

1 hearing impaired, appointed by the state superintendent of public instruction for
2 3-year terms:

3 (a) Two parents of children who are hearing impaired.

4 (b) One licensed teacher of pupils who are hearing impaired.

5 (c) One person who is licensed as a speech–language pathologist under subch.
6 II of ch. 459.

7 (d) One school district special education director.

8 (e) One person who is licensed as an audiologist under subch. II of ch. 459 and
9 whose expertise is in educational audiology.

10 (f) One person who is experienced in educating the hearing impaired, or in
11 educating teachers of the hearing impaired, and is affiliated with an institution of
12 higher education.

13 (g) One person who is an instructor in a technical college interpreter training
14 program.

15 (h) One person employed as an educational interpreter.

16 (i) Three other members.

17 **SECTION 182q.** 15.405 (9) of the statutes is renumbered 15.405 (9) (a) (intro.)
18 and amended to read:

19 15.405 (9) (a) (intro.) There is created a pharmacy examining board in the
20 department of regulation and licensing. ~~The pharmacy examining board shall~~
21 ~~consist of, consisting of the following~~ 7 members appointed for staggered 4-year
22 terms.:

23 1. ~~Five of the members shall be~~ who are licensed to practice pharmacy in this
24 state.

25 2. Two public members ~~shall be public members.~~

1 **SECTION 182r.** 15.405 (9) (b) of the statutes is created to read:

2 15.405 (9) (b) Of the members of the pharmacy examining board who are
3 licensed to practice pharmacy, one shall be employed in a pharmacy that provides
4 pharmaceutical services primarily on an inpatient basis, including a pharmacy in a
5 hospital, nursing home, correctional facility, or other institution.

6 **SECTION 183h.** 15.445 (4) (a) 1. of the statutes is amended to read:

7 15.445 (4) (a) 1. Two representatives to the assembly, one recommended by the
8 speaker of the assembly and one recommended by the minority leader of the
9 assembly. ~~This subdivision does not apply after June 30, 2003.~~

10 **SECTION 183i.** 15.445 (4) (a) 2. of the statutes is amended to read:

11 15.445 (4) (a) 2. Two senators, one recommended by the majority leader of the
12 senate and one recommended by the minority leader of the senate. ~~This subdivision
13 does not apply after June 30, 2003.~~

14 **SECTION 183m.** 15.45 of the statutes is created to read:

15 **15.45 Department of forestry.** There is created a department of forestry
16 under the direction and supervision of the secretary of forestry.

17 **SECTION 187d.** 15.915 (3) of the statutes is repealed.

18 **SECTION 187g.** 15.915 (6) (b) 6. h. of the statutes is created to read:

19 15.915 (6) (b) 6. h. Forestry.

20 **SECTION 187r.** 15.915 (6) (b) 6. i. of the statutes is created to read:

21 15.915 (6) (b) 6. i. Energy industry.

22

23 **SECTION 189.** 16.002 (2) of the statutes is amended to read:

24 16.002 (2) "Departments" means constitutional offices, departments and
25 independent agencies and includes all socictics, associations and other agencies of

1 state government for which appropriations are made by law, but not including
2 authorities created in chs. 231, 232, 233, 234, 235, and 237.

3 **SECTION 190.** 16.004 (4) of the statutes is amended to read:

4 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
5 department as the secretary designates may enter into the offices of state agencies
6 and authorities created under chs. 231, 233 and, 234, and 237, and may examine
7 their books and accounts and any other matter which in the secretary's judgment
8 should be examined and may interrogate the agency's employees publicly or
9 privately relative thereto.

10 **SECTION 191.** 16.004 (5) of the statutes is amended to read:

11 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
12 authorities created under chs. 231, 233 and, 234, and 237, and their officers and
13 employees, shall cooperate with the secretary and shall comply with every request
14 of the secretary relating to his or her functions.

15 **SECTION 192.** 16.004 (12) (a) of the statutes is amended to read:

16 16.004 (12) (a) In this subsection, "state agency" means an association,
17 authority, board, department, commission, independent agency, institution, office,
18 society or other body in state government created or authorized to be created by the
19 constitution or any law, including the legislature, the office of the governor and the
20 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority
21 and the Fox River Navigational System Authority.

22 **SECTION 193.** 16.004 (14) of the statutes is renumbered 38.04 (19) and amended
23 to read:

24 **38.04 (19) ~~GRANTS TO TECHNICAL COLLEGES~~ CAPACITY BUILDING PROGRAM.** From
25 the appropriation under s. ~~20.505 (4) (e)~~ 20.292 (1) (cm), the secretary board shall

1 award grants to ~~technical college~~ district boards to develop or expand programs in
2 occupational areas in which there is a high demand for workers, and to make capital
3 expenditures that are necessary for such development or expansion, as determined
4 by the secretary.

5 **SECTION 194.** 16.008 (2) of the statutes is amended to read:

6 16.008 (2) The state shall pay for extraordinary police services provided
7 directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of
8 a state officer or agency responsible for the operation and preservation of such
9 facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for
10 extraordinary police services provided to facilities of the authority described in s.
11 70.11 (38). The Fox River Navigational System Authority shall pay for extraordinary
12 police services provided to the navigational system, as defined in s. 237.01 (4).
13 Municipalities or counties which provide extraordinary police services to state
14 facilities may submit claims to the claims board for actual additional costs related
15 to wage and disability payments, pensions and worker's compensation payments,
16 damage to equipment and clothing, replacement of expendable supplies, medical and
17 transportation expense and other necessary expenses. The clerk of the municipality
18 or county submitting a claim shall also transmit an itemized statement of charges
19 and a statement which identifies the facility served and the person who requested
20 the services. The board shall obtain a review of the claim and recommendations from
21 the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and
22 (6).

23 **SECTION 200b.** 16.023 (2) of the statutes is amended to read:

24 16.023 (2) In conjunction with the working group established under sub. (1) (L)
25 1., the council shall, not later than one year after October 14, 1997, develop

1 evaluation criteria for its functions under sub. (1). The council shall complete a
2 report that contains an evaluation of its functions and activities not later than
3 September 1, ~~2002~~ 2006, and shall submit the report to the chief clerk of each house
4 of the legislature, for distribution to the legislature under s. 13.172 (2), and to the
5 governor. ~~The report shall also include a recommendation as to whether the council~~
6 ~~should continue in existence past its sunset date specified in s. 15.107 (16) (e) and,~~
7 ~~if so, a recommendation as to whether any structural modifications should be made~~
8 ~~to the council's functions or to the state's land use programs.~~

9 **SECTION 201c.** 16.023 (3) of the statutes is amended to read:

10 16.023 (3) Subsections (1) and (2) do not apply after August 31, ~~2003~~ 2007.

