. In establishing this procedure, the secretary shall consider a local unit of government adversely affected if it can demonstrate that the proration or delay would cause a financial hardship because the scheduled payment had been budgeted as a revenue to be available at the scheduled time of payment and the local unit of government would otherwise have insufficient revenues to meet its immediate expenditure obligations.

(d) Any proration or priority payment schedule action taken by the secretary, as identified to the joint committee on finance, shall be effective for no more than a total 30 days in any 6-month period.

(e) The authority granted by this subsection may be exercised only after all other possible procedures have been used and are found to be insufficient, including the temporary reallocation of surplus moneys as provided in s. 20.002 (11).

(11) INTEREST ON DELAYED PAYMENTS. Payments prorated or delayed under sub. (10) which are payable to local units of government shall accrue interest on the payment delay at the rate equal to the average weekly auction rate for 90-day U.S. treasury bills for each week or portion thereof for which the delay is in effect, or the prior quarter's state investment fund earnings compounded daily, whichever rate is higher.

History: 1971 c. 100 s. 23; 1971 c. 215, 261; Sup. Ct. Order, 67 W (2d) 773; 1975 c. 39, 164, 198, 397, 422; 1977 c. 29, 196, 418; 1979 c. 34, 221; 1981 c. 1, 20.

16.533 Out-of-state travel limit. Commencing with fiscal year 1979-80 and thereafter, an agency or department may not make total general purpose revenue funded expenditures from sum certain appropriations for travel out of the state in which an office of the department or agency is located in excess of 107% of total general purpose revenue funded expenditures from sum certain appropriations by that agency or department for travel out of the state in which an office of the department or agency is located in the previous fiscal year, unless a specific exemption for cause is approved by the secretary. This section does not apply to a department or agency created after April 30, 1980 until the July 1 occurring at least one year after the department or agency is created. The limitations of this section do not apply to appropriations and expenditures for the department of revenue's audit activities in its administration of chs. 71, 72 and 77.

History: 1979 c. 34, 221.

16.535 Reimbursement for travel expenses. (1) DEFINITIONS. In this section, unless the context otherwise requires:

(a) "Employee" means any officer or employee of the state and any legislator or board member entitled to actual, reasonable and necessary expenses.

(b) "Reasonable" means not extreme or excessive.

(c) "Headquarters city" includes the area within the city or village limits, if any, where an employee's permanent work site is located and the area within a radius of 15 miles from the employee's permanent work site.

(2) **LODGING.** All reimbursement claims for lodging must be accompanied by a receipt.

(3) **MEALS.** Subject to the limitation prescribed in sub. (7) (b), employees shall be reimbursed for all reasonable amounts expended for their own meals incurred in the performance of their official duties. Receipts for meals are not required except for any unusual amount, which must be accompanied by a receipt and full explanation of the reasonableness of such expense.

(4) **SPECIAL ALLOWANCE EXPENSES.** Employees shall be reimbursed for the following expenses when traveling on state business:

(a) For reasonable laundry, cleaning or pressing service, if away from home more than 3 days. Charges shall be limited to one cleaning, one pressing and one laundry charge per calendar week.

(b) For tips for meals and taxis, at the maximum rate of 15% of the meal charge or taxi fare.

(5) **EXPENSES IN AN EMPLOYEE'S HEADQUARTER CITY.** Employees who are headquartered in a city in which the expense occurs shall be reimbursed for their actual, reasonable and necessary expenses incurred in the discharge of official duties only on the approval of the head of the employee's agency. This does not apply to travel between an employee's residence and the city in which he is headquartered, which shall not be reimbursable.

(6) **TRANSPORTATION.** Employees shall be reimbursed for their actual transportation expenses when traveling in the performance of their official duties, subject to the following limitations:

(a) *Scheduled air travel.* Reimbursement for air travel shall be limited to the fare for the lowest jet class available. Only if other classes are not available or on the approval of the department head or such person's representative may an employee travel first class. If no other class is available, the employee shall obtain a statement from the carrier that a lower class was not available.

(b) *Train.* Travel by train shall be limited to coach unless overnight, where accommodations should be limited to roomette.

(c) *Reimbursement.* All claims for reimbursement of transportation expense, except for taxicabs and airport limousines, must be accompanied by a receipt.

(7) **APPROVAL.** (a) Each voucher claim for travel expenses shall be approved by the head of the employee's agency or that person's designee. Such approval represents concurrence with the necessity and reasonableness of each expense. Such approval shall accompany the travel voucher. The expense voucher shall be audited by the agency financial office and then submitted to the department for final audit before payment.

(b) The department may not approve for payment any travel vouchers which exceed the maximum travel schedule amounts which are established under s. 20.916 (8), except in unusual circumstances when accompanied by a receipt and full explanation of the reasonableness of such expense.

(c) The department of administration shall not approve for payment any travel vouchers which exceed the auto mileage rates set under s. 20.916 (4) (a).

(d) The department may not approve for payment any travel voucher for attendance at an out-of-state meeting which exceeds 6 working days unless the department, prior to the meeting, approves the attendance by the employee at the meeting.

History: 1975 c. 39, 189; 1977 c. 418; 1979 c. 34, 221.

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16.537 Charter aircraft use; reporting requirements. Within 30 days after the end of each fiscal quarter, every state agency which expends funds during the quarter for charter aircraft for the use of the agency's employes in the conduct of the agency's business and every state agency which approves voucher claims of the agency's employes for travel by charter aircraft during the quarter shall submit a report to the department summarizing the agency's use of charter aircraft during the fiscal quarter. Every report submitted under this section shall be available for inspection by any interested person at reasonable times designated by the department.

History: 1979 c 34.

16.54 Acceptance of federal funds. (1)

Whenever the United States government shall make available funds for the education, the promotion of health, the relief of indigency, the promotion of agriculture or for any other purpose other than the administration of the tribal or any individual funds of Wisconsin Indians, the governor on behalf of the state is authorized to accept the funds so made available. In exercising the authority herein conferred, the governor may stipulate as a condition of the acceptance of the act of congress by this state such conditions as in his discretion may be necessary to safeguard the interests of this state.

(2) Whenever funds shall be made available to this state through an act of congress and acceptance thereof as provided in sub. (1), the governor shall designate the state board, commission or department to administer any of such funds, and the board, commission or department so designated by the governor is authorized and directed to administer such fund for the purpose designated by the act of congress making an appropriation of such funds, or by the department of the United States government making such funds available to this state.

(4) Any board, commission or department of the state government designated to administer any such fund, shall, in the administration of such fund, comply with the requirements of the act of congress making such appropriation and with the rules and regulations which may be prescribed by the United States government or by the department of the federal government making such funds available.

(5) Whenever any agency of the federal government shall require that as a condition to obtaining federal aid the state agency entrusted with the administration of such aid shall submit

a budget, plan, application, or other project proposal, then the budget, plan, application or proposal shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the joint committee on finance.

(6) The governor may accept for the state the provisions of any act of congress whereby funds or other benefits are made available to the state, its political subdivisions, or its citizens, so far as the governor deems such provisions to be in the public interest; and to this end the governor may take or cause to be taken all necessary acts including (without limitation because of enumeration) the making of leases or other contracts with the federal government; the preparation, adoption and execution of plans, methods, and agreements, and the designation of state, municipal or other agencies to perform specific duties.

(7) The governor may accept for the state at all times the provisions of any act of congress whereby funds are made available to the state for any purpose whatsoever, including the school health program under the social security act, and perform all other acts necessary to comply with and otherwise obtain, facilitate, expedite, and carry out the required provisions of such acts of congress.

(8) The governor, through the secretary, shall notify the joint committee on finance at least quarterly of any federal funds received or positions created, pursuant to this section, in excess of those approved in the biennial budget process.

(9) The department of administration shall coordinate the development of a statewide indirect cost allocation plan to be used by all departments as part of their indirect cost allocation plans prepared as part of the federal grant application process. All departments shall prepare individual, specific, indirect cost allocation plans in accordance with federal regulations and procedures established by the secretary. Departments shall annually file a copy of their updated indirect cost allocation plans with the secretary. The secretary may modify any plan to bring it into compliance with applicable state laws or procedures established under s. 16.52 or this section, and to maintain consistency between the plans of the various departments.

(10) 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, all departments shall provide written notification to the state auditor. Each such federal grant shall, to the maximum extent permitted by federal law and regulation, include

an allocation for the cost of such auditing services within the grant budget, plan, application or project proposal.

History: 1973 c. 333; 1975 c. 39 ss. 69, 732 (1); 1975 c. 224; 1977 c. 418; 1979 c. 34; 1981 c. 27.

Wisconsin may enter into an agreement with the federal government for the development, administration and enforcement, at state level, of occupational safety and health laws meeting federal standards. 61 Atty Gen. 353.

See note to 38.08, citing 63 Atty Gen. 453, as to (6).

Governor may authorize counties to channel CETA funds through private nonprofit agencies. 66 Atty Gen. 15.

16.543 Procedure in the event of reduced federal revenue sharing funds. (1)

If the state is to receive less federal revenue sharing funds in any year than the amount anticipated, the governor shall submit to the joint committee on finance, for its approval, a recommendation to adjust the appropriations under ch. 20 to account for such reduction of federal revenue sharing funds. Any recommendation approved under this section shall be implemented by the department under s. 16.50 (2).

(2) If the status of federal revenue sharing funds in any year is not known by the last working day in October, the date of certification provided in s. 120.12 (3) to November 15 for that year may be extended with the approval of the joint committee on finance.

History: 1977 c. 29; 1981 c. 20.

16.545 Federal aid management service.

A federal aids management service shall be established in the department of administration:

(1) To fully inform the governor, the legislature, the commission on interstate cooperation, other state agencies and the public of available federal aid programs.

(2) To fully inform the governor and the legislature of pending federal aid legislation.

(3) To advise the governor and the legislature of alternative and recommended methods of administering federal aid programs.

(4) To study and interpret the effect of federal aid programs on the administration of state government and the pattern of state government finances.

(5) To assist in the co-ordination of broad federal aid programs which are administered by more than one state agency.

(6) To maintain an information center on federal aid programs.

(7) To analyze and advise on proposed federal aid budgets submitted to the governor and the joint committee on finance under s. 16.54 (5).

(8) To serve as the state central information reception center for the receipt and dissemination of such federal grant-in-aid information as provided by federal agencies pursuant to section

201 of the federal intergovernmental cooperation act of 1968. All information shall be reported to the governor and to the interstate cooperation commission which shall serve as the principal liaison contact between the federal aid management service and the legislature except as provided in sub. (7).

(9) To supply to the interstate cooperation commission such statistical and other information relating to federal aid programs and their utilization by or availability to this state and its municipalities as the commission or its chairman requests.

History: 1975 c. 39.

16.548 Federal - state relations; quarterly report.

If the department maintains an office in Washington, D. C., for the purpose of promoting federal-state cooperation, the department shall submit a report from the office to the legislature within 30 days after the close of each calendar quarter detailing the activities of the office during the quarter and reporting the status of federal legislation of concern to the legislature and other state agencies.

History: 1979 c. 34.

16.55 Frauds and uncollectible shortages.

The head of each agency shall immediately provide to the secretary any information within his or her knowledge or evidence in his or her possession concerning any suspected fraudulent use of appropriations or embezzlement of moneys in the custody of the agency or any officer or employe thereof. The attorney general shall investigate and, on or before March 1 of each odd-numbered year, notify the department of the sums of money embezzled from the several state accounts during the prior 2 years indicating the amounts uncollected and uncollectible. The department shall cause a bill to be prepared appropriating from the several state funds the amounts necessary to liquidate the uncollectible shortages in state accounts caused by such embezzlement, and submit such bill to the joint committee on finance for introduction.

