



1995 SENATE BILL 296

August 16, 1995 - Introduced by Senators WEEDEN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Joint committee on Information Policy.

1 **AN ACT to amend** 16.50 (3), 16.50 (3), 16.505 (1) (intro.), 16.505 (1) (intro.), 16.971
2 (2) (L), 230.09 (2) (g) and 230.09 (2) (g); and **to create** 16.505 (2e), 16.977 and
3 16.978 of the statutes; **relating to:** adoption of information technology
4 strategic plans by state agencies and carry-over of appropriations between
5 fiscal years or biennia for the purpose of conducting information technology
6 development projects; transfer of appropriations for the purpose of conducting
7 information technology development projects; and transfer of positions
8 between certain state agencies to carry out information technology
9 management and processing functions.

Analysis by the Legislative Reference Bureau

This bill makes various changes in laws relating to information technology development, management and processing.

Currently, the department of administration (DOA) is directed to require each state agency in the executive branch to adopt, revise biennially and submit for its approval a strategic plan for the utilization of information technology to carry out the functions of the agency. This bill applies this requirement to the legislature, legislative service agencies, the courts and judicial branch agencies and requires the plan to be revised "as necessary" instead of biennially. The bill also deletes a requirement for DOA to consult with the joint committee on information policy concerning the plans and revises the content of the plans.

The bill also permits DOA, upon application of any state agency, to carry over unencumbered moneys in the account for any sum certain appropriation to the

agency between successive fiscal years or biennia in order to permit the agency to carry out an information technology development project. DOA may approve a request if the agency demonstrates that the project has a high potential to improve the efficiency of its operations and is consistent with its strategic plan for information technology purposes, as approved by DOA.

Currently, in most cases, the approval of the joint committee on finance (JCF) is required before moneys in a sum certain appropriation account may be carried over between successive fiscal years within a fiscal biennium. Currently, JCF does not have the authority to carry over moneys between fiscal biennia.

In addition, the bill also permits DOA, upon application of any state agency, to transfer moneys between 2 sum certain appropriations to the agency that are made from the same revenue source for state operations, in order to permit the agency to carry out an information technology development project. ("State operations" excludes aids to or for the benefit of local governments, individuals or organizations and moneys derived from gifts, grants, bequests or federal revenues.) DOA may approve a request if the agency demonstrates that the project has a high potential to improve the efficiency of its operations and is consistent with its strategic plan for information technology purposes, as approved by DOA.

The bill directs the secretary of administration to submit quarterly reports to JCF concerning appropriations transferred under the bill, together with a description of the purpose for which each transfer was made.

Currently, in most cases, the approval of JCF is required before moneys for state operations may be transferred from one appropriation account to another such account.

Currently, if a state agency wishes to change the number of authorized full-time equivalent (FTE) positions of the agency funded from program revenue, other than by law or through the budget process, the agency may request the governor to change the number of authorized FTE positions of the agency. The governor may approve the request, subject to the concurrence of JCF.

The bill permits the secretary of administration to transfer FTE positions from state agencies to DOA, together with the incumbents in those positions, for the purpose of providing information technology services to the agencies, without approval of the governor or JCF. The bill requires the secretary to promptly report to the cochairpersons of JCF the numbers and types of any positions transferred under the bill, and the effective date of any position transfer.

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

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

1 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
2 the legislature or the courts, may increase the pay of any employe, expend money or
3 incur any obligation except in accordance with the estimate that is submitted to the
4 secretary as provided in sub. (1) and approved by the secretary or the governor. No
5 change in the number of full-time equivalent positions authorized through the
6 biennial budget process or other legislative act may be made without the approval
7 of the joint committee on finance, except for position changes made by the governor
8 under s. 16.505 (1) (c) or (2), by the secretary under s. 16.505 (2e) or by the board of
9 regents of the university of Wisconsin system under s. 16.505 (2m). The secretary
10 may withhold, in total or in part, the funding for any position, as defined in s. 230.03
11 (11), as well as the funding for part-time or limited term employes until such time
12 as the secretary determines that the filling of the position or the expending of funds
13 is consistent with s. 16.505 and with the intent of the legislature as established by
14 law or in budget determinations, or the intent of the joint committee on finance
15 creating or abolishing positions under s. 13.10, the intent of the governor creating
16 or abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of
17 regents of the university of Wisconsin system in creating or abolishing positions
18 under s. 16.505 (2m). Until the release of funding occurs, recruitment or certification
19 for the position may not be undertaken. The secretary shall submit a quarterly
20 report to the joint committee on finance of any position changes made by the governor
21 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
22 within the pay ranges prescribed in the compensation plan or as provided in a
23 collective bargaining agreement under subch. V of ch. 111. At the request of the
24 secretary of employment relations, the secretary of administration may authorize
25 the temporary creation of pool or surplus positions under any source of funds if the

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

6 **SECTION 2.** 16.50 (3) of the statutes, as affected by 1995 Wisconsin Act 27, is
7 amended to read:

8 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
9 the legislature or the courts, may increase the pay of any employe, expend money or
10 incur any obligation except in accordance with the estimate that is submitted to the
11 secretary as provided in sub. (1) and approved by the secretary or the governor. No
12 change in the number of full-time equivalent positions authorized through the
13 biennial budget process or other legislative act may be made without the approval
14 of the joint committee on finance, except for position changes made by the governor
15 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
16 Board under s. 16.505 (2n), by the secretary under s. 16.505 (2e) or by the board of
17 regents of the university of Wisconsin system under s. 16.505 (2m). The secretary
18 may withhold, in total or in part, the funding for any position, as defined in s. 230.03
19 (11), as well as the funding for part-time or limited term employes until such time
20 as the secretary determines that the filling of the position or the expending of funds
21 is consistent with s. 16.505 and with the intent of the legislature as established by
22 law or in budget determinations, or the intent of the joint committee on finance
23 creating or abolishing positions under s. 13.10, the intent of the governor creating
24 or abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of
25 regents of the university of Wisconsin system in creating or abolishing positions

1 under s. 16.505 (2m). Until the release of funding occurs, recruitment or certification
2 for the position may not be undertaken. The secretary shall submit a quarterly
3 report to the joint committee on finance of any position changes made by the governor
4 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
5 within the pay ranges prescribed in the compensation plan or as provided in a
6 collective bargaining agreement under subch. V of ch. 111. At the request of the
7 secretary of employment relations, the secretary of administration may authorize
8 the temporary creation of pool or surplus positions under any source of funds if the
9 secretary of employment relations determines that temporary positions are
10 necessary to maintain adequate staffing levels for high turnover classifications, in
11 anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
12 or pool positions authorized by the secretary shall be reported quarterly to the joint
13 committee on finance in conjunction with the report required under s. 16.54 (8).

14 **SECTION 3.** 16.505 (1) (intro.) of the statutes is amended to read:

15 16.505 (1) (intro.) Except as provided in subs. (2), (2e) and (2m), no position,
16 as defined in s. 230.03 (11), regardless of funding source or type, may be created or
17 abolished unless authorized by one of the following:

18 **SECTION 4.** 16.505 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act
19 27, is amended to read:

20 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) and (2n), no
21 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
22 created or abolished unless authorized by one of the following:

23 **SECTION 5.** 16.505 (2e) of the statutes is created to read:

24 16.505 (2e) (a) In this subsection, “agency” has the meaning given for
25 “executive branch agency” under s. 16.70 (4).

1 (b) In addition to utilizing the procedure under sub. (2), the secretary may, for
2 the purpose of providing information technology management and processing
3 services for an agency under ss. 16.971, 16.973 and 16.974, increase the number of
4 full-time equivalent positions of the agency and decrease the full-time equivalent
5 positions of another agency by a corresponding number. Positions transferred to an
6 agency under this subsection shall be funded from an appropriation to that agency
7 specified by the secretary that is permitted to be expended for information
8 technology management and processing services. On the effective date of any
9 transfer, the positions and incumbents in the positions are transferred to the agency
10 specified by the secretary. Employees transferred to an agency under this paragraph
11 have all of the rights and the same status under subch. V of ch. 111 and ch. 230 in
12 that agency that they enjoyed in the agency by which they were employed
13 immediately prior to transfer. Notwithstanding s. 230.28 (4), no employe so
14 transferred who has attained a permanent status in class may be required to serve
15 a probationary period. The secretary shall promptly report in writing to the
16 cochairpersons of the joint committee on finance concerning the numbers and types
17 of any positions transferred under this paragraph, the effective date of any transfer
18 and the appropriation account or accounts from which the positions are being funded
19 during the remainder of the fiscal biennium in which the transfer is made.

20 **SECTION 6.** 16.971 (2) (L) of the statutes, as created by 1995 Wisconsin Act 27,
21 is amended to read:

22 16.971 (2) (L) Require each ~~executive branch~~ agency to adopt, revise ~~biennially~~
23 as necessary, and submit for its approval, a strategic plan for the utilization of
24 information technology to carry out the functions of the agency in the most efficient
25 and effective manner. As a part of each plan, the division shall require each ~~executive~~

1 ~~branch agency to address the business needs of the agency and to identify all~~
2 ~~resources relating to information technology which the agency desires to acquire,~~
3 ~~contingent upon funding availability, the priority for such acquisitions and the~~
4 ~~justification for such acquisitions. Each plan shall identify any changes in the~~
5 ~~functioning of the agency under the plan. The division shall consult with the joint~~
6 ~~committee on information policy in providing guidance for and scheduling of~~
7 ~~planning by executive branch agencies.~~

8 **SECTION 7.** 16.977 of the statutes is created to read:

9 **16.977 Transfer of appropriations.** (1) In this section:

10 (a) "Revenue source" means a revenue type as defined in s. 20.001 (2).

11 (b) "State operations" means operations for any purpose except aids to or for
12 the benefit of local governmental units, individuals or organizations, to be financed
13 from any revenue source except gifts, grants, bequests or federal revenues.