11 **SECTION 202.** 16.045 (1) (a) of the statutes is amended to read:

12 16.045 (1) (a) "Agency" means an office, department, independent agency,
13 institution of higher education, association, society or other body in state
14 government created or authorized to be created by the constitution or any law, which
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, but not including an authority created in ch. 231, 232, 233, 234 ~~or~~, 235, or 237.

17

18 **SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

19 16.339 (2) (a) From the appropriation under s. 20.505 (7) ~~(dm)~~ (fm), the
20 department may award a grant to an eligible applicant for the purpose of providing
21 transitional housing and associated supportive services to homeless individuals and
22 families if the conditions under par. (b) are satisfied. The department shall ensure
23 that the funds for the grants are reasonably balanced among geographic areas of the
24 state, consistent with the quality of applications submitted.

25 **SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

1 16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and ~~(gm)~~ (h),
2 the department shall award grants to eligible applicants for the purpose of
3 supplementing the operating budgets of agencies and shelter facilities that have or
4 anticipate a need for additional funding because of the renovation or expansion of an
5 existing shelter facility, the development of an existing building into a shelter facility,
6 the expansion of shelter services for homeless persons, or an inability to obtain
7 adequate funding to continue the provision of an existing level of services.

8 **SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to read:

9 16.352 (2) (b) (intro.) The department shall allocate funds from the
10 appropriations under s. 20.505 (7) (fm) and ~~(gm)~~ (h) for temporary shelter for
11 homeless individuals and families as follows:

12 **SECTION 226.** 16.40 (14) of the statutes is amended to read:

13 16.40 (14) COMMITTEES. Perform administrative services required to properly
14 account for the finances of committees created by law or executive order. The
15 governor may authorize each committee to make expenditures from the
16 appropriation under s. 20.505 ~~(3)~~ (a) (4) (ba) not exceeding \$2,000 per fiscal year. The
17 governor shall report such authorized expenditures to the joint committee on finance
18 at the next quarterly meeting of the committee. If the governor desires to authorize
19 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall
20 submit to the joint committee on finance for its approval a complete budget for all
21 expenditures made or to be made by the committee. The budget may cover a period
22 encompassing more than one fiscal year or biennium during the governor's term of
23 office. If the joint committee on finance approves a budget authorizing expenditures
24 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
25 the expenditures to be made within the limits of the appropriation under s. 20.505

1 ~~(3) (a)~~ (4) (ba) in accordance with the approved budget during the period covered by
2 the budget. If after the joint committee on finance approves a budget for such a
3 committee the governor desires to authorize expenditures in excess of the authorized
4 expenditures under the approved budget, the governor shall submit a modified
5 budget for the committee to the joint committee on finance. If the joint committee
6 on finance approves a modified budget, the governor may authorize additional
7 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~
8 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
9 modified budget.

10 **SECTION 226c.** 16.40 (15) of the statutes is repealed.

11 **SECTION 227.** 16.40 (17) of the statutes is amended to read:

12 **16.40 (17) INTERSTATE BODIES.** Perform administrative services required to
13 properly account for dues and related expenses for state participation in national or
14 regional interstate governmental bodies specified in s. 20.505 ~~(3) (a)~~ (4) (ba) or
15 determined by the governor.

16 **SECTION 227m.** 16.40 (20m) of the statutes is created to read:

17 **16.40 (20m) ANTICIPATED OPERATING AND DEBT SERVICE COSTS; BUILDING PROJECTS.**
18 Provide the building commission with a statement of the amount of the anticipated
19 annual operating costs or the amount of any increased annual operating costs, plus
20 the amount of any increased annual debt service costs, generated by each proposed
21 state building project requiring enumeration in the authorized state building
22 program in the first full year following completion of the project, and the amount of
23 such costs to be funded from each revenue source under s. 20.001 (2).

24 **SECTION 227p.** 16.40 (23) of the statutes is created to read:

1 16.40 (23) UNIVERSITY OF WISCONSIN–GREEN BAY PROGRAMMING. Provide funding
2 from the appropriation under s. 20.505 (1) (km) to finance programming at the
3 University of Wisconsin–Green Bay that is jointly developed by the Oneida Tribe and
4 the University of Wisconsin–Green Bay.

5 **SECTION 227q.** 16.40 (24) of the statutes is created to read:

6 16.40 (24) GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. Annually,
7 provide grants to the Wisconsin Patient Safety Institute, Inc., for collection, analysis,
8 and dissemination of information about patient safety and training of health care
9 providers and their employees directed toward improving patient safety. The
10 department shall ensure that no grant moneys provided under this subsection are
11 expended for the purpose of entertainment, foreign travel, or payments to persons
12 not providing goods or services to the Wisconsin Patient Safety Institute, Inc. In this
13 subsection, “health care provider” means any of the following:

14 (a) A nurse licensed under ch. 441.

15 (b) A chiropractor licensed under ch. 446.

16 (c) A dentist licensed under ch. 447.

17 (d) A physician, physician assistant, or respiratory care practitioner licensed
18 or certified under subch. II of ch. 448.

19 (e) A physical therapist licensed under subch. III of ch. 448.

20 (f) A podiatrist licensed under subch. IV of ch. 448.

21 (g) A dietitian certified under subch. V of ch. 448.

22 (h) An athletic trainer licensed under subch. VI of ch. 448.

23 (i) An occupational therapist or occupational therapy assistant licensed under
24 subch. VII of ch. 448.

25 (j) An optometrist licensed under ch. 449.

1 (k) A pharmacist licensed under ch. 450.

2 (L) An acupuncturist certified under ch. 451.

3 (m) A psychologist licensed under ch. 455.

4 (n) A massage therapist or bodyworker issued a license of registration under
5 subch. XI of ch. 440.

6 **SECTION 227r.** 16.40 (23m) of the statutes is created to read:

7 16.40 (23m) PURCHASING CARD REBATES. Authorize any state agency to use
8 purchasing cards for purchases that do not exceed \$5,000. If the state receives any
9 rebates from a purchasing card issuer for purchases made with a purchasing card,
10 the department shall deposit the rebate in the fund from which the appropriation is
11 made for payment of the obligation incurred as a result of the purchase.

12 **SECTION 228.** 16.41 (4) of the statutes is amended to read:

13 16.41 (4) In this section, “authority” means a body created under ch. 231, 233
14 ~~or~~, 234, or 237.

15 **SECTION 229b.** 16.417 (1) (b) of the statutes is amended to read:

16 16.417 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234
17 ~~or~~, 235 or 237.

18 **SECTION 230.** 16.43 of the statutes is amended to read:

19 **16.43 Budget compiled.** The secretary shall compile and submit to the
20 governor or the governor–elect and to each person elected to serve in the legislature
21 during the next biennium, not later than November 20 of each even–numbered year,
22 a compilation giving all of the data required by s. 16.46 to be included in the state
23 budget report, except the recommendations of the governor and the explanation
24 thereof. The secretary shall not include in the compilation any provision for the
25 development or implementation of an information technology development project

1 for an executive branch agency that is not consistent with the strategic plan of the
2 agency, as approved under s. 22.13.