History: 1981 c. 20.

16.58 Services to units of local government. (1)

The department shall provide management and personnel consultative and technical assistance to units of government other than the state and may charge for those services.

(2) The department may request technical and staff assistance from other state agencies in providing management and personnel consultative services to those units of government.

History: 1979 c. 361.

16.60 Services to nonprofit corporations.

(1) The department of administration may provide, on a reimbursable basis, financial and management services for nonprofit corporations with which the state or its agencies has entered into leases and subleases for the construction and leasing of projects. Services provided under this section shall be in accordance with the request of the state building commission as to the type and scope of service requested, the civil service range of the employe or employes assigned to them and the total reimbursement to be charged by the department of administration to the nonprofit corporations.

(2) The department or the legislature or any person delegated by the legislature may inspect and examine or cause an inspection and examination of all records relating to the construction of projects that are, or are to be, financed by a nonprofit corporation and leased or subleased by any state agency.

(3) The secretary of administration or his designated representative shall serve in an advisory capacity to and be a nonvoting member of any nonprofit corporation with which the state or its agencies has entered into leases and subleases for the construction and leasing of projects.

16.61 Records and forms of state offices and other public records.

(1) **PUBLIC RECORDS AND FORMS BOARD.** The public records and forms board shall preserve for permanent use important state records, provide an orderly method for the disposition of other state records and rationalize and make more cost-effective the management of forms and records by state agencies.

NOTE: Chapter 350, laws of 1980, section 10, repeals and recreates 16.61 (title) and (1), eff. 1-1-87, to read:

"16.61 Records of state offices and other public records.

(1) **PUBLIC RECORDS BOARD.** The public records board shall preserve for permanent use important state records and provide an orderly method for the disposition of other state records.

(2) **DEFINITIONS.** As used in this section:

(a) "Board" means the public records and forms board.

NOTE: Chapter 350, laws of 1981, section 13 (2), amends par. (a), eff. 1-1-87, by substituting "public records board" for "public records and forms board".

(ad) 1. "Form" means every piece of paper, transparent plate or film containing information, printed, generated or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving this state. "Form" includes instructions for completing a form.

2. "Form" does not include any of the following:

a. Forms that must be completed by applicants for admission to an institution of the university of Wisconsin system or by students of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

b. Forms the use of which is required by federal law.

c. Forms used by teachers to evaluate a student's academic performance.

d. Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

e. Forms used by medical personnel in the treatment of patients.

f. Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the university of Wisconsin system.

g. Forms used by the department of health and social services, division of corrections, in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

h. Forms that are not public contact or public data collection forms.

(ah) "Forms management" means the system of providing forms to accomplish necessary operations efficiently and economically, including analysis and design of forms, improvement of methods of procurement, distribution and disposition of forms and improvement of methods to keep to a reasonable level the public's duty to report. "Forms management" includes the elimination of unnecessary forms and of unnecessary data collection and standardizing, consolidating and simplifying forms and related procedures.

(ap) "Public contact form" means a form used in transactions between a state agency and a member of the public.

(at) "Public data collection form" means a form used to obtain information from a member of the public.

NOTE: Chapter 350, laws of 1981, section 12, repeals (2) (ad), (ah), (ap) and (at), eff. 1-1-87.

(b) "Public records" means all books, papers, maps, photographs, films, recordings, or other documentary materials or any copy thereof, regardless of physical form or characteristics, made, or received by any agency of the state or its officers or employes in connection with the transaction of public business, except the records and correspondence of any member of the state legislature. "Public records" includes all records subject to disposal under s. 645.76.

(bm) "Records and forms coordinator" means a person designated by a state agency to

be a liaison between that state agency and the board.

NOTE: Chapter 350, laws of 1981, section 12, repeals (2) (bm), eff. 1-1-87.

(c) "Records series" means documents, volumes or folders that are arranged under a single filing system, or are kept together as a unit because they relate to a particular subject, result from the same activity, or have a particular form.

(cm) "Retention schedule" means instructions as to the length of time, the location and the form in which records series are to be kept and the method of filing records series.

NOTE: Chapter 350, laws of 1981, section 12, repeals (2) (cm), eff. 1-1-87.

(d) "State agency" means any officer, commission, board, department or bureau of state government.

(3) DUTIES OF THE BOARD. The board:

(a) Shall safeguard the legal, financial and historical interests of the state in public records.

(b) Upon the request of any state agency, county, town, city, village or school district, may order upon such terms as the board finds necessary to safeguard the legal, financial and historical interests of the state in public records, the destruction, reproduction by microfilm or other process, temporary or permanent retention or other disposition of public records.

(c) Shall make reasonable rules to carry out the purposes of this section.

(d) Shall establish a system for the protection and preservation of essential public records as directed by s. 166.10.

(e) May establish the minimum period of time for retention before destruction of any county, city, town, village or school district record.

(f) Shall cooperate with and advise records and forms coordinators.

(g) Shall devise retention schedules for forms.

(h) Shall have access to all blank forms in the possession of any state agency. The board may not disclose information that can be identified with any individual to anyone not authorized to receive that information.

(i) Shall approve all public contact forms and public data collection forms.

(j) Shall establish a forms management program for this state.

(k) Shall make as cost effective as possible the procurement and use of forms by state agencies.

(L) Shall receive and investigate complaints about forms.

(m) Shall have final authority to make changes in order to carry out the duties under this subsection.

(n) Shall report annually to the governor and the legislature.

(o) May delegate any of the duties under this subsection to other state agencies.

(p) Shall appoint a records and forms management coordinator in the classified service to oversee the day-to-day execution of the board's duties, to serve as the executive secretary of the board and director of the records and forms center and to have statewide responsibility for limiting paperwork. That coordinator shall review all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms and shall report to the board quarterly on the progress of records and forms management within state agencies. Unless the coordinator rejects for cause or modifies the form within 20 working days, it is approved. The coordinator's rejection of any form is appealable to the public records and forms board. If the head of a state agency certifies to the coordinator that the form is needed on a temporary, emergency basis, the form is approved.

(q) Shall see that the records and forms center in the department does serve as a clearinghouse for all public contact forms and carries out the duties under this subsection.

NOTE: Chapter 350, laws of 1981, section 12, repeals pars. (f) to (q), eff. 1-1-87.

(4) APPROVAL FOR DISPOSITION OF RECORDS. All public records made or received by or in the custody of a state agency shall be and remain the property of the state. Such records may not be disposed of without the written approval of the board. State agencies shall submit records disposal authorizations for all public records series in their custody to the board for its approval within one year after each record series has been received or created unless a shorter period of retention is authorized by law, in which case authorization shall be submitted within that period. The board may alter retention periods for any records series; but if retention for a certain period is specifically required by law, the board may not decrease the length of that period. The board may not authorize the destruction of any public records during the period specified in s. 19.35 (5).

(5) PROCEDURE FOR DISPOSITION OF NONCURRENT PUBLIC RECORDS. To secure the destruction or other disposition of noncurrent public records, the head of any state agency or a designated representative shall forward to the board an inventory of the records involved, certifying that as far as the agency is concerned the records may be destroyed or otherwise disposed of immediately or at some specified future date. Such records shall be open at all times to

inspection by the members of the board or their designated representatives.

(6) PROCEDURE FOR PHOTOGRAPHIC REPRODUCTION OF PUBLIC RECORDS. Any state agency desiring to photographically reproduce public records in order to permit the destruction of original records having permanent value may submit a request to the board to reproduce photographically such records together with such information as the board requires. Upon receiving written approval from the board, any state agency may cause any public record to be photographed, microfilmed or otherwise reproduced by photography. The photographic reproduction shall comply with this section and the rules adopted pursuant thereto.

(7) WHEN REPRODUCTION DEEMED ORIGINAL RECORD. Any photographic reproduction shall be deemed an original record provided:

(a) That the device used to reproduce the records on film is one which accurately reproduces the content of the original;

(b) That each reel or part of a reel of microfilm carries at the beginning a title target giving the name of the agency, brief title of records series, the disposal authorization number assigned by the board and at the end the camera operator's certificate showing the disposal authorization number, reel number, brief title of record series, a brief description of the first and last document on the reel or part of reel of film, together with a statement signed by the operator substantially as follows: I certify that I have on this day of, 19.., photographed the above described documents in accordance with the standards and procedures established by s. 16.61.

(c) That a statement shall be filed with the board that the reproduction is upon film which complies with the minimum standards of quality for permanent photographic records, as established by the board, and that the film was processed and developed in accordance with minimum standards established by the board. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(8) ADMISSIBLE IN EVIDENCE. (a) Any photographic reproduction meeting the requirements of this section shall be taken as, stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

(b) Any enlarged copy of any photographic reproduction on film made as provided by this

section and certified by the custodian as provided in s. 889.08 shall have the same force as the photographic reproduction itself.

(9) PRESERVATION OF REPRODUCTIONS. Provision shall be made for the preservation of any photographic reproductions of public records in conveniently accessible files in the agency of origin or its successor or in the state archives.

(10) CONTRACTS FOR PHOTOGRAPHIC REPRODUCTION. (a) Contracts for photographic reproduction of records to be made as provided in this section shall be made by the secretary as provided in s. 16.71 and the cost of making such photographic reproduction shall be paid out of the appropriation of the state agency having the reproduction made.

(11) AUTHORITY TO REPRODUCE RECORDS. Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document whatsoever by any method when it is necessary to do so in the course of carrying out duties or functions in any case other than where the original document is to be destroyed; but no original public record shall be destroyed after microfilming or other reproduction without the approval of the board as provided in sub. (4).

(12) ACCESS TO PHOTOGRAPHIC REPRODUCTIONS. All persons may examine and use the photographic reproductions of public records subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

(13) HISTORICAL SOCIETY AND UNIVERSITY ARCHIVES AS DEPOSITORIES. (a) The historical society, as trustee for the state, shall be the ultimate depository of the archives of the state, and the board may transfer to the 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 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.

(b) The board may designate an archival depository 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 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.

(c) The historical society shall, in cooperation with the staff of the board, as soon as practicable, adequately and conveniently classify and arrange the state records or other official materials transferred to its care, for permanent preservation under this section and keep the records and other official materials accessible to all persons interested, under proper and reasonable rules adopted by the historical society, consistent with s. 19.35. Copies of the records and other official materials shall, on application of any citizen of this state interested therein, be made and certified by the director of the historical society, or an authorized representative in charge, which certificate shall have the same force as if made by the official originally in charge of them. Records which have a confidential character while in the possession of the original custodian shall retain their confidential character after transfer to the historical society unless the board of curators of the historical society, with the concurrence of the original custodian or the custodian's legal successor, determines that the records shall be made accessible to the public under such proper and reasonable rules as the historical society adopts. If the original custodian or the custodian's legal successor is no longer in existence, confidential records formerly in that person's possession may not be released unless the release is first approved by the board. For public records and other official materials transferred to the care of the university archival depository under par. (b), the chancellor of the university preserving the records shall have the power and duties assigned to the historical society under this section.

History: 1975 c. 41 ss. 15, 52; 1975 c. 198 s. 65; 1975 c. 199; 1977 c. 418; 1979 c. 32, 79, 93; 1979 c. 361 s. 113; 1981 c. 335; 1981 c. 350 ss. 9 to 12, 13; 1981 c. 391.

See note to 19.21, citing 63 Atty. Gen. 400, concerning governor's records.