14 (2) Any agency to which a sum certain appropriation is made for state
15 operations from the same revenue source under more than one appropriation
16 paragraph may apply to the department no later than March 31 of any fiscal year for
17 authorization to transfer moneys from one such paragraph to another such
18 paragraph for the purpose of engaging in an information technology development
19 project.

20 (3) The department may approve the request of an agency under sub. (2) if the
21 agency demonstrates that the project has a high potential to improve the efficiency
22 of its operations and is consistent with the plan of the agency for utilization of
23 information technology, as approved under s. 16.971 (2) (L).

24 (4) Upon approval of a request in whole or in part, the department shall
25 transfer the approved amount between the affected appropriation accounts. Upon

1 such transfer, the amount of any appropriation to which moneys are transferred is
2 increased by the transferred amount and may be encumbered during the period for
3 which the appropriation is made for the purpose for which it is made.

4 (5) The secretary shall report in writing to the cochairpersons of the joint
5 committee on finance, on a quarterly basis, concerning the amount of any transfer
6 approved under this section during the most recently completed calendar quarter,
7 the appropriation accounts to and from which the transfer was effected and the
8 purpose for which the transfer was made.

9 **SECTION 8.** 16.978 of the statutes is created to read:

10 **16.978 Carry-over of appropriations.** (1) Any agency to which a sum
11 certain appropriation is made may apply to the department no later than March 31
12 of any fiscal year for authorization to carry over unencumbered moneys in the
13 account for that appropriation between 2 successive fiscal years or biennia for the
14 purpose of engaging in an information technology development project.

15 (2) The department may approve the request of an agency under sub. (1) if the
16 agency demonstrates that the project has a high potential to improve the efficiency
17 of its operations and is consistent with the plan of the agency for utilization of
18 information technology, as approved under s. 16.971 (2) (L).

19 (3) Notwithstanding s. 20.001 (3) (a) and (b), upon approval of a request in
20 whole or in part, the department shall transfer the approved amount between the
21 affected fiscal years or biennia. Upon such transfer, the amount of the appropriation
22 for the fiscal year or biennium succeeding the one in which the transfer is made is
23 increased by the transferred amount and may be encumbered during the fiscal year
24 or biennium for which the appropriation is made for the purpose for which it is made.

1 (4) Any carry-over under this section is contingent upon continuance of the
2 appropriation account to which moneys are transferred as a sum certain
3 appropriation in a form that permits expenditure of the moneys for the purpose for
4 which the carry-over is made.

5 **SECTION 9.** 230.09 (2) (g) of the statutes is amended to read:

6 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
7 that the classification for a position is different than that provided for by the
8 legislature as established by law or in budget determinations, or as authorized by the
9 joint committee on finance under s. 13.10, or as specified by the governor creating
10 positions under s. 16.505 (1) (c) or (2), the secretary of administration creating
11 positions under s. 16.505 (2e) or the board of regents of the university of Wisconsin
12 system creating positions under s. 16.505 (2m), or is different than that of the
13 previous incumbent, the secretary shall notify the administrator and the secretary
14 of administration. The administrator shall withhold action on the selection and
15 certification process for filling the position. The secretary of administration shall
16 review the position to determine that sufficient funds exist for the position and that
17 the duties and responsibilities of the proposed position reflect the intent of the
18 legislature as established by law or in budget determinations, the intent of the joint
19 committee on finance acting under s. 13.10, the intent of the governor creating
20 positions under s. 16.505 (1) (c) or (2), the intent of the secretary of administration
21 creating positions under s. 16.505 (2e) or the intent of the board of regents of the
22 university of Wisconsin system creating positions under s. 16.505 (2m). The
23 administrator may not proceed with the selection and certification process until the
24 secretary of administration has authorized the position to be filled.

1 **SECTION 10.** 230.09 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
4 that the classification for a position is different than that provided for by the
5 legislature as established by law or in budget determinations, or as authorized by the
6 joint committee on finance under s. 13.10, or as specified by the governor creating
7 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
8 Clinics Board creating positions under s. 16.505 (2n), the secretary of administration
9 creating positions under s. 16.505 (2e) or the board of regents of the university of
10 Wisconsin system creating positions under s. 16.505 (2m), or is different than that
11 of the previous incumbent, the secretary shall notify the administrator and the
12 secretary of administration. The administrator shall withhold action on the
13 selection and certification process for filling the position. The secretary of
14 administration shall review the position to determine that sufficient funds exist for
15 the position and that the duties and responsibilities of the proposed position reflect
16 the intent of the legislature as established by law or in budget determinations, the
17 intent of the joint committee on finance acting under s. 13.10, the intent of the
18 governor creating positions under s. 16.505 (1) (c) or (2), the intent of the University
19 of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n), the
20 intent of the secretary of administration creating positions under s. 16.505 (2e) or the
21 intent of the board of regents of the university of Wisconsin system creating positions
22 under s. 16.505 (2m). The administrator may not proceed with the selection and
23 certification process until the secretary of administration has authorized the
24 position to be filled.