3 **SECTION 231.** 16.46 (5m) of the statutes is created to read:

4 16.46 (5m) A statement of estimated general purpose revenue receipts and
5 expenditures in the biennium following the succeeding biennium based on
6 recommendations in the budget bill or bills. The statement shall contain all of the
7 following:

8 (a) For the 2nd year of the succeeding biennium, a comparison of the following:

9 1. The amount of moneys projected to be deposited in the general fund during
10 the fiscal year that are designated as “Revenues and Transfers” in the summary in
11 s. 20.005 (1), as published in the biennial budget bill or bills, less the amount
12 designated as the “Opening Balance” in the summary, and adjusted by any one-time
13 deposit of revenues in the general fund.

14 2. The amount of moneys designated as “Total Expenditures” in the summary
15 in s. 20.005 (1), as published in the biennial budget bill or bills, adjusted by any
16 one-time expenditure of general purpose revenue in excess of \$5,000,000.

17 (b) An estimate of the cost of any provision in the biennial budget bill or bills
18 that would, without the enactment of subsequent legislation, increase general
19 purpose revenue expenditures or that would decrease the amount of revenues
20 deposited in the general fund in the biennium following the succeeding biennium.

21 (c) 1. An estimate of the increase in general purpose revenue spending that will
22 be required in the biennium following the succeeding biennium for all of the
23 following:

24 a. General equalization school aids.

25 b. Appropriations to the department of corrections.

1 c. The medical assistance program under subch. IV of ch. 49.

2 d. The amount designated as “Compensation Reserves” in the summary under
3 s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2)
4 for that fiscal biennium.

5 e. Public debt contracted under subchs. I and IV of ch. 18.

6 2. For the purpose of making the calculation under subd. 1., the secretary shall
7 assume that the increase in general purpose revenue spending between the
8 succeeding biennium and the biennium following the succeeding biennium for each
9 of the items identified in subd. 1. a. to 1. e. is the same as that between the current
10 biennium and the succeeding biennium for these items, as proposed in the biennial
11 budget bill or bills.

12 (d) An estimate of the difference between the amount of tax revenues that will
13 be deposited in the general fund in the biennium following the succeeding biennium
14 and the amount of tax revenues that are deposited in the general fund in the
15 succeeding biennium. For the purpose of making this calculation, the secretary
16 shall:

17 1. Assume that the amount of tax revenues that are deposited in the general
18 fund in the succeeding biennium is the amount designated as “Taxes” in the
19 summary in s. 20.005 (1), as published in the biennial budget bill or bills.

20 2. Assume that the annual increase in tax revenues that are deposited in the
21 general fund in each fiscal year of the biennium following the succeeding biennium
22 is the average of the annual increase for each of the 10 preceding fiscal years.

23 3. Adjust the estimate of the amount of tax revenues that are deposited in the
24 general fund in the biennium following the succeeding biennium by any provision in

1 the biennial budget bill or bills that would affect the amount of tax revenues that are
2 deposited in the general fund in the biennium.

3 (e) 1. A comparison of the following:

4 a. The amount of moneys that are designated as “Revenues and Transfers” in
5 the summary in s. 20.005 (1), as published in the biennial budget bill or bills, and that
6 are available for appropriation in the 2nd year of the succeeding biennium.

7 b. An amount that equals the sum of the amount of moneys designated as “Total
8 Expenditures” in the summary in s. 20.005 (1), as published in the biennial budget
9 bill or bills, for the 2nd year of the succeeding biennium and the amount required to
10 fund the increase in general purpose revenue spending in the biennium following the
11 succeeding biennium for each of the items identified in par. (c) 1. a. to 1. e.

12 2. The secretary shall present this comparison in the format used for the
13 statement of the condition of the general fund in the statement prepared under s.
14 20.005 (1).

15 (f) A summary of the amount of additional general purpose revenues that will
16 be available in the biennium following the succeeding biennium for increased
17 expenditures or tax reductions, other than the amount calculated in par. (d).

18 **SECTION 232.** 16.46 (9) of the statutes is created to read:

19 16.46 (9) A comparison of the state’s budgetary surplus or deficit according to
20 generally accepted accounting principles, as reported in any audited financial report
21 prepared by the department for the most recent fiscal year, and the estimated change
22 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
23 For the purpose of this calculation, the secretary shall increase or decrease the
24 surplus or deficit by the amount designated as “Gross Balances” that appears in the

1 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
2 budget bill or bills.

3 **SECTION 234.** 16.50 (1) (b) of the statutes is amended to read:

4 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
5 (2) (ac) ~~and (q)~~, 20.835, and 20.865 (4).

6 **SECTION 235.** 16.50 (3) of the statutes is amended to read:

7 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
8 the legislature or the courts, may increase the pay of any employee, expend money
9 or incur any obligation except in accordance with the estimate that is submitted to
10 the secretary as provided in sub. (1) and approved by the secretary or the governor.
11 No change in the number of full-time equivalent positions authorized through the
12 biennial budget process or other legislative act may be made without the approval
13 of the joint committee on finance, except for position changes made by the governor
14 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
15 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
16 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
17 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
18 part-time or limited term employees until such time as the secretary determines
19 that the filling of the position or the expending of funds is consistent with s. 16.505
20 and with the intent of the legislature as established by law or in budget
21 determinations, or the intent of the joint committee on finance in creating or
22 abolishing positions under s. 13.10, the intent of the governor in creating or
23 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
24 of the University of Wisconsin System in creating or abolishing positions under s.
25 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification

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

13 **SECTION 236.** 16.50 (7) (b) of the statutes is amended to read:

14 16.50 (7) (b) Following such notification, the governor shall submit a bill
15 containing his or her recommendations for correcting the imbalance between
16 projected revenues and authorized expenditures, including a recommendation as to
17 whether moneys should be transferred from the budget stabilization fund to the
18 general fund. If the legislature is not in a floorperiod at the time of the secretary's
19 notification, the governor shall call a special session of the legislature to take up the
20 matter of the projected revenue shortfall and the governor shall submit his or her bill
21 for consideration at that session.

22 **SECTION 239.** 16.505 (1) (intro.) of the statutes is amended to read:

23 16.505 (1) (intro.) Except as provided in subs. (2), (2m) ~~and~~, (2n), and (2p), no
24 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
25 created or abolished unless authorized by one of the following:

1 **SECTION 240m.** 16.505 (2m) of the statutes is amended to read:

2 16.505 (2m) The board of regents of the University of Wisconsin System may
3 create or abolish a full-time equivalent position or portion thereof from revenues
4 appropriated under s. 20.285 (1) (~~gs~~), (h), (ip), (iz), (j), (~~kc~~), (m), (n), or (u) or (3) (iz)
5 or (n) and may create or abolish a full-time equivalent position or portion thereof
6 from revenues appropriated under s. 20.285 (1) (im) that are generated from
7 increased enrollment and from courses for which the academic fees or tuition
8 charged equals the full cost of offering the courses. No later than the last day of the
9 month following completion of each calendar quarter, the board of regents shall
10 report to the department and the cochairpersons of the joint committee on finance
11 concerning the number of full-time equivalent positions created or abolished by the
12 board under this subsection during the preceding calendar quarter and the source
13 of funding for each such position.