See note to 19.21, citing 67 Atty. Gen. 214.

16.62 Records and forms management service. (1) The department shall establish and maintain a records and forms management service:

(a) To advise and assist state agencies in the establishment and operation of records and forms management programs through the issuance of standards and procedures and provision of technical and management consulting services.

(b) To operate a state records and forms center and a central microfilm facility for state agencies and to develop rules as necessary for efficient operation of the facilities.

(c) To periodically audit state agencies' records and forms management programs and recommend improvements in records and forms management practices.

NOTE: Chapter 350, laws of 1981, section 12bh, repeals and recreates 16.62 (title) and (1), eff. 1-1-87 to read:

"16.62 Records management service. (1) The department shall establish and maintain a records management service:

(a) To advise and assist state agencies in the establishment and operation of records management programs through the issuance of standards and procedures and provision of technical and management consulting services.

(b) To operate a state records center and a central microfilm facility for state agencies and to develop rules as necessary for efficient operation of the facilities.

(c) To periodically audit state agencies' records management programs and recommend improvements in records management practices.

(2) The department may establish user charges for records storage and retrieval services, with any moneys collected to be credited to the appropriation under s. 20.505 (1) (i) or (kg). Such charges shall be structured to encourage efficient utilization of the services.

(3) The department may establish user fees for the services of the public records and forms board and of the public records and forms center. Those fees shall be sufficient to fund the necessary functions of the board and center. Any moneys collected shall be credited to the appropriation under s. 20.505 (1) (i) or (kg).

History: 1975 c. 41, 224; 1977 c. 29, 418; 1979 c. 34 s. 2102 (1) (b), (c); 1979 c. 175; 1981 c. 350.

NOTE: Chapter 350, laws of 1981, section 12bt, repeals sub. (3), eff. 1-1-87.

SUBCHAPTER IV

PURCHASING

16.70 Purchasing; definitions. In this subchapter:

(1) "Contractual services" includes all materials and services, and any limited trades work involving less than \$10,000 to be done for or furnished to the state or any office thereof.

(2) "Limited trades work" means the repair or replacement of existing equipment or building components with equipment or components

of the same kind, if the work is not dependent upon the design services of an architect or engineer, and does not alter or affect the performance of any building system, structure, exterior walls, roof or exits, or the fire protection or sanitation of the building. "Limited trades work" includes decorative and surface material changes within a building and minor preventive maintenance to ancillary facilities such as drives, sidewalks and fences.

(3) "Office" includes both houses of the legislature and any department, board, commission or body connected with the state government, including all educational, charitable, correctional, penal and other institutions.

(4) "Officer" includes each requisitioning officer of the legislature and the person or persons at the head of any such department, board, institution, commission or body, by whatever title any such person or persons may be elsewhere designated.

(5) "Permanent personal property" means any and all property which in the opinion of the secretary will have a life of more than 2 years.

History: 1971 c. 164; 1975 c. 41 s. 52; 1977 c. 29; 1979 c. 34, 221.

"Contractual services" include technical and professional services. 65 Atty. Gen. 251.

16.705 Contractual services. (1) The department or its agents may contract for services which can be performed more economically or efficiently by such contract.

(2) The department shall adopt rules for the procurement of contractual services, including but not limited to the approval and monitoring processes for contractual service contracts. Each officer requesting approval to engage any person to perform contractual services shall submit to the department written justification for such contracting which shall include a description of the contractual services to be procured, justification of need, justification for not contracting with other offices, a specific description of the scope of contractual services to be performed, and justification for the procurement process if a process other than competitive bidding is to be used. The department may not approve any contract for contractual services unless it is satisfied that the justification for contracting conforms to the requirements of this section and ss. 16.71 to 16.77.

(3) Contracts for contractual services shall be submitted by the department for the review and approval of the secretary of employment relations prior to award, under conditions established by rule of the department. The secretary of employment relations shall review such contracts in order to ensure that offices:

(a) Properly utilize the services of state employees;

(b) Evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and

(c) Do not enter into any contract for contractual services in conflict with any collective bargaining agreement under subch. V of ch. 111.

(4) The governor or his or her designee may waive any requirement of this subchapter if the governor or his or her designee finds that there exists an emergency which threatens the public health, safety or welfare and the waiver is necessary to meet the emergency. The governor or his or her designee shall require the award of each contract under this subsection to be made with such competition as is practicable under the circumstances. The governor or his or her designee shall file with the department a statement of facts constituting the emergency for each waiver issued under this subsection, and statement of the basis for selection of each contractor under the emergency procedure. This subsection does not apply to the requirement specified in s. 16.75 (7).

(5) The department shall adopt rules to assure that the process used for selection of persons to perform contractual services includes a review of the independence and relationship, if any, of the contractor to employees of the office, disclosure of any former employment of the contractor or employees of the contractor with the office and a procedure to minimize the likelihood of selection of a contractor who provides or is likely to provide services to industries, client groups or individuals who are the object of state regulation or the recipients of state funding to a degree that the contractor's independence would be compromised.

(6) Within 60 days after the fulfillment of each agreement for contractual services authorized under this section, the office for which the contractual services are performed shall file with the department an evaluation of the contractor's performance in such form as the secretary may require.

(7) The department shall review evaluations submitted under sub. (6) and adopt rules prescribing procedures to assure that future contracts for contractual services are not awarded to contractors whose past performance is found to be unsatisfactory, to the extent feasible.

(8) The department shall annually on or before October 15 report to the governor, the presiding officer of each house of the legislature, the joint committee on finance and the joint legislative audit committee concerning the number, value and nature of contractual service

procurements authorized for each office during the preceding fiscal year.

History: 1977 c. 196 s. 31; 1981 c. 20.
It is possible for the state to lease one of its parking facilities to an independent contractor upon a finding that an independent contractor can perform the service of operating and maintaining the parking facility more economically or more efficiently than the civil service system. 62 Atty. Gen. 183.

16.71 Purchasing; powers. The department shall purchase and may delegate to special designated agents the authority to purchase all necessary materials, supplies, equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all offices. All such materials, services and other things and expense furnished to any such office shall be charged to the proper appropriations of the departments to which furnished, as provided in s. 20.505.

History: 1977 c. 418.
Applicability of subch. IV is determined by the purpose for the purchase, not the source of funds. 64 Atty. Gen. 4.

16.72 Purchasing, duties. (1) The department of administration shall check or have checked, as to quantity and quality, the delivery of all purchases.

(2) (a) The department of administration shall prepare standard specifications, as far as possible, for all state purchases. By "standard specifications" is meant a specification, either chemical or physical or both, prepared to describe in detail the article which the state desires to purchase, and trade names shall not be used. On the formulation, adoption and modification of any standard specifications, the department of administration shall also seek and be accorded without cost, the assistance, advice and co-operation of other state offices and officers. Each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of any and all offices which use it in common.

(b) The department shall prepare or review specifications for all materials, supplies, equipment, other permanent personal property and contractual services not purchased under standard specifications. Such "nonstandard specifications" may be generic or performance specifications, or both, prepared to describe in detail the article which the state desires to purchase either by its physical properties or programmatic utility. When appropriate for such nonstandard items or services, trade names may be used to identify what the state requires, but wherever possible 2 or more trade names shall be designated and the trade name of any Wisconsin producer, distributor or supplier shall appear first.

(3) (a) In this subsection, "form" means every piece of paper, transparent plate or film containing information, printed, generated or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving this state. "Form" includes instructions for completing a form. "Form" does not include any of the following:

1. Forms that must be completed by applicants for admission to an institution of the university of Wisconsin system or by students of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

2. Forms the use of which is required by federal law.

3. Forms used by teachers to evaluate a student's academic performance.

4. Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

5. Forms used by medical personnel in the treatment of patients.

6. Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the university of Wisconsin system.

7. Forms that are not public contact or public data collection forms.

(b) All materials and services required to be furnished by the department which are manufactured or produced at the institutions of the state shall be purchased from said institutions when such products or services conform to the specifications prepared by the department. All printing of forms for the state shall be done by prison industries, as created under s. 56.01 (1), when prison industries submits the lowest responsible bid, unless the head of the state agency by which the form is to be used determines that the form is needed on an emergency basis.

(4) (a) Except as otherwise provided in this subchapter and the rules adopted pursuant thereto, all supplies, materials, equipment and contractual services shall be purchased for and furnished to any office only upon requisition to the department. The department shall prescribe the form, contents, number and disposition of requisitions and shall prescribe rules as to time and manner of submitting such requisitions for processing. No office or officer may engage any person to perform contractual services without the specific prior approval of the department for each such engagement.

(b) The department shall provide rules for the declaration as surplus of supplies, materials

and equipment in any agency and for the transfer to other agencies or for the disposal by private or public sale of supplies, materials and equipment. In either case due credit shall be given to the agency releasing the same.

History: 1975 c. 41; 1977 c. 418; 1981 c. 20, 350.

Computer programs may be sold as surplus provided the programs were not created for resale purposes. 59 Atty. Gen. 144.

16.75 Buy on low bid, exceptions. (1) (a)

All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services, except as otherwise provided in par. (c) and subs. (1m), (2), (6), (7) and (8) and ss. 16.754, 50.05 (7) (f) and 144.48 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the institution or agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery; but preference shall always be given to materials, supplies, equipment and contractual services of Wisconsin producers, distributors, suppliers and retailers. Bids may be received only in accordance with such specifications as are adopted by the department as provided in this subsection. Any or all bids may be rejected. Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Where a low bid is rejected, a complete written record shall be compiled and filed, giving the reason in full for such action. Any waiver of sealed, advertised bids as provided in sub. (6) shall be entered on a record kept by the department and open to public inspection.

(b) When the estimated cost exceeds \$10,000, due notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids shall not be opened until at least 7 days from the last day of publication. The official advertisement shall give a clear description of the materials, supplies, equipment or service to be purchased, the amount of the bond or check to be submitted as surety with the bid and the date of public opening.

(c) Except as provided in sub. (7), when the estimated cost is \$10,000 or less, the award may be made in accordance with simplified procedures established by the department for such transactions.

(1m) (a) The department shall consider life cycle cost estimates in the award of any order or contract for materials, supplies or equipment whenever such action is appropriate. The terms, conditions and evaluation criteria to be applied

shall be incorporated in the solicitation of bids or proposals. The life cycle cost formula may include, but is not limited to, the applicable costs of energy efficiency, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale.

(b) The department may select a bid under this subsection from a bidder who is not the lowest initial cost bidder.

(2) (a) When the department of administration believes that it is to the best interests of the state to purchase certain patented or proprietary articles, other than printing and stationery, it may purchase said articles without the usual statutory procedure. All equipment shall be purchased from the lowest and best bidder as determined by the bids and a comparison of the detailed specifications submitted with the bids, and after due advertisement as hereinbefore provided. Where the low bid or bids are rejected, a complete written record shall be compiled and filed, giving the reasons in full for such action.

(b) When the department determines that utility services are available only from a sole source as a result of regulation or of a natural monopoly, these services may be obtained without compliance with the usual procedure under this section.

(c) To the extent possible, the department shall write specifications so as to permit the purchase of materials manufactured in the United States, as defined in s. 16.754 (1).

(3) The department may let contracts in excess of funds available. Except in the cases to which s. 18.10 (1) applies, any such contract shall state in substance that its continuance beyond the limits of funds already available is contingent upon appropriation of the necessary funds. Contracts, except those specified in s. 16.76 (2), may be for any term deemed to be in the best interests of the state but the terms and provisions for renewal or extension, if any, shall be incorporated in the bid specifications and the contract document.

(4) (a) The department shall encourage the participation of small businesses in the statewide purchasing program by ensuring that there are no undue impediments to such participation and by actively encouraging small businesses to play an active role in the solicitation of public purchasing business. To that end the department shall:

1. Maintain a comprehensive bidders list of small state businesses which have demonstrated the capacity of providing materials, supplies, equipment or contractual services to the state;

2. Develop ways of simplifying specifications and terms so that they will not impose unnecessary administrative burdens on small state businesses which submit bids to the state;

3. Assist small state businesses in complying with state bidding procedures;

4. Notify businesses on the list maintained under subd. 1 of office purchasing requests for which the businesses may wish to submit a bid; and

5. By May 1 of each year, submit a report to the council on small and minority business opportunities which evaluates the performance of small Wisconsin businesses submitting bids to the state and makes recommendations for increased involvement of such businesses in bidding under this section.

(b) The department shall seek the cooperation and assistance of the department of development in the performance of its duties under par. (a).

(c) In this section and s. 16.755, "small business" means a business which has had less than \$1.5 million in gross annual sales in the most recent calendar or fiscal year.

(5) The department of administration may require of bidders or contractors such sureties as, in its judgment, are deemed advisable. It may decide as to the responsibility and competency of such bidders and sureties. A bond furnished by a surety company authorized to do business in this state, for the proper performance of each contract may be required in the discretion of the department of administration.

(6) (a) Subsections (1) to (5), except as to their requirements in connection with printing and stationery, do not apply to the purchase of supplies, materials or equipment from the federal government or any agency thereof and, with the approval of the governor, may be waived with respect to purchases from private sources when such action is deemed to be in the best interests of the state. Each individual waiver shall be entered on a record as specified in sub. (1), which shall be open to public inspection.

(b) The governor may issue a general waiver covering a period of one year or any shorter period of time under this subsection with respect to purchase of specified materials, supplies, equipment or contractual services, except printing and stationery, from private sources when the governor deems such action to be in the best interest of the state, and may impose such conditions and restrictions on the waiver as he or she deems appropriate or necessary. Each general waiver shall be entered on a record, as specified in sub. (1) (a), which shall be open to public inspection.

(7) Stationery and printing shall be purchased from the lowest responsible bidder without regard to the amount of the purchase, except when the department of administration exercises the discretion vested in it by s. 16.82 (4).

(8) The department shall not purchase any product known to be manufactured or sold by any person or firm included on the list of labor law violators compiled by the department of industry, labor and human relations under s. 101.245.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20.

The state can ask for alternative bids; if abuse of discretion is claimed in accepting a bid, a flagrant abuse of discretion amounting to fraud must be shown. *Automatic Merchandising Corp. v. Nusbaum*, 60 W (2d) 362, 210 NW (2d) 745.

16.754 Preference for American-made materials. (1) DEFINITIONS. As used in this section:

(a) "Manufactured" means mined, produced, manufactured, fabricated or assembled.

(b) "Manufactured in the United States" means that materials are manufactured in whole or in substantial part within the United States or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States.

(c) "Materials" means any goods, supplies, equipment or any other tangible products or materials.

(d) "Purchase" means acquire by purchase or lease.

(e) "State" means the state of Wisconsin or any agency thereof, a contractor acting pursuant to a contract with the state, and any person acting on behalf of the state or any agent thereof.

(2) **PURCHASE PREFERENCE.** Notwithstanding s. 16.75 (1), (2) and (6), when all other factors are substantially equal the state shall purchase materials which are manufactured to the greatest extent in the United States.

(3) **EXEMPTIONS.** Subsection (2) does not apply if the materials are purchased for the purpose of commercial resale or for the purpose of use in the production of goods for commercial sale. Subsection (2) does not apply to the purchase of stationery and printing materials. Subsection (2) does not apply if the department or other person having contracting authority in respect to the purchase determines that:

(a) The materials are not manufactured in the United States in sufficient or reasonably available quantities; or

(b) The quality of the materials is substantially less than the quality of similar available

materials manufactured outside of the United States.

History: 1979 c. 314.

16.755 Council on small and minority business opportunities. The council on small and minority business opportunities shall:

(1) Review the extent of small business participation in purchasing by this state and its subdivisions.

(2) Advise the department's purchasing agent with respect to methods of increasing such participation.

(3) Advise the department's purchasing agent with respect to methods of simplifying or easing compliance with the forms and procedures used or to be used for obtaining contracts with the state for providing materials, supplies, equipment and contractual services.

(4) Advise the department concerning methods of improved compliance with any aspect of its duties under s. 16.75 (4) (a).

(5) Annually, submit in its report under s. 15.09 (7) any recommendations regarding the matters described in subs. (1) to (4) to the governor and the legislature.

History: 1977 c. 418 s. 929 (55); 1977 c. 419.

"Subdivisions" in (1) refers to state agencies, not to political subdivisions such as cities and counties. 68 Atty. Gen. 306.

16.76 Contracts, contents, arbitration clause. (1) All contracts for materials, supplies, equipment and contractual services shall run to the state of Wisconsin, and shall be signed by the secretary or persons authorized by the department. All contracts shall contain a clause providing for arbitration of disputes between the state and the contractor regarding quality and quantity.

(2) The department may enter into continuing agreements and flexible contracts in anticipation of the needs of agencies, which provide for deliveries of specified articles under stated terms and conditions. Except as provided in s. 16.91 (1), no continuing agreements or flexible contracts may exceed one year's duration, but may be renewed twice for one year.

(3) (a) Prices established in continuing agreements and term contracts may be lowered due to general market conditions, but prices shall not be subject to increase for 90 calendar days from the date of award. Any increase proposed shall be submitted to the department 30 calendar days before the proposed effective date of the price increase, and shall be limited to fully documented cost increases to the contractor which are demonstrated to be industrywide. The conditions under which price increases may be granted shall be expressed in bidding documents and contracts or agreements.

(b) The department may accept, negotiate or reject any proposed price increase. Upon rejection, the contractor may exercise any termination clause which has been incorporated into the contract.

History: 1973 c. 333; 1977 c. 196 s. 130 (3); 1979 c. 34.

16.765 Nondiscriminatory contracts. (1) Contracting agencies of the state shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employe or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m) or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

(2) Contracting agencies of the state shall include the following provision in every contract executed by them:

(a) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employe or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employes and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

(3) Subsections (1) and (2) shall not apply to contracts to meet special requirements or emergencies, if approved by the department.

(4) The contracting agencies of the state shall take appropriate action to revise the standard government contract forms under this section.

(5) The head of each contracting agency of the state shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies for improving and making more effective the nondiscrimination

and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

(6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency for processing in accordance with the department's procedures.

(7) When a violation of this section has been determined by the department or the contracting agency, the contracting agency shall:

(a) Immediately inform the violating party of the violation.

(b) Direct the violating party to take action necessary to halt the violation.

(c) Direct the violating party to take action necessary to correct, if possible, any injustice to any person adversely affected by the violation.

(d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the state agency involved.

(8) If further violations of this section are committed during the term of the contract, the contracting agency involved may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

(9) The names of parties who have had contracts terminated under this section shall be placed on an ineligible list for state contracts, maintained by the department. No state contract may be approved and let to any party on such list of ineligible contractors. The department may remove the name of any party from the ineligible list of contractors if the department determines that the contractor's employment practices comply with this section and provide adequate safeguards for its observance.

(10) The department shall refer any individual complaints of discrimination which are subject to investigation under subch. II of ch. 111 to the department of industry, labor and human relations.

(11) A violation by a prime contractor shall not impute to a subcontractor nor shall a violation by a subcontractor impute to a contractor.

History: 1975 c. 94, 189, 275, 422; 1977 c. 29, 418; 1981 c. 112; 1981 c. 334 s. 25 (2); 1981 c. 391 s. 210.

Cities, counties, and other local governmental entities are not "contracting agencies" under (1). 68 Atty Gen 306

County may enact ordinance requiring its contractors to agree to policy of nondiscrimination in employment, even though ordinance provides broader protection than state and federal laws. 70 Atty Gen 64

16.77 Audit of bills; illegal contracts; actions to recover. (1) No bill or statement for work or labor performed under purchase orders or contracts issued by the secretary or the secretary's designated agents, and no bill or statement for supplies, materials, equipment or contractual services purchased for and delivered to any office may be paid until the bill or statement is approved by the secretary or one of his or her designated agents.

(2) Whenever any officer or any subordinate of an officer contracts for the purchase of supplies, material, equipment or contractual services contrary to ss. 16.705 to 16.82 or the rules made pursuant thereto, the contract is void, and any such officer or subordinate is liable for the cost thereof, and if such supply, material, equipment or contractual services so unlawfully purchased have been paid for out of public moneys, the amount thereof may be recovered in the name of the state in an action filed by the attorney general against the officer or subordinate and his or her bonders. Such cause of action is deemed to have arisen in Dane county, and summons shall be served therein as in civil actions.

History: 1979 c. 221; 1981 c. 20 s. 2202 (1) (c).

16.78 Warehouses. The department of administration may establish necessary warehouses wherein it shall be permitted to store such staple and standard articles as are needed by various state officers and the department may sell at cost such stored articles to municipalities. For purposes of this section "municipality" has the meaning designated in ss. 59.01 (1) and 66.29 (1) (b).

History: 1975 c. 225.

16.79 Duties of department of administration. (1) The department shall distribute so many copies of the latest digest of the Wisconsin reports, and such volumes of the reports, as may be required to complete such sets of the reports as may be called for to supply new courts and new counties; and also such volumes of the reports as may be required by the state librarian to make the exchanges provided for by law with other states and territories.

(2) (a) The department shall distribute in pamphlet form such laws as may be required to meet the public demand, including the constitution and additional copies of election laws; also blank nomination papers, manuals and other election blanks and supplies, not otherwise provided for, for use of candidates and committees, and by city and county clerks. Such laws, blanks, manuals and supplies shall be sold by the department at cost, including distribution cost as determined under s. 35.80.

(b) The department shall confer with the elections board and the attorney general as to which election law pamphlets, manuals, blanks and other supplies shall be so printed, or purchased, and offered for sale.

History: 1971 c. 82; 1973 c. 334 s. 57; 1979 c. 34.

16.82 Powers of department of administration. In addition to other powers vested in the department of administration, it and its duly authorized representatives:

(1) Shall have access at all reasonable times to all state offices;

(2) May examine all books, records, papers and documents in any such office or institution as pertain directly or indirectly to the purchase of, control of, or distribution of supplies, materials and equipment;

(3) May require any officer to furnish any and all reasonable data, information or statement relating to the work of his department.

(4) (a) May produce or contract to have produced, printing of classes 1, 3 and 4, and excerpts from the statutes under class 2, and all materials offered by state agencies for production. All printing of forms, as defined in s. 16.72 (3) (a), shall be done under s. 16.72 (3).

(b) May determine the form, style, quantity and method of reproduction, when not specifically prescribed by law, of all materials offered by state agencies for production. Any state agency which objects to the determination made under this paragraph may appeal the decision of the department to the governor.

(c) Agencies performing work under this section shall make reports as are required to the department which shall compile and prepare such summary reports as the joint committee on finance requests.

(d) May, during a period when a contract for any class or subclass of public printing has expired and a new contract for the following biennium has not been entered into under ch. 35, obtain public printing from private printers at prevailing commercial rates, or may produce public printing.

(e) In deciding whether to use the discretion under pars. (a) and (d) to produce graphic

material, the department shall take into consideration the urgency of the work and the relative cost of production by the department as against the cost of outside work.