14 **SECTION 242.** 16.505 (2p) of the statutes is created to read:

15 16.505 (2p) (a) Subject to par. (b), the board of regents of the University of
16 Wisconsin System may create or abolish a full-time equivalent academic staff or
17 faculty position or portion thereof from revenues appropriated under s. 20.285 (1) (a).
18 Annually, no later than the September 30 following completion of the fiscal year, the
19 board of regents shall report to the department and the cochairpersons of the joint
20 committee on finance concerning the number of full-time equivalent positions
21 created or abolished by the board under this subsection during the preceding fiscal
22 year.

23 (b) The board of regents may not create or abolish any position under par. (a)
24 until the board and the department have entered into a memorandum of
25 understanding that establishes a methodology for identifying and accounting for the

1 cost of funding any positions that are created, including any amounts that the board
2 may include in a certification to the department under s. 20.928 (1). The board and
3 the department shall enter into the memorandum of understanding no later than
4 September 1, 2002.

5 (c) Notwithstanding s. 20.928 (1), in certifying the sum of moneys needed to pay
6 any costs associated with a position that is created under par. (a), the board of regents
7 may only certify the sum that is permitted under the memorandum of understanding
8 entered into under par. (b).

9 (d) Notwithstanding s. 16.42 (1), in submitting information under s. 16.42 for
10 the biennial budget bill or bills, the board of regents may only include that portion
11 of the cost of funding the positions created under par. (a) that is permitted under the
12 memorandum of understanding entered into under par. (b).

13 **SECTION 245.** 16.518 of the statutes is created to read:

14 **16.518 Transfers to the budget stabilization fund and the cash building**
15 **projects fund.** (1) In this section, “summary” means the amount shown in the
16 summary in s. 20.005 (1), as published in the biennial budget act or acts.

17 (2) Annually, the secretary shall calculate the difference between the amount
18 of moneys projected to be deposited in the general fund during the fiscal year that
19 are designated as “Taxes” in the summary and the amount of such moneys actually
20 deposited in the general fund during the fiscal year.

21 (3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in
22 the general fund during the fiscal year that are designated as “Taxes” in the
23 summary is less than the amount of such moneys actually deposited in the general
24 fund during the fiscal year, the secretary shall annually transfer from the general
25 fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

1 (b) 1. If the balance of the budget stabilization fund on June 30 of the fiscal year
2 is at least equal to 5% of the estimated expenditures from the general fund during
3 the fiscal year, as reported in the summary, the secretary may not make the transfer
4 under par. (a).

5 2. If the amount transferred under par. (a) would cause the general fund
6 balance on June 30 of the fiscal year to be less than the general fund balance that is
7 required under s. 20.003 (4) for that fiscal year, the secretary shall reduce the amount
8 transferred under par. (a) to the amount that would cause the general fund balance
9 to be equal to the minimum general fund balance that is required under s. 20.003 (4)
10 for that fiscal year.

11 (4) If the amount of moneys projected to be deposited in the general fund during
12 the fiscal year that are designated as “Taxes” in the summary is less than the amount
13 of such moneys actually deposited in the general fund during the fiscal year,
14 annually the secretary shall calculate the difference between the amount calculated
15 under sub. (2) and the amount transferred to the budget stabilization fund under
16 sub. (3). If the difference between the amounts is at least \$115,000,000, the secretary
17 shall transfer from the general fund to the cash building projects fund the amount
18 that exceeds \$115,000,000.

19 **SECTION 246.** 16.519 of the statutes is created to read:

20 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

21 In this section, “tobacco settlement agreement” means the Attorneys General Master
22 Tobacco Settlement Agreement of November 23, 1998.

23 (3) If the state has not received in fiscal year 2001–02 at least \$6,032,300 under
24 the tobacco settlement agreement, because the secretary, under s. 16.63, has sold the
25 state’s right to receive any of the payments under the tobacco settlement agreement,

1 the secretary shall transfer from the general fund to the tobacco control fund an
2 amount equal to \$6,032,300 less any payments received under the tobacco
3 settlement agreement and deposited in the tobacco control fund in that fiscal year.

4 (4) If the state has not received in fiscal year 2002–03 at least \$15,345,100
5 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
6 sold the state’s right to receive any of the payments under the tobacco settlement
7 agreement, the secretary shall transfer from the general fund to the tobacco control
8 fund an amount equal to \$15,345,100 less any payments received under the tobacco
9 settlement agreement and deposited in the tobacco control fund in that fiscal year.

10 **SECTION 248t.** 16.52 (6) (a) of the statutes is amended to read:

11 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,
12 or printing orders for any agency as defined in s. 16.70 (1) shall, before any liability
13 is incurred thereon, be submitted to the secretary for his or her approval as to legality
14 of purpose and sufficiency of appropriated and allotted funds therefor. In all cases
15 the date of the contract or order governs the fiscal year to which the contract or order
16 is chargeable, unless the secretary determines that the purpose of the contract or
17 order is to prevent lapsing of appropriations or to otherwise circumvent budgetary
18 intent. Upon such approval, the secretary shall immediately encumber all contracts
19 or orders, and indicate the fiscal year to which they are chargeable, except that, for
20 contracts for services funded from the appropriation under s. 20.435 (2) (bj), the
21 secretary may encumber less than the amount of the contract if it is expected that
22 billing for that contract may be submitted in the next fiscal year.

23 **SECTION 249.** 16.52 (7) of the statutes is amended to read:

24 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
25 which is authorized to maintain a contingent fund under s. 20.920 may establish a

1 petty cash account from its contingent fund. The procedure for operation and
2 maintenance of petty cash accounts and the character of expenditures therefrom
3 shall be prescribed by the secretary. In this subsection, “agency” means an office,
4 department, independent agency, institution of higher education, association,
5 society or other body in state government created or authorized to be created by the
6 constitution or any law, which is entitled to expend moneys appropriated by law,
7 including the legislature and the courts, but not including an authority created in
8 ch. 231, 233 ~~or~~, 234, or 237.

9 **SECTION 250.** 16.52 (10) of the statutes is amended to read:

10 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
11 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal
12 year shall not apply to the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
13 (q).