(f) The cost of work done under pars. (a) to (e) shall be charged to the agency ordering the work.

(g) This subsection and s. 35.015 shall be liberally construed so as to effectuate the legislature's intent to vest broad discretion in the department to determine what public printing in the classes covered and what materials offered by state agencies for production shall be done by the state itself, and what shall be contracted. Such liberal construction shall extend to the department's determination to use the power conferred, to the determination of what work is to be included in the classes covered, and to the determination of whether a given process is similar to those enumerated.

(h) To further legislative intent, the department shall impose all practical restraint on the capability for production by the state of the classes enumerated consistent with s. 16.001.

(5) Shall develop and implement a comprehensive ride-sharing program for state employees, in cooperation with the legislature, the courts and all constitutional offices, departments and independent agencies and shall promote and encourage participation in the state ride-sharing program. In addition, the department shall promote and encourage alternate means of transportation for state, municipal and federal employees and other persons in the private sector including but not limited to mass transit, bicycle commuting, car pooling and van pooling; and may provide contract group transportation of state employees from designated pickup points to work sites and return in the absence of convenient and public scheduled transportation. Nonstate employees may be permitted to participate in van pools as passengers when necessary in order to provide viable van pool service for state employees. Van pools are limited to a maximum of one-third nonstate employees for each vehicle. The group transportation shall be provided for a fee which recovers the full cost of maintenance, operation, insurance and depreciation. No person is deemed to be in the course of employment while utilizing the group transportation.

History: 1971 c. 125; 1975 c. 39 s. 732 (1); 1977 c. 29; 1979 c. 34, 221; 1981 c. 350.

16.825 Council on printing. (1) The council on printing shall confer with the secretary on policies and procedures with respect to the printing activities of the state and advise the secretary on such matters. The council shall meet

with the secretary at least quarterly. The council may request reports, through the department, pertinent to its functions from any state agency.

(2) The secretary shall annually confer with the appropriate standing committees of the legislature, as determined by the presiding officer of each house, with respect to the printing activities of the state, including changes in administrative policies and procedures and changes in legislation which may be desirable.

History: 1971 c. 125; 1977 c. 26, 273; 1979 c. 34

16.83 State capitol and executive residence board. (1) **PURPOSE.** The purpose of the state capitol and executive residence board is to direct the continuing and consistent maintenance of the property, decorative furniture and furnishings of the capitol and executive residence.

(2) **POWERS AND DUTIES.** No renovation, repairs except repairs of an emergency nature, installation of fixtures, decorative items or furnishings for the grounds and buildings of the capitol or executive residence may be performed by or become the property of the state by purchase wholly or in part from state funds, or by gift, loan or otherwise until approved by the board as to design, structure, composition and appropriateness. The board shall:

(a) Annually thoroughly investigate the state of repair of the capitol and executive residence.

(b) Project the necessary personnel, materials and supplies required annually to maintain the executive residence appropriately both for its public functions and as the residence of the governor, and make specific budget recommendations to the department of administration to accomplish this purpose.

(c) Ensure the architectural and decorative integrity of the buildings, fixtures, decorative items, furnishings and grounds of the capitol and executive residence by setting standards and criteria for subsequent repair, replacement and additions.

(d) Accept for the state donations or loans of furnishings, works of art or other decorative items and fixtures consistent with par. (c).

(3) **SWIMMING POOL PROHIBITED.** The board may not approve the construction or maintenance of a swimming pool on the grounds of or in the executive residence.

History: 1979 c. 34, 221

16.835 Offices in capitol. The office of the governor shall be located in the capitol. The attorney general, lieutenant governor, supreme court, state treasurer and secretary of state shall each keep a room in the capitol. From the remaining capitol space not reserved for the use

of the legislature, the department may assign additional rooms to be used by the attorney general, state treasurer and secretary of state.

History: 1977 c. 3, 447.

16.84 Real estate and physical plant management; protection of persons. The department shall:

(1) Have charge of, operate, maintain and keep in repair the state capitol building, the executive residence, the light, heat and power plant, the state office buildings and their power plants, the grounds connected therewith, and such other state properties as are designated by law. All costs of such operation and maintenance shall be paid from the appropriation under s. 20.505 (1) (kf), except for debt service costs paid under s. 20.866 (1) (u).

(2) Appoint such number of security officers as is necessary to safeguard all public property placed by law in the department's charge and, when authorized by the governor, to safeguard state officers or other persons. Such security officers may arrest, with or without warrant, any person violating any law within or around any of said properties or in the presence or vicinity of said state officers or other persons being safeguarded by authorization of the governor. Nothing in this subsection limits or impairs the duty of the chief and each policeman of the police force of the municipality in which the property is located to arrest and take before the proper court or magistrate persons found in a state of intoxication or engaged in any disturbance of the peace or violating any state law, except s. 16.843 (2), in or around any of said properties located in the municipality in which the property is located, as required by s. 62.09 (13).

(4) Assign space in the capitol, other than rooms reserved by either house of the legislature. In assigning officers to space in the capitol preference shall be given to those who are especially entitled by law to such space. All assignments shall be subject to the approval of the governor.

(5) Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes.

(6) Require of the several agencies of state government all information necessary for the planning and forecasting of the space needs of state government on a comprehensive long-range basis. To this end the department shall cooperate with the state building commission in

order that the projected program of new construction will conform with the state's long-range building plans.

(7) Approve administrative district boundaries of the several state agencies unifying them where possible in order to facilitate the acquisition and maintenance of suitable district headquarters in the several parts of the state.

(8) Let concessions for periods not exceeding 2 years in the capitol and state office buildings, under such terms and conditions as will in its judgment be most favorable to the state, and in accordance with s. 47.09.

(9) Prepare a Wisconsin state capitol guide book containing information regarding the state capitol and grounds, to be sold as near cost as practicable.

(10) Approve as to design, structure, composition and location and arrangements made for its care and maintenance which are satisfactory to the department all public monuments, memorials, or works of art, except such as are or become the property of the university of Wisconsin or the historical society, which shall be constructed by or become the property of the state by purchase wholly or in part from state funds, or by gift or otherwise. "Work of art" means any painting, portrait, mural decoration, stained glass, statue, bas-relief, ornament, tablets, fountain or any other article or structure of a permanent character intended for decoration or commemoration. The governor, the legislature or any committee thereof may, at any time, request a report as to the recommendations of the department on any of the above matters and the department shall make such report within 30 days of the receipt of such request.

(11) Prepare, publish and enforce or have enforced rules of conduct for the several buildings for which the department has managing authority. Any person found guilty of violating one of these rules shall, unless the rule violated prescribes a lesser penalty, be fined not more than \$100 or imprisoned not more than 30 days, or both.

(12) Provide for the establishment of procedures for the operation of the department's facility operations and maintenance appropriation under s. 20.505 (1) (kf) so that:

(a) There is a uniform revenue billing and expenditure allocation process for all state buildings whose operation and maintenance costs are financed from this appropriation;

(b) Expenditure projections are made at a uniform time for all buildings in setting revenue billing rates; and

(c) Whenever revenue billing rates need to be adjusted, the changes are made on a uniform basis for all buildings.

(13) Establish bicycle storage racks adjacent to the capitol and all state office buildings.

History: 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418; 1979 c. 34, 221; 1981 c. 314.

16.843 Capitol and state office buildings parking regulations. (1)

(a) Except as provided in par. (b), the parking of automobiles at the curb on the capitol park side of the 4 streets surrounding the state capitol park shall be subject to any police regulation that may be enacted by the city of Madison designating the manner of such parking or limiting the length of time which automobiles can be so parked in such public streets in said city.

(b) Eight areas, for the parking of 5 automobiles in each area, at the curb on the capitol park side of the 4 streets surrounding the state capitol park, each area as near as lawfully permissible to each near side of the intersections of said streets with the driveways leading to the capitol building, are reserved for the parking of automobiles by those persons designated in sub. (3) and only emergency police regulations or city ordinances of the city of Madison are applicable to such areas. The department of administration shall mark and post the areas and number the parking spaces therein. Parking of automobiles in these areas is permitted only by persons whose automobiles are identified as specified in sub. (4), and the parking therein of any other vehicle is prohibited and any violation of this prohibition shall be punished as in sub. (2).

(2) Except as authorized in sub. (3), the parking of any motor vehicle in any of the 4 driveways of the capitol park leading to the capitol building is prohibited. Parking of any motor vehicle on the grounds of any of the state office buildings shall be in accordance with rules and orders established by the department. The department shall establish a schedule of fees for parking during the state office hours specified in s. 230.35 (4) (f) at every state-owned office building for which the department has managing authority and which is located in a municipality served by an urban mass transit system for which state operating assistance is provided under s. 85.20. The department may prescribe a schedule of fees for parking during other hours at any state-owned office building located in such a municipality. In addition, the department may establish fees for parking at other state facilities located in such a municipality. Fees established under this subsection shall be established so that the total amount collected equals the total cost of administration of the parking program and alternate transportation programs under s. 16.82 (5) and parking facility maintenance and operation. Any person

violating this subsection or any rule or order adopted pursuant thereto may be required to forfeit not less than \$5 nor more than \$25.

(3) The following persons or their designees may park automobiles identified as provided by sub. (4) in assigned parking stalls and spaces in the parking areas designated in subs. (1) (b) and (2).

- (a) Legislators and constitutional officers.
- (b) Officers of the senate and assembly.
- (c) Such state officers and employees as the governor directs, not to exceed 15.

(4) To facilitate the administration of sub. (3), the state protective service shall procure numbered identification tags which correspond with the numbered parking stalls and spaces, and shall issue such tags to applicants eligible under sub. (3) in accordance with rules promulgated by the joint committee on legislative organization.

(5) Notwithstanding the limited allocation of parking areas for state purposes under sub. (1), the enforcement of parking regulations on the capitol park side of the 4 streets surrounding the state capitol park is vested exclusively in the designated employes of the state protective service.

History: 1975 c. 41, 267, 422; 1979 c. 34, 221; 1981 c. 20

16.845 Use of state facilities. (1) RULE; PENALTY. Except as elsewhere expressly prohibited, the managing authority of any facility owned by the state may permit its use for free discussion of public questions, or for civic, social, recreational or athletic activities. No such use shall be permitted if it would unduly burden the managing authority or interfere with the prime use of such facility. The applicant for use shall be liable to the state for any injury done to its property, for any expense arising out of any such use and for such sum as the managing authority may charge for such use. All such sums are to be paid into the general fund and to be credited to the appropriation for the operation of the facility used. The managing authority may permit such use notwithstanding the fact that a reasonable admission fee may be charged to the public. Whoever does or attempts to do an act for which a permit is required under this section without first obtaining the permit may be fined not more than \$100 or imprisoned not more than 30 days or both. This section applies only to those buildings, facilities and grounds for which a procedure for obtaining a permit has been established.

(2) **DEFINITIONS.** In this section:

- (a) "Facility" includes buildings and surrounding and connecting grounds.
- (b) "Managing authority" means the board, commission, department or officer responsible

by law for the management of the particular facility.

History: 1971 c. 183.

Group of churches is entitled to permit under this section to use capitol grounds for civic or social activity even if content of program is partly religious in nature. 68 Atty. Gen. 217.

SUBCHAPTER V

ENGINEERING

16.85 Department of administration; powers, duties. The department of administration shall exercise the powers and duties prescribed by ss. 16.85 to 16.91:

(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 thereof, 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, except the engineering, architectural and construction work of the department of transportation and the engineering service performed by the department of industry, labor and human relations, department of revenue, public service commission, department of health and social services and other departments, boards and commissions when the service is not related to the maintenance, construction and planning of the physical properties of the state;

(2) To furnish engineering and architectural services whenever requisitions therefor are presented to him by any department, board, commission or officer;

(3) To act and assist any department, board, commission or officer requesting such cooperation and assistance, in letting contracts for engineering or architectural work authorized by law and in supervising the work done thereunder;

(4) To approve the appointment of a chief operating engineer connected with each state-owned power and electric plant and pumping and heating station and to provide for the methods of operating said plants and stations and to design records and forms for reporting accurately the cost per unit of product or service. The superintendent or other person having charge of said plants shall not only report to his governing body but to the secretary in the manner provided and at such times as the secretary determines.

(6) To approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed. No such engineer or

architect shall be employed without the written approval of the secretary.

(7) To rebuild and repair discarded machinery of the several state institutions when found feasible, and put the same back into service in the same department or in any other state department, 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.

(8) The secretary or his designated assistants shall make a biennial inspection of each building of each institution of the state. The secretary may delegate this responsibility to the board, commission or officer in charge of such institution.

(10) To prepare in co-operation with the state agencies concerned, plans for the future growth and development of various state institutions and to serve as technical advisor to the state building commission in connection with the development of the state long-range building program provided in ss. 13.48 and 13.482.

(11) The secretary may delegate any of the work under this subchapter to the various state agencies when he determines that the best interests of the state will be served. All such delegation will be in writing and accompanied by the proper rules and guidelines the agencies must follow to ensure performance to the satisfaction of the secretary.

History: 1971 c. 42; 1973 c. 90; 1973 c. 335 s. 13; 1977 c. 29 s. 1654 (8) (c); 1979 c. 221.

16.855 Construction project contracts.

(1) The department shall let by contract to the lowest qualified responsible bidder all construction work when the estimated construction cost of the project exceeds \$30,000, except as provided in s. 13.48 (19). In the absence of compelling reasons to the contrary, preference shall be given to Wisconsin-based firms.

(2) Whenever the estimated construction cost of a project exceeds \$30,000, or if less and in the best interest of the state, the department shall:

(a) Advertise for proposals by publication of a class 1 notice, under ch. 985, in the official state newspaper. Similar notices may be placed in publications likely to inform potential bidders of the project. The department may solicit bids from qualified contractors to insure adequate competition. All advertisements shall contain the following information:

1. Location of work and the name of the owner.
2. Scope of the work.
3. Amount of bid guarantee required.

4. Date, time and place of bid opening.

5. Date, and place where plans will be available.

(b) 1. Require that a guarantee of not less than 10% of the amount of the bid shall be included with each bid submitted guaranteeing the execution of the contract within 10 days of offering, if offered within 30 days after the date set for the opening thereof. The parties may agree to extend the time for offering of the contract beyond 30 days after the opening of bids.

2. If the federal government participates in a state project, the bid guarantee required in this paragraph controls, unless the federal government makes a specific provision for a different bid guarantee.

(c) Publicly open and read aloud, at the time and place specified in the notice, all bids. Within a reasonable time after opening, tabulations of all bids received shall be available for public inspection.

(d) Not allow or make any correction or alteration of a bid, except as provided in sub. (6).

(3) At any time prior to the published time of opening, a bid may be withdrawn on written request submitted to the department by the bidder or his agent, without prejudice to the right of the bidder to file a new bid.

(4) If a bid contains an error, omission or mistake, the bidder may limit liability to the amount of the bidder's bid guarantee by giving written notice of intent not to execute the contract to the department within 72 hours of the bid opening. The department of administration, with the approval of the attorney general, may settle and dispose of cases and issues arising under this subsection. However, if no such settlement is obtained, the bidder is not entitled to recover the bid guarantee unless the bidder proves in the circuit court for Dane county that in making the mistake, error or omission the bidder was free from negligence.

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

(6) Nothing contained in this section shall prevent the department from negotiating deductive changes in the lowest qualified bid not to exceed 5% of the total bid in order to bring the bid within the limits imposed by authorized funds.

(7) The department may issue contract change orders, if they are deemed to be in the best interests of the state.

(9) The department may require bidders to submit sworn statements as to financial ability,

equipment and experience in construction and require such other information as may be necessary to determine their competency.

(10) When the department believes that it is in the best interests of the state 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.

(11) A contractor shall be liable for any damages to another contractor working on the same project caused by reason of the former's default, act or nonperformance.

(12) Nothing contained in this section shall be construed so as to make contracts let under this section subject to s. 66.29.

(13) (a) A list of subcontractors shall not be required to be submitted with the bid. The department may require the successful bidder to submit in writing the names of prospective subcontractors for the department's approval before the award of a contract to the prime contractor.

(b) All subcontractors must be approved in writing by the department prior to their employment. Requests for approval of prospective subcontractors shall be in writing.

(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 to require the change.

(14) On all construction projects requiring the taking of bids under sub. (2), separate bids shall be taken for a) general construction, b) plumbing, c) heating, ventilating and air conditioning and d) electrical. The department may take separate bids on any other division or further subdivision of the work it designates. Combination bids for such work may also be taken provided any bidder who submits a combined bid also submits separate bids for all of the divisions of work comprising the combined bid. Contracts shall be awarded to the lowest qualified responsible bidder or bidders that result in the lowest total construction cost for the project.

(15) The department shall adopt rules to implement the advertising and award of contracts.

(16) This section does not apply to contracts between the state 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. In emergency situations, the governor may approve repairs and construction in lieu of building commission approval under s. 13.48 (10), and for such purposes, may authorize the release of up to \$50,000 of building trust funds or the use of other available program revenues, but such approvals shall be reported to the building commission at their next regular meeting.

(17) This section shall not apply to any project on which the work is to be performed by inmates or patients in institutions under the jurisdiction of the department of health and social services working under the supervision or with the assistance of state employees.

(18) This section shall not apply to restoration and reconstruction of historic structures at the old world Wisconsin site and at Heritage Hill state park when the department determines that a waiver of this section would serve the best interests of this state.

(19) As the work progresses under any contract for construction the department, from time to time, shall grant to the contractor an estimate of the amount and proportionate value of the work done, which shall entitle the contractor to receive the amount thereof, less the retainage, from the proper fund. On all construction projects, the retainage shall be an amount equal to 10% of said estimate until 50% of the work has been completed. At 50% completion, no additional amounts shall be retained, and partial payments shall be made in full to the contractor unless the architect or engineer certifies that the job is not proceeding satisfactorily. At 50% completion or any time thereafter when the progress of the work is not satisfactory, additional amounts may be retained but in no event shall the total retainage be more than 10% of the value of the work completed. Upon substantial completion of the work, an amount retained may be paid to the contractor. For the purposes of this section, estimates may include any fabricated or manufactured materials and components specified, previously paid for by contractor and delivered to the work or properly stored and suitable for incorporation in the work embraced in the contract.

(20) This section does not apply to construction work performed by university of Wisconsin system 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 students.

History: 1971 c. 125; 1973 c. 47; 1975 c. 39, 199, 390; 1977 c. 418; 1979 c. 34; 1981 c. 20.

Construing (2) (a) 2 and (14), it is held that the department has authority to create a division of work not limited to

traditional trade practices, which may include work divisions other than the four enumerated in the statute if the new division involves a specialized area of construction, e.g., elevator work which is commonly designated a division although it involves the electrical trade. *Breiby v. Dept. of Administration*, 55 W (2d) 16, 197 NW (2d) 737.

A bid proposal asking for the name of a subcontractor is contrary to (13) (a), and the request is invalid. 61 Atty Gen. 224.

16.865 Department of administration; statewide risk management coordination.

The department shall:

(1) Be responsible for statewide risk management coordination in order to:

(a) Protect the state from losses which are catastrophic in nature and minimize total cost to the state of all activities related to the control of accidental loss.

(b) Place emphasis on the reduction of loss through professional attention to scientific loss control techniques and by motivational incentives, prompt claims payments and other loss prevention measures.

(2) Identify and evaluate exposure to loss to the state, its employees or injury to the public by reason of fire or other accidents and fortuitous events at state-owned properties or facilities.

(3) Recommend changes in procedures, program conditions or capital improvement for all agencies which would satisfactorily eliminate or reduce the existing exposure.

(4) Manage the state employees' worker's compensation program and the statewide self-funded programs to protect the state from losses due to liability and damage to state property.

(5) Arrange appropriate insurance contracts for the transfer of risk of loss on the part of the state or its employees, to the extent such loss cannot reasonably be assumed by the individual agencies 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.

(6) Train, upgrade and guide appropriate personnel in the agencies in implementation of sound risk management practices.

(7) Have the authority to contract for investigative and adjustment services as provided in s. 20.865 (1) (fm) which can be performed more economically or efficiently by such contract.

History: 1973 c. 333; 1975 c. 81, 189, 422; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20.

16.87 Approval of contracts by secretary and governor; audit. (1) In this section:

(a) "Construction work" includes all labor and materials used in the framing or assembling of component parts in the erection, installation,

enlargement, alteration, repair, moving, conversion, razing, demolition or removal of any appliance, device, equipment, building, structure or facility.

(b) "Environmental consultant services" means services specified under s. 23.40 (5).

(c) "Limited trades work" has the meaning given under s. 16.70 (2).

(2) A contract for engineering service, architectural service or environmental consultant service or a contract involving an expenditure of \$2,500 or more for construction work, or \$10,000 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 is exempt from the requirements of ss. 16.705 and 16.75.

(3) A contract under sub. (2) is not valid or effectual for any purpose until it is endorsed in writing and approved by the secretary or the secretary's designated assistant and, if the contract involves an expenditure over \$30,000, approved by the governor. No payment or compensation for work done under any contract involving \$2,500 or more, except a highway contract, may be made unless the written claim is audited and approved by the secretary or the secretary's designee. Any change order to a contract requiring approval under this subsection requires the prior approval by the secretary or the secretary's designated assistant and, if the change order involves an expenditure over \$30,000, the approval of the governor.

History: 1973 c. 90; 1975 c. 39, 199; 1977 c. 418; 1979 c. 221 ss. 68, 81, 82.

16.88 Charges against projects. The cost of services furnished pursuant to s. 16.85 (2) to (4), (6) and (7) shall be charged to and paid out of available funds for the respective projects, whenever in the judgment of the secretary the charges are warranted and the cost of the services can be ascertained with reasonable accuracy.

16.89 Construction 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.

History: 1981 c. 390.

16.90 Fuel for state heating and power plants. The secretary shall:

(1) Prepare all specifications for contracts for fuel for all state-owned or operated heating or heating and power plants wherein the annual requirement is in excess of 12,500 therms of

such fuel. 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 as affected by an increase or decrease in the miners' wage scale during the life of the contract in the district in which the coal purchase is produced, or for increases or decreases in production costs of other fuels.

(1a) Prepare all specifications for contracts for lubricants for all state-owned or operated heating or heating and power plants and make such tests in connection therewith as may be deemed necessary.

(2) Test all fuel purchased for state-owned or operated heating or heating and power plants wherein the annual requirement is in excess of 12,500 therms and where purchased on a heating value and quality basis.

(3) Make such rules and regulations as he deems necessary, not inconsistent with this section, to promote efficiency and economy in the testing, handling, storing and use of such fuel.

16.91 Contracts for fuel. (1) No contract for the purchase of fuel for any state-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, but the term and any provisions for renewal or extension shall be incorporated in the bid specifications and the contract document.