14 **SECTION 253.** 16.528 (1) (a) of the statutes is amended to read:

15 16.528 (1) (a) “Agency” means an office, department, independent agency,
16 institution of higher education, association, society or other body in state
17 government created or authorized to be created by the constitution or any law, which
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

20 **SECTION 254.** 16.53 (2) of the statutes is amended to read:

21 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
22 invoice, the agency shall notify the sender of the invoice within 10 working days after
23 it receives the invoice of the reason it is improperly completed. In this subsection,
24 “agency” means an office, department, independent agency, institution of higher
25 education, association, society or other body in state government created or

1 authorized to be created by the constitution or any law, which is entitled to expend
2 moneys appropriated by law, including the legislature and the courts, but not
3 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

4 **SECTION 255.** 16.53 (14) of the statutes is created to read:

5 16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The
6 department may prescribe and collect a fee for review of any petition for
7 incorporation of a municipality under s. 66.0203 or any petition for annexation of
8 municipal territory under s. 66.0217. The fee shall be paid by the person or persons
9 filing the petition for incorporation or by the person or persons filing the notice of the
10 proposed annexation.

11 **SECTION 255p.** 16.54 (2) (a) 2. of the statutes is amended to read:

12 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
13 law enacted after August 31, 1995, which authorizes the distribution of block grants
14 for the purposes for which the grant is made, the governor shall not administer and
15 no board, commission, or department may encumber or expend moneys received as
16 a part of the grant unless the governor first notifies the cochairpersons of the joint
17 committee on finance, in writing, that the grant has been made. The notice shall
18 contain a description of the purposes proposed by the governor for expenditure of the
19 moneys received as a part of the grant. If the cochairpersons of the committee do not
20 notify the governor that the committee has scheduled a meeting for the purpose of
21 reviewing the proposed expenditure of grant moneys within 14 working days after
22 the date of the governor's notification, the moneys may be expended as proposed by
23 the governor. If, within 14 working days after the date of the governor's notification,
24 the cochairpersons of the committee notify the governor that the committee has
25 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant

1 moneys, no moneys received as a part of the grant may be expended without the
2 approval of the committee. This subdivision does not apply to the expenditure of
3 block grant funds that are allocated under s. 49.175 in the fiscal year in which the
4 funds are allocated under s. 49.175.

5 **SECTION 256.** 16.54 (9) (a) 1. of the statutes is amended to read:

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

11 **SECTION 257.** 16.54 (13) of the statutes is created to read:

12 16.54 (13) (a) If the state receives any interest payments from the federal
13 government relating to the timing of transfers of federal grant funds for programs
14 that are funded with moneys from the general fund and that are covered in an
15 agreement between the federal department of the treasury and the state under the
16 federal Cash Management Improvement Act of 1990, as amended, the payments,
17 less applicable administrative costs, shall be deposited in the general fund as general
18 purpose revenue — earned.

19 (b) If the state is required to pay any interest payments to the federal
20 government relating to the timing of transfers of federal grant funds for programs
21 that are funded with moneys from the general fund and that are covered in an
22 agreement between the federal department of the treasury and the state under the
23 federal Cash Management Improvement Act of 1990, as amended, the secretary
24 shall notify the cochairpersons of the joint committee on finance, in writing, that the

1 state is required to pay an interest payment. The notice shall contain an accounting
2 of the amount of interest that the state is required to pay.

3 **SECTION 258.** 16.545 (9) of the statutes is amended to read:

4 16.545 (9) ~~To process applications for grants from the federal government upon~~
5 ~~request of any agency initiate contacts with the federal government for the purpose~~
6 ~~of facilitating participation by agencies, as defined in s. 16.70 (1), in federal aid~~
7 ~~programs, to assist those agencies in applying for such aid, and to facilitate~~
8 ~~influencing the federal government to make policy changes that will be beneficial to~~
9 ~~this state. The department may assess to an agency for whom it processes an~~
10 ~~application to which it provides services under this subsection a fee for the expenses~~
11 ~~incurred by the department in performing this service providing those services.~~

12 **SECTION 259.** 16.61 (2) (af) of the statutes is amended to read:

13 16.61 (2) (af) “Form” has the meaning specified in s. ~~16.97~~ 22.01 (5p).

14 **SECTION 260.** 16.61 (3n) of the statutes is amended to read:

15 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
16 about the forms specified in s. ~~16.971~~ 22.03 (2m).

17 **SECTION 264.** 16.62 (2) of the statutes is amended to read:

18 16.62 (2) The department may establish user charges for records storage and
19 retrieval services, with any moneys collected to be credited to the appropriation
20 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
21 encourage efficient utilization of the services.

22 **SECTION 265.** 16.62 (3) of the statutes is amended to read:

23 16.62 (3) The department may establish user fees for the services of the public
24 records board. Any moneys collected shall be credited to the appropriation account
25 under s. 20.505 (1) ~~(kd)~~ (kb).

1 **SECTION 266.** 16.63 of the statutes is created to read:

2 **16.63 Sale of state's rights to tobacco settlement agreement payments.**

3 **(1)** In this section:

4 (a) "Purchaser" means any person who has purchased the state's right to
5 receive any of the payments under the tobacco settlement agreement.

6 (b) "Tobacco settlement agreement" means the Attorneys General Master
7 Tobacco Settlement Agreement of November 23, 1998.

8 (c) "Tobacco settlement revenues" means the right to receive settlement
9 payments arising from or pursuant to the tobacco settlement agreement and all
10 direct or indirect proceeds of that right.

11 **(2)** The secretary may sell for cash or other consideration the state's right to
12 receive any of the payments under the tobacco settlement agreement.

13 **(3)** The secretary may organize one or more nonstock corporations under ch.
14 181 or limited liability companies under ch. 183 for any purpose related to the sale
15 of the state's right to receive any of the payments under the tobacco settlement
16 agreement and may take any action necessary to facilitate and complete the sale.

17 **(3m) 1.** If the secretary sells the state's right to receive any of the payments
18 under the tobacco settlement agreement, the secretary shall require, as a condition
19 of the sale, that the purchaser notify the secretary if any bonds or other obligations
20 are issued that are secured by any of the payments and provide the secretary with
21 all information on the distribution of the bond or obligation proceeds.

22 2. The secretary shall submit a report to the joint committee on finance that
23 includes all of the information provided to the secretary by the purchaser under subd.

24 1.

1 (4) (a) Tobacco settlement revenues may not be deemed proceeds of any
2 property which is not tobacco settlement revenues.

3 (b) Except as otherwise provided in this subsection, the creation, perfection,
4 and enforcement of security interests in tobacco settlement revenues are governed
5 by ch. 409. Notwithstanding ch. 409, with regard to creating, perfecting, and
6 enforcing a valid security interest in tobacco settlement revenues:

7 1. If this state or the Wisconsin health and educational facilities authority is
8 the debtor in the transaction, the proper place to file the required financing
9 statement to perfect the security interest is the department of financial institutions.

10 2. The required financing statement shall include a description of collateral
11 that describes the collateral as general intangibles consisting of the right to receive
12 settlement payments arising from or pursuant to the tobacco settlement agreement
13 and all proceeds of that right. The required financing statement may include any
14 additional description of collateral that is legally sufficient under the laws of this
15 state.

16 3. The tobacco settlement revenues are general intangibles for purposes of ch.
17 409.

18 4. A security interest perfected under this paragraph is enforceable against the
19 debtor, any assignee or grantee, and all third parties, including creditors under any
20 lien obtained by judicial proceedings, subject only to the rights of any third parties
21 holding security interests in the tobacco settlement revenues previously perfected
22 under this paragraph. Unless the applicable security agreement provides otherwise,
23 a perfected security interest in the tobacco settlement revenues is a continuously
24 perfected security interest in all tobacco settlement revenues existing on the date of
25 the agreement or arising after the date of the agreement. A security interest

1 perfected under this paragraph has priority over any other lien created by operation
2 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

3 5. The priority of a security interest created under this paragraph is not
4 affected by the commingling of proceeds arising from the tobacco settlement
5 revenues with other amounts.

6 (c) The sale, assignment, and transfer of tobacco settlement revenues are
7 governed by this paragraph. All of the following apply to a sale, assignment, or
8 transfer under this paragraph:

9 1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge
10 of or secured transaction relating to, the seller's right, title, and interest in, to, and
11 under the tobacco settlement revenues, if the documents governing the transaction
12 expressly state that the transaction is a sale or other absolute transfer. After such
13 a transaction, the tobacco settlement revenues are not subject to any claims of the
14 seller or the seller's creditors, other than creditors holding a prior security interest
15 in the tobacco settlement revenues perfected under par. (b).

16 2. The characterization of the sale, assignment, or transfer as an absolute
17 transfer under subd. 1. and the corresponding characterization of the purchaser's
18 property interest is not affected by any of the following factors:

19 a. Commingling of amounts arising with respect to the tobacco settlement
20 revenues with other amounts.

21 b. The retention by the seller of a partial or residual interest, including an
22 equity interest, in the tobacco settlement revenues, whether direct or indirect, or
23 whether subordinate or otherwise.

24 c. The sale, assignment, or transfer of only a portion of the tobacco settlement
25 revenues or an undivided interest in the tobacco settlement revenues.

1 d. Any recourse that the purchaser or its assignees may have against the seller.

2 e. Whether the seller is responsible for collecting payments due under the
3 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
4 revenues or retains legal title to the tobacco settlement revenues for the purpose of
5 these collection activities.

6 f. The treatment of the sale, assignment, or transfer for tax purposes.

7 3. The sale, assignment, or transfer is perfected automatically as against third
8 parties, including any third parties with liens created by operation of law or
9 otherwise, upon attachment under ch. 409.

10 4. Nothing in this subsection precludes consideration of the factors listed in
11 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
12 tax purposes. The characterization of the sale, assignment, or transfer as an
13 absolute transfer under subd. 1. may not be considered in determining whether the
14 sale, assignment, or transfer is a sale for tax purposes.

15 (5) If the secretary sells the state's right to receive any of the payments under
16 the tobacco settlement agreement, the state pledges to and agrees with any
17 purchaser or subsequent transferee of the state's right to receive any of the payments
18 under the tobacco settlement agreement that the state will not limit or alter its
19 powers to fulfill the terms of the tobacco settlement agreement, nor will the state in
20 any way impair the rights and remedies provided under the tobacco settlement
21 agreement. The state also pledges to and agrees with any purchaser or subsequent
22 transferee of the state's right to receive any of the payments under the tobacco
23 settlement agreement that the state will pay all costs and expenses in connection
24 with any action or proceeding brought by or on behalf of the purchaser or any
25 subsequent transferee related to the state's not fulfilling the terms of the tobacco

1 settlement agreement. The secretary may include this pledge and agreement of the
2 state in any contract that is entered into by the secretary under this section.

3 (6) If the secretary sells the state's right to receive any of the payments under
4 the tobacco settlement agreement, the state pledges to and agrees with any
5 purchaser or subsequent transferee of the state's right to receive any of the payments
6 under the tobacco settlement agreement that the state will not limit or alter the
7 powers of the secretary under this section until any contract that is entered into
8 under this section is fully performed, unless adequate provision is made by law for
9 the protection of the rights and remedies of the purchaser or any subsequent
10 transferee under the contract. The secretary may include this pledge and agreement
11 of the state in any contract that is entered into by the secretary under this section.

12 (8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
13 proceedings, and actions brought against the state relating to the sale of the state's
14 right to receive any of the payments under the tobacco settlement agreement. If the
15 state fails to comply with this section or the terms of any agreement relating to the
16 sale of the state's right to receive any of the payments under the tobacco settlement
17 agreement, an action to compel compliance may be commenced against the state.

18 (8m) If the recovery of a money judgment against the state is necessary to give
19 the plaintiff in an action under sub. (8) complete relief, a claim for the money
20 damages may be joined with the claim commenced under sub. (8).

21 (9) Sections 16.007, 16.53, and 775.01 do not apply to claims against the state
22 under sub. (8) or (8m). If there is a final judgment against the state in such an action,
23 the judgment shall be paid as provided in s. 775.04 together with interest at the rate
24 of 10% per year from the date such payment was judged to have been due until the
25 date of payment of the judgment.

1 **SECTION 267.** 16.70 (2) of the statutes is amended to read:

2 16.70 (2) “Authority” means a body created under ch. 231, 232, 233 ~~or, 234, 235,~~
3 or 237.

4 **SECTION 267m.** 16.70 (3) of the statutes is amended to read:

5 16.70 (3) “Contractual services” includes all services, materials to be furnished
6 by a service provider in connection with services, and any limited trades work
7 involving less than \$20,000 \$30,000 to be done for or furnished to the state or any
8 agency.

9 **SECTION 268.** 16.70 (4m) of the statutes is created to read:

10 16.70 (4m) “Information technology” has the meaning given in s. 22.01 (6).

11 **SECTION 269.** 16.70 (15) of the statutes is created to read:

12 16.70 (15) “Telecommunications” has the meaning given in s. 22.01 (10).

13 **SECTION 270.** 16.701 of the statutes is renumbered 16.701 (1).

14 **SECTION 271.** 16.701 (2) of the statutes is created to read:

15 16.701 (2) The department may permit prospective vendors to provide product
16 or service information through the service established under sub. (1). The
17 department may prescribe fees or establish fees through a competitive process for the
18 use of the service under this subsection.