(2) Payments for fuel delivered under contracts under this section and for delivery costs shall be made upon vouchers approved by the secretary, but upon being audited and paid shall be charged against the proper appropriation to the department which has jurisdiction over the institution at which such fuel is used. The secretary shall report on a quarterly basis to each such department the total of payments charged under this subsection to their respective appropriations and institutions, but approval of the payments by the department against which the appropriation is charged is not required.

History: 1979 c 34.

16.94 Burning bituminous coal near capitol. (1) It shall be unlawful to burn any bituminous coal for heating, power or any other purpose or purposes within any of the following blocks surrounding the capitol park in the city of Madison: Blocks 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 77, 82, 83, 84, 85, 88, 89, 90, 91, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109

and 110 or in the streets or alleys adjoining said blocks, except in smoke preventing furnaces of such an efficiency that no smoke shall be visible emitting from the top or outlet of the stack or chimney.

(2) Any person who shall cause, allow, or permit bituminous coal to be burned in violation of this section shall forfeit the sum of \$25 for each day or part thereof during which such violation continues.

(3) The secretary of administration, with the assistance of the department of justice, shall institute proper proceedings to collect fines for and restrain violations of this section.

(4) The limitations contained in this section are imposed for the protection of the state capitol and its contents.

History: 1975 c. 41 s. 51.

SUBCHAPTER VI

STATE PLANNING AND ENERGY

16.95 Powers and duties. 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 shall:

(1) Collect, analyze, interpret and, in cooperation with the other state agencies, maintain the comprehensive data needed for effective state agency planning and effective review of those plans by the governor and the legislature.

(2) Perform research to evaluate and measure alternative objectives and administrative actions.

(3) Stimulate and encourage all state agencies to comprehensively plan and advance proposals for their area of state government services, and assist the state agencies to develop a necessary planning capacity.

(4) Prepare and maintain plans for those state agencies which do not have an adequate planning capacity, at the request and in cooperation with those agencies.

(5) Advise and assist state agencies in their development and maintenance of comprehensive plans, providing them with technical and program information, and advising them of the impact of related plans of other state agencies.

(6) Stimulate the consideration and possible use of creative techniques and actions that may better accomplish the objectives of this section.

(7) Evaluate the plans of all state agencies, identify both duplication and program gaps in the plans and measure the agency plans with the state goals enacted by the governor and the legislature.

(8) Advise and assist the governor and the legislature in establishing long-range development policies and programs in considering state agency plans with regard to those policies and programs.

(10) Assist in implementing agency plans in accordance with policies and programs established by the governor and the legislature.

(11) Administer federal planning grants for state planning, when so designated by the governor pursuant to s. 16.54. The department may contract with other state agencies for the preparation of all or part of a facet of the state plan which is financed in whole or in part by federal planning grants.

(12) Prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur they can be dealt with quickly and effectively.

History: 1977 c. 29

16.955 Energy administration. (1) INFORMATION. If the governor determines that a disruption of energy supplies poses a serious risk to the economic well-being, health or welfare of the citizens of this state, the governor may issue an order declaring an energy alert. Upon declaration of an energy alert by the governor, the department may issue general or special orders, as defined in s. 101.01 (1) (f), or emergency rules under ch. 227 to compel disclosure of information required for purposes of this section. Any person, or agent of the person, who produces, imports or sells, coal or other forms of fuel, other than electricity, natural gas or wood, who is subject to an emergency rule or general or special order of the department within reasonable time limits specified in the order shall file or furnish such reports, information, data, copies of extracts of originals as the department deems necessary relating to existing and future energy supplies, including but not limited to record of sales in years for 1970 and thereafter, storage capacity, supplies on hand and anticipated supplies, and anticipated demand. To the extent that the reports and data requested by the department are presently available from other state or federal agencies, the department shall coordinate its data reporting requirements with the agencies to avoid duplication of reporting.

(2) INFORMATION TO BE CONFIDENTIAL. All information furnished under sub. (1) shall be considered a confidential trade secret and may be compiled or published only for purposes of general statistical comparison. The information may be disclosed to agencies of the state or of the federal government, under the same or similar rules of confidentiality.

(3) PENALTIES AND JUDICIAL RELIEF. (a) Any person, or agent of a person, who produces, imports or sells, coal or other forms of fuel, other than electricity, natural gas or wood, who fails to provide information requested by the department at the time and in the manner specified by the department shall forfeit an amount not to exceed \$1,000. Each day the violation of this section continues from the day notice has been received constitutes a separate offense.

(b) Upon request of the department, the attorney general or the district attorney of the proper county may aid in any investigation, enforce any request of the department for information under this section or seek forfeitures for violations of this section.

(c) Upon request of the department, the attorney general or the district attorney of the proper county may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this section.

(d) The remedies under this section shall not be exclusive.

(4) HEARINGS; EVIDENCE; WITNESS FEES. (a) The department or any of its authorized agents may, in relation to any matter arising under this section, conduct hearings, administer oaths, issue subpoenas and take testimony.

(b) The witnesses subpoenaed by the department or its agent and officers who serve subpoenas shall be entitled to the fees allowed in courts of record. The fees shall be audited and paid by the state in the same manner as other expenses of the department are audited and paid. No witness subpoenaed at the instance of any party other than the department is entitled to payment of fees by the state, unless the department certifies that the testimony of the witness was material.

(c) Any person who unlawfully fails to attend as a witness or refuses to testify may be compelled to do so as provided in s. 885.12.

(d) A record of all hearings shall be kept by the department. All hearings shall be public.

History: 1977 c. 29; 1979 c. 19.

16.956 Energy development and demonstration program. (1) DEFINITIONS. In this section:

(a) "Renewable energy resource" means a source of energy other than petroleum, natural gas, coal, uranium or dams with heads greater than 65 feet.

(b) "Demonstration" means a systematic plan and follow-through procedure to establish the applicability and reliability of renewable energy resource projects and energy conservation projects and includes, but is not limited to,

public presentation of such plans and procedures.

(c) "Development" means use of the basic results of research or available knowledge and application of such results or knowledge to the actual development of methods or hardware.

(d) "Eligible person" means a small business, a corporation organized under ch. 181, a cooperative organized under ch. 185 or an individual.

(e) "Energy conservation" means the application of procedures, methods or technologies which increase energy use efficiency and which reduce the use of petroleum, natural gas, coal and uranium.

(f) "Grant" means a grant under this section.

(g) "Project" means a project for at least one of the following purposes:

1. Development or demonstration or both of renewable energy resources available in this state.

2. Development or demonstration or both of energy conservation methods appropriate to this state.

(h) "Small business" means a small business as defined under s. 16.75 (4) (c) or a business with less than 100 employees.

(2) CREATION. There is created an energy development and demonstration grant program funded under s. 20.505 (1) (d) and administered by the secretary. The purpose of the program is to support projects for the development and demonstration of renewable energy resources available in this state and of energy conservation methods appropriate for this state.

(3) NOTICE; APPLICATIONS. The secretary shall publicize the program under this section and the availability of grants. Eligible persons may apply for grants to fund projects on forms which the secretary shall prescribe.

(4) PROJECT ELIGIBILITY. The secretary shall solicit the following types of proposals and may solicit other types of proposals at the discretion of the secretary:

(a) Energy use and performance monitoring for energy efficient, passive solar and active solar homes.

(b) Development, testing, refinement and demonstration of residential heating system efficiency improvements.

(c) Design, construction, and monitoring of homes which suit the climate of this state and which use little or no supplemental heating energy.

(d) Design and monitoring of energy efficient new commercial buildings.

(e) Analysis, implementation and demonstration of industrial energy conservation projects including operation and maintenance

programs, cogeneration, industrial process modifications and new industrial process designs.

(f) Research and development of new energy conservation products.

(g) Feasibility analysis, construction and demonstration of biomass conversion projects including wood, alcohol, methane, refuse derived fuel, fuel from agricultural products or wastes and others.

(h) Installation, monitoring and demonstration of innovative wind turbine applications.

(5) SELECTION CRITERIA. For the purpose of awarding grants under this section, the secretary shall evaluate proposals submitted under sub. (4) on the basis of the following criteria:

(a) The project's technical feasibility and merit.

(b) The applicant's ability to successfully complete the proposed project.

(c) The expected short- and long-term energy conservation and renewable energy supply benefits to the state.

(d) The accuracy and completeness of the written proposal.

(e) The applicant's inability to obtain funding from other sources.

(6) LEGISLATIVE REVIEW. At least 30 days prior to the award of any grant, the secretary shall submit a summary of all applications for grants to the speaker of the assembly and the president of the senate, who each shall assign the summary to the appropriate committee of his or her respective house for review and comment. The secretary shall include with the summary a list of preliminary selections for the award of grants.

(7) GRANT CONDITIONS. (a) After receipt and consideration of the comments of the legislative committees under sub. (6), the secretary shall make the final award of grants. The amount of a grant may be decreased from the amount requested to account for moneys received from other sources, cost sharing by the applicant and the availability of other federal and state financial subsidies. Each grant shall be awarded by a contract between the department and the recipient.

(b) The contract for every grant shall provide, without limitation because of enumeration, for the following:

1. A schedule for timely reporting by the grant recipient on the progress of the grant project and for termination of the contract if the recipient fails to comply with the schedule.

2. The ownership of patents and copyrights flowing from the grant project and the disposal of income derived from the marketing of the grant project. The secretary, on a case-by-case basis, shall consider the public interest and the

equities of the grantee in providing for the ownership of copyrights, patents and disposal of project income.

(c) Sections 16.70 to 16.79 do not apply to any contract entered into by the department under this section.

(8) **ANNUAL REPORT.** The secretary shall report annually to the governor and the legislature on the administration of the program under this section and shall include in his or her report an evaluation of the necessity and effectiveness of the program.

(9) **PUBLIC RECORD.** The results of every grant project shall be a matter of public record.

History: 1979 c. 34; 1979 c. 329 s. 25 (4), (5); 1979 c. 350 s. 27 (4), (5); 1981 c. 20.

16.959 Wind energy. (1) GENERAL DUTIES. The department shall:

(a) Promote the use of wind energy systems as defined in s. 101.57 (8) (d).

(am) Gather and disseminate information on wind characteristics and the economic feasibility of using wind energy systems in the state.

(b) Offer assistance to persons interested in installing a wind energy conversion system.

(c) Train university of Wisconsin system extension staff to assist persons interested in siting wind energy conversion systems.

(d) Publish a list, at intervals not to exceed 6 months, of reputable manufacturers and distributors of wind energy conversion systems in the upper midwest region of the United States.

(2) **ANEMOMETER LOAN PROGRAM.** (a) The department may purchase anemometers with the funds appropriated under s. 20.505 (1) (e). The recording device accompanying the anemometer shall be capable of automatically calculating the average wind speed or capable of recording the amount of electricity that would be generated at the site of the anemometer.

(b) The department may make any anemometer purchased under par. (a) available for periods of up to 18 months to persons in the state interested in assessing the wind energy potential on their property. Each person who receives an anemometer through the loan program shall pay a fee of \$50.

(c) The department shall publish annually a report of the findings from the anemometer readings collected as a result of the loan program under this subsection. The report shall include an evaluation of the necessity and effectiveness of the program.

History: 1979 c. 221; 1981 c. 20.

16.96 Population estimates. The department of administration shall periodically make population estimates and projections. These population determinations shall be deemed to be

the official state population estimates and projections. These determinations shall be used for all official estimate and projection purposes, except where otherwise directed by statute, but do not supersede s. 990.01 (29). The department shall:

(1) Annually make estimates of the current number of persons residing in each municipality and county of the state, and periodically make projections of the anticipated future population of the state, counties and municipalities.