19 **SECTION 272.** 16.7015 of the statutes is amended to read:

20 **16.7015 Bidders list.** ~~The department or any agency to which the department~~
21 ~~delegates purchasing authority under s. 16.71 (1) may maintain a bidders list which,~~
22 Any agency to which the department delegates purchasing authority under s. 16.71
23 (1) may maintain a bidders list if authorized by the delegation. The bidders list shall
24 include the names and addresses of all persons who request to be notified of bids or
25 competitive sealed proposals, excluding those to be awarded under s. 16.75 (1) (c) or

1 (2m) (c), that are solicited by the department or other agency for the procurement of
2 materials, supplies, equipment or contractual services under this subchapter. Any
3 list maintained by the department may include the names and addresses of any
4 person who requests to be notified of bids or competitive sealed proposals ~~to be~~ that
5 are solicited by any agency. The department or other agency shall notify each person
6 on its list of all ~~requests for~~ bids or competitive sealed proposals that are solicited by
7 the department or other agency. The department or other agency may remove any
8 person from its list for cause.

9 **SECTION 273.** 16.71 (1) of the statutes is amended to read:

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

20 **SECTION 274.** 16.71 (1m) of the statutes is created to read:

21 16.71 (1m) The department shall not delegate to any executive branch agency,
22 other than the board of regents of the University of Wisconsin System, the authority
23 to enter into any contract for materials, supplies, equipment, or contractual services
24 relating to information technology or telecommunications prior to review and
25 approval of the contract by the chief information officer. No executive branch agency,

1 other than the board of regents of the University of Wisconsin System, may enter into
2 any such contract without review and approval of the contract by the chief
3 information officer.

4 **SECTION 275.** 16.71 (2m) of the statutes is created to read:

5 16.71 (2m) The department of administration shall delegate authority to make
6 all purchases for the department of electronic government to the department of
7 electronic government. This delegation may not be withdrawn, but the department
8 of electronic government may elect to make any purchase through the department
9 of administration.

10 **SECTION 275m.** 16.71 (2s) of the statutes is created to read:

11 16.71 (2s) The department shall delegate authority to the ethics board to make
12 purchases authorized under s. 22.03 (2) (n).

13 **SECTION 276.** 16.71 (4) of the statutes is amended to read:

14 16.71 (4) The With the approval of the department of electronic government,
15 the department of administration shall delegate authority to the technology for
16 educational achievement in Wisconsin board to make purchases of educational
17 technology equipment for use by school districts, cooperative educational service
18 agencies and public educational institutions in this state, upon request of the board.

19 **SECTION 277.** 16.71 (6) of the statutes is created to read:

20 16.71 (6) The department may assess any agency or municipality to which it
21 provides services under this subchapter for the cost of the services provided to the
22 agency or municipality. The department may also identify savings that the
23 department determines to have been realized by an agency to which it provides
24 services under this subchapter and may assess the agency for not more than the
25 amount of the savings identified by the department.

1 **SECTION 278.** 16.72 (2) (a) of the statutes is amended to read:

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

14 **SECTION 279.** 16.72 (2) (b) of the statutes is amended to read:

15 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
16 565.25 (2) (a) 4., the department shall prepare or review specifications for all
17 materials, supplies, equipment, other permanent personal property and contractual
18 services not purchased under standard specifications. Such “nonstandard
19 specifications” may be generic or performance specifications, or both, prepared to
20 describe in detail the article which the state desires to purchase either by its physical
21 properties or programmatic utility. When appropriate for such nonstandard items
22 or services, trade names may be used to identify what the state requires, but
23 wherever possible 2 or more trade names shall be designated and the trade name of
24 any Wisconsin producer, distributor or supplier shall appear first.

25 **SECTION 280.** 16.72 (2) (d) of the statutes is amended to read:

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

6 **SECTION 281.** 16.72 (4) (a) of the statutes is amended to read:

7 16.72 (4) (a) Except as provided in ~~s. ss. 16.71 and~~ 16.74 or as otherwise
8 provided in this subchapter and the rules promulgated under s. 16.74 and this
9 subchapter, all supplies, materials, equipment and contractual services shall be
10 purchased for and furnished to any agency only upon requisition to the department.
11 The department shall prescribe the form, contents, number and disposition of
12 requisitions and shall promulgate rules as to time and manner of submitting such
13 requisitions for processing. No agency or officer may engage any person to perform
14 contractual services without the specific prior approval of the department for each
15 such engagement. Purchases of supplies, materials, equipment or contractual
16 services by the department of electronic government, the legislature, the courts or
17 legislative service or judicial branch agencies do not require approval under this
18 paragraph.

19 **SECTION 282.** 16.72 (8) of the statutes is amended to read:

20 16.72 (8) ~~The division of information technology services of the department~~
21 may purchase educational technology materials, supplies, equipment or contractual
22 services from orders placed with the department by the technology for educational
23 achievement in Wisconsin board on behalf of school districts, cooperative educational
24 service agencies, technical college districts and the board of regents of the University
25 of Wisconsin System.

1 **SECTION 282m.** 16.73 (6) of the statutes is created to read:

2 16.73 (6) The department shall administer a program to facilitate purchases of
3 large equipment that is needed by municipalities. The department shall purchase
4 large equipment as a part of the program. The department may, by rule, prescribe
5 requirements for participation in the program and for participation in specific
6 purchases under the program.

7 **SECTION 285.** 16.75 (1) (a) 1. of the statutes is amended to read:

8 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
9 materials, supplies, equipment, and contractual services to be provided to any
10 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
11 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
12 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into
13 consideration life cycle cost estimates under sub. (1m), when appropriate, the
14 location of the agency, the quantities of the articles to be supplied, their conformity
15 with the specifications, and the purposes for which they are required and the date
16 of delivery.

17 **SECTION 286.** 16.75 (1) (a) 3. of the statutes is amended to read:

18 16.75 (1) (a) 3. Bids may be received only in accordance with such specifications
19 as are adopted by the department as provided in this subsection. Any or all bids may
20 be rejected. Each Whenever sealed bids are invited, each bid, with the name of the
21 bidder, shall be entered on a record, and each record with the successful bid indicated
22 shall, after the award or letting of the contract, be opened to public inspection. Where
23 a low bid is rejected, a complete written record shall be compiled and filed, giving the
24 reason in full for such action. Any waiver of sealed, advertised bids as provided in

1 sub. (2m) or (6) shall be entered on a record kept by the department and open to public
2 inspection.

3 **SECTION 287.** 16.75 (1) (b) of the statutes is amended to read:

4 16.75 (1) (b) When the estimated cost exceeds \$25,000, the department shall
5 invite bids to be submitted. The department shall either solicit sealed bids to be
6 opened publicly at a specified date and time, or shall solicit bidding by auction to be
7 conducted electronically at a specified date and time. Whenever bids are invited, due
8 notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids
9 or posted on the Internet at a site determined or approved by the department. The
10 bid opening or auction shall not be opened until occur at least 7 days from after the
11 date of the last day of publication insertion of the notice or at least 7 days after the
12 date of posting on the Internet. The official advertisement notice shall specify
13 whether sealed bids are invited or bids will be accepted by auction, and shall give a
14 clear description of the materials, supplies, equipment, or service contractual
15 services to be purchased, the amount of the any bond, share draft, check, or other
16 draft to be submitted as surety with the bid or prior to the auction, and the date of
17 and time that the public opening or the auction will be held.