(2) Prepare population estimates for purposes of state revenue sharing distribution under ch. 79. For this purpose:

(a) On or before August 10 of each year, the department shall make its preliminary population determinations and shall notify the clerk of each municipality and county of its preliminary population determinations. The reference date for all population determinations for state shared revenue distribution purposes shall be January 1.

(b) Municipalities and counties believing that population determinations under par. (a) are based upon incorrect information may, no later than September 15 of the same year in which the determination is made, challenge the determination by filing their specific objections, and evidence in support thereof, with the department. If the challenge is denied by the department, the municipality or county may appeal the denial, by October 1 of the same year, by notifying the department that the appellant intends to have a special census conducted by the U.S. bureau of the census in support of the appeal under par. (dm).

(c) On or before October 10 of each year, the department shall make any necessary adjustments in its population determinations for the November distribution, and shall notify the clerk of any affected municipality or county of these adjustments. The adjusted population determinations shall be consistent with the methods used statewide for population determinations, and adjustments from the August 10 population determinations shall be made only to accommodate corrected information.

(cm) The July preliminary distribution shall be based on the final population determination of the previous year.

(d) The population determinations shall be based upon the last previous federal decennial or special census or other official statewide census and shall take into consideration growth rates of municipalities.

(dm) The results of special censuses conducted for municipalities and counties under contract with the U.S. bureau of the census shall be used as a basis for the respective population

determinations on August 10 if the final certified results of such censuses are received by the department before July 1 in the year in which the determination is being made. The results of special censuses conducted for municipalities and counties under contract with the U.S. bureau of the census shall be used as a basis for the respective population determinations on October 10 if the final certified results of such censuses are received by the department before October 1 in the year in which the determination is made. If a municipality or county notifies the department in writing by September 15 of its intention to contract for a special census with the U.S. bureau of the census in support of a challenge to the August 10 population determination, and if the final certified results of such a special census are received by the department before June 1 in the following year, the department shall adjust the preceding October 10 population estimate to reflect the results of the special census. If a special census is unavailable, the department may use the best information from a federal decennial or mid-decade census. The adjusted population determination shall be reported to the department of revenue before September 15 of the year subsequent to the challenge. Upon making such population adjustments, shared revenue distributions under subch. I of ch. 79 shall be corrected according to s. 79.08. Federal census results for census dates occurring after the reference date of any population determination shall be prorated back to the reference date of the estimate for all municipalities. If a municipality contracts with the U.S. bureau of the census for a special census, the results of such special census shall be certified to the department not later than 30 days after the release of the census results by the bureau of the census.

(dx) Before September 15, 1981, the department shall adjust the final 1979 and 1980 population determinations to correspond to the final 1980 federal decennial census results as reported to an agency of the state by the U.S. bureau of the census under P.L. 94-171. The department may substitute preliminary 1980 census results for any municipality or county for which the final results are not available before September 15, 1981. Each population determination adjustment shall include a prorated adjustment from April 1, 1980, back to January of the respective year.

(e) The coordinating council for population information shall advise the secretary concerning the conduct of the demographic services center including the preparation of population determinations under this section, the coordination of demographic data development and use

and the search for maximum utility and reliability of population information developed for public purposes.

(3) Establish a demographic services center to develop and administer such systems needed to carry out the functions required under subs. (1) and (2) to maintain a current repository of appropriate published and computer retrievable federal census information and cooperate with state agencies and regional planning agencies so that the department's population estimates, projections and published reports will be useful for the many planning and other purposes for which they are required. The department may enter into agreements with state and local agencies or regional planning agencies for their assistance in the preparation of population estimates, projections and forecasts.

(4) Coordinate population information development and use. In performing these coordination functions, the department shall consult with and study recommendations of the coordinating council for population information.

History: 1971 c. 215; 1973 c. 37, 333; 1975 c. 189; 1977 c. 29 ss. 93 to 95, 1648 (1), (3); 1979 c. 34; 1981 c. 20

16.965 Aerial photographic survey. (1)

The department shall make an aerial photographic survey of the state to provide the basis for state planning, and resource and forestry management. In order to carry out this responsibility, the department:

(a) Shall consult with the department of natural resources, the department of transportation and the state cartographer, and may consult with other potential users of the photographic products resulting from the survey, to determine the scope and character of the survey.

(b) May contract with other state agencies or nongovernmental entities to carry out the photographic imagery acquisition phases of the survey and to prepare specific photographic products for use by federal, state and local agencies and the general public.

(2) After consultation with the department of transportation and the state cartographer, the department shall select the photographic products to be sold by the department of transportation under s. 85.10 (3). The department shall also determine the price at which the products are sold. The sale price shall be established annually at a level which represents the cost of producing the photographic products sold under s. 85.10 (3) and a reasonable portion of the costs incurred under this section and s. 85.10.

History: 1977 c. 418.

16.966 1980 decennial census. The department may contract with the U.S. bureau of the census for the acquisition by the department

of those block statistics not routinely furnished by the U.S. bureau of the census from the 1980 U.S. decennial census of population and housing that the department requires for planning and redistricting purposes. Payments under the contract shall be made from the appropriation under s. 20.865 (2) (f).

History: 1977 c. 418

16.967 Resources data collection plan.

(1) The department shall prepare, in conjunction with the state cartographer, a resources data collection plan.

(2) The plan shall contain recommendations for resource data to be collected with federal and state funding and a multiyear expenditure plan. The plan shall also contain recommended guidelines and standards for the collection, storage, recall and display of resource data by public agencies in this state. The purpose of the plan shall be to cause data collection efforts to be carried out in a manner which is efficient and timely and which makes data available and useful to the widest possible number of public agencies and citizens. The data plan shall consider, without limitation due to enumeration, topography, soils, land use and land cover, land survey, surface water and groundwater, geology, vegetation, aerial photographic and planimetric data collection and mapping efforts. In conjunction with plan development, the department shall maintain and distribute an inventory of resource data available for this state.

(3) The department shall submit the plan to the governor and the legislature in July of each even-numbered year. Funding recommendations of the plan shall be considered during preparation of the biennial budget beginning with the 1981-83 budget.

(4) The department shall seek the advice and counsel of those public agencies collecting resource data. Every agency of the state shall cooperate with the department in the development of the resource data collection plan and in the development of agency proposals for data collection programs.

History: 1979 c. 34.

16.968 Groundwater survey and analysis.

The department of administration shall allocate funds for programs of groundwater survey and analysis to the department of natural resources and the geological and natural history survey following review and approval of a mutually agreed upon division of responsibilities concerning groundwater programs between the department of natural resources and the geological and natural history survey, a specific expenditure plan and groundwater data collection standards consistent with the purposes of s. 16.967. State

funds allocated under this section shall be used to match available federal funds prior to being used for solely state-funded activities.

History: 1979 c. 34.

SUBCHAPTER VII

DATA PROCESSING

16.97 Data processing responsibilities.

(1) The department shall ensure that an adequate level of data processing services is made available to all state agencies by establishing and monitoring the activities of regional data processing service centers and by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that state agencies make effective and efficient use of the computing resources of the state. The department shall establish policies, procedures and planning processes which the state agencies and regional data processing service centers shall follow. The department shall monitor adherence to these policies, procedures and processes.

(2) The department shall:

(a) Establish regional data processing service centers.

(b) Develop and maintain computing resource planning and budgeting techniques at all levels of state government.

(c) Develop and maintain techniques to ensure interagency computer resource planning and sharing.

(d) Develop review and approval procedures which encourage timely and cost-effective hardware, software, and professional services acquisitions, and review and approve the acquisition of such items and services under those procedures.

(e) Collect, analyze and interpret, in cooperation with the state agencies, that data necessary to assist the computer resource planning needs of the governor and legislature.

(f) Provide advice and assistance during budget preparation concerning computer resource plans and capabilities.

(g) Ensure that management reviews of data processing organizations are conducted.

(h) Gather, interpret and disseminate information on new technological developments, management techniques and computing resource capabilities and their possible effect on current and future management plans to all interested parties.

(i) Ensure that a level of computing service is provided to all state agencies that is equitable in regard to resource availability, cost and performance.

(j) Ensure that all state agencies develop and operate with clear guidelines and standards in the areas of data processing systems development and that they employ good management practices and cost-benefit justifications.

(k) Ensure that all state data processing facilities develop proper privacy and security procedures and safeguards.

(1) Review and approve billing rates for services provided by regional data processing service centers.

(3) Acquisition of a computing resource that the department considers major, or that is likely to result in a substantive change of service, which was not considered in the regular budgeting process and which is to be financed from general purpose revenues or corresponding revenues in a segregated fund requires prior approval of the joint committee on finance. Any computing resources to be acquired from program revenues or corresponding revenues from program receipts in a segregated fund are not subject to prior approval but shall be promptly reported to the joint committee on finance by the department.

(4) (a) The department may license or authorize state agencies to license computer programs to the federal government, other states, and municipalities.

(b) Annual license fees may be established at not more than 25% of the program development cost and shall be credited to the agency which developed the program.

(c) In this subsection:

1. "Computer programs" are the processes for the treatment and verbalization of data.

2. "Municipality" has the meaning designated in s. 66.29 (1) (b).

(5) The council on data processing shall advise the secretary on the statewide data processing plan and planning process. The council shall examine and review the plan each biennium and shall suggest necessary changes in the plan.

(6) Notwithstanding subs. (1) and (2), the revisor of statutes shall approve the specifications for preparation and schedule for delivery of computer data bases containing the Wisconsin statutes.

History: 1971 c. 261; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20.

SUBCHAPTER VIII

FEDERAL RESOURCE ACQUISITION

16.98 Federal resource acquisition. (1) The department shall engage in such activities as the secretary deems necessary to ensure the maximum utilization of federal resources by

state agencies and institutions and other eligible organizations and units of government. The department shall acquire excess and surplus real and personal property at such cost to the recipient as is necessary to amortize expenditures for transportation, packing, crating, handling and program overhead.

(2) The department may, in accordance with federal law, operate warehouses and otherwise provide for the temporary storage of property being transferred.

(3) All proceeds from the sale of land, buildings, supplies and equipment received under this section shall be credited to the appropriation under s. 20.505 (1) (i) or (ka). Such proceeds may be used for the purchase of lands and buildings or for construction or improvement of buildings for the purpose of storing and handling excess and surplus property.

History: 1971 c. 215; 1977 c. 29; 1979 c. 34 s. 2102 (1) (b), (c).

SUBCHAPTER IX

TELECOMMUNICATIONS

16.99 Telecommunications operations and planning. (1) DEFINITION. In this section, "telecommunications" mean all services and facilities capable of transmitting, switching or receiving information in any form, by wire, radio or other electronic means.

(2) **POWERS AND DUTIES.** The department shall ensure maximum utility, cost-benefit and operational efficiency of all telecommunications systems and activities of this state, and those which interface with cities, counties, other states and the federal government. The department, with the assistance and cooperation of all other departments, shall:

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

(b) Develop policy, standards and technical and procedural guidelines to ensure a coordinated and cost-effective approach to telecommunications system acquisition and utilization.

(c) Maintain a comprehensive inventory of all state-owned or leased telecommunications equipment and services.

(d) Monitor overall state expenditures for telecommunications systems and prepare an annual financial report on such expenditures.

(e) Review the operation of all telecommunications systems of this state to ensure technical

sufficiency, adequacy and consistency with goals and objectives.

(f) Perform the functions of agency telecommunications officer for those departments with

no designated focal point for telecommunications planning, coordination, technical review and procurement.

History: 1977 c. 418