18 **SECTION 288.** 16.75 (1) (cm) of the statutes is created to read:

19 16.75 (1) (cm) If bids are solicited by auction, the award may be made in
20 accordance with simplified competitive procedures established by the department
21 for such transactions.

22 **SECTION 289.** 16.75 (2) (a) of the statutes is amended to read:

23 16.75 (2) (a) When the department of administration believes that it is to the
24 best interests of the state to purchase certain patented or proprietary articles, other
25 than printing and stationery, it may purchase said articles without the usual

1 statutory procedure. ~~All but all~~ equipment shall be purchased from the lowest and
2 best bidder as determined by the bids and a comparison of ~~the~~ any detailed
3 specifications submitted with the bids, and after due advertisement ~~as hereinbefore~~
4 provided notice, whenever notice is required under this section. Where the low bid
5 or bids are rejected, a complete written record shall be compiled and filed, giving the
6 reasons in full for such action.

7 **SECTION 290.** 16.75 (2m) (b) of the statutes is amended to read:

8 16.75 (2m) (b) When the estimated cost exceeds \$25,000, the department shall
9 ~~publish a class 2 notice under ch. ch 985 inviting~~ may invite competitive sealed
10 proposals by publishing a class 2 notice under ch. 985 or by posting notice on the
11 Internet at a site determined or approved by the department. The advertisement
12 notice shall describe the materials, supplies, equipment, or ~~service~~ contractual
13 services to be purchased, the intent to ~~solicit~~ make the procurement by solicitation
14 of proposals rather than by solicitation of bids, any requirement for surety and the
15 date the proposals will be opened, which shall be at least 7 days after the date of the
16 last insertion of the notice or at least 7 days after the date of posting on the Internet.

17 **SECTION 291.** 16.75 (3t) (a) of the statutes is amended to read:

18 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~16.97~~
19 22.01 (5p).

20 **SECTION 292.** 16.75 (3t) (c) (intro.) of the statutes is amended to read:

21 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
22 to the department of administration a current list of all materials, supplies,
23 equipment or contractual services, excluding commodities, that are supplied by
24 prison industries, as created under s. 303.01. The department of administration
25 shall distribute the list to all designated purchasing agents under s. 16.71 (1). ~~Prior~~

1 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
2 sealed proposals with respect to the purchase of any materials, supplies, equipment
3 or contractual services enumerated in the list, the department of administration or
4 any other designated purchasing agent under s. 16.71 (1) shall offer prison industries
5 the opportunity to supply the materials, supplies, equipment or contractual services
6 if the department of corrections is able to provide them at a price comparable to one
7 which may be obtained through competitive bidding or competitive sealed proposals
8 and is able to conform to the specifications, provided the specifications are written
9 in accordance with s. 16.72 (2) (d). If the department of administration or other
10 purchasing agent is unable to determine whether the price of prison industries is
11 comparable, it may solicit bids or competitive proposals before awarding the order
12 or contract. This paragraph does not apply to the printing of the following forms:

13 **SECTION 293.** 16.75 (6) (am) 1. of the statutes is repealed.

14 **SECTION 294.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
15 amended to read:

16 16.75 (6) (am) Subsections (1) and (3t) do not apply to ~~major~~ procurements by
17 the department of electronic government. Annually not later than October 1, the
18 department of electronic government shall report to the department of
19 administration, in the form specified by the secretary, concerning all procurements
20 by the department of electronic government during the preceding fiscal year that
21 were not made in accordance with the requirements of subs. (1) and (3t).

22 **SECTION 295.** 16.75 (6) (c) of the statutes is amended to read:

23 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
24 to do so, he or she may, with the approval of the governor, waive the requirements
25 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual

1 services, other than printing and stationery, from a private source other than a
2 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the
3 purchase is expected to exceed \$25,000, the department shall first publish a class 2
4 notice under ch. 985 or post a notice on the Internet at the site determined or
5 approved by the department under sub. (1) (b) describing the materials, supplies,
6 equipment, or contractual services to be purchased, stating the intent to make the
7 purchase from a private source without soliciting bids or competitive sealed
8 proposals and stating the date on which the contract or purchase order will be
9 awarded. The date of the award shall be at least 7 days after the date of the last
10 insertion or the date of posting on the Internet.

11 **SECTION 296.** 16.751 (1) of the statutes is repealed.

12 **SECTION 297.** 16.751 (2) of the statutes is renumbered 16.751 and amended to
13 read:

14 **16.751 Information technology purchases by investment board.** The
15 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
16 to procurements authorized to be made by the investment board under s. 16.78 (1)
17 for information technology purposes.

18 **SECTION 298.** 16.752 (12) (i) of the statutes is amended to read:

19 16.752 (12) (i) Paragraph (a) does not apply to ~~major procurements, as defined~~
20 in s. 16.75 (6) (am) by the department of electronic government.

21 **SECTION 299.** 16.765 (1) of the statutes is amended to read:

22 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
24 Center Sports and Entertainment Corporation shall include in all contracts executed
25 by them a provision obligating the contractor not to discriminate against any

1 employee or applicant for employment because of age, race, religion, color, handicap,
2 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual
3 orientation as defined in s. 111.32 (13m) or national origin and, except with respect
4 to sexual orientation, obligating the contractor to take affirmative action to ensure
5 equal employment opportunities.

6 **SECTION 300.** 16.765 (2) of the statutes is amended to read:

7 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
8 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
9 Center Sports and Entertainment Corporation shall include the following provision
10 in every contract executed by them: “In connection with the performance of work
11 under this contract, the contractor agrees not to discriminate against any employee
12 or applicant for employment because of age, race, religion, color, handicap, sex,
13 physical condition, developmental disability as defined in s. 51.01 (5), sexual
14 orientation or national origin. This provision shall include, but not be limited to, the
15 following: employment, upgrading, demotion or transfer; recruitment or recruitment
16 advertising; layoff or termination; rates of pay or other forms of compensation; and
17 selection for training, including apprenticeship. Except with respect to sexual
18 orientation, the contractor further agrees to take affirmative action to ensure equal
19 employment opportunities. The contractor agrees to post in conspicuous places,
20 available for employees and applicants for employment, notices to be provided by the
21 contracting officer setting forth the provisions of the nondiscrimination clause”.

22 **SECTION 301.** 16.765 (4) of the statutes is amended to read:

23 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
24 Clinics Authority, the Fox River Navigational System Authority, and the Bradley

1 Center Sports and Entertainment Corporation shall take appropriate action to
2 revise the standard government contract forms under this section.

3 **SECTION 302.** 16.765 (5) of the statutes is amended to read:

4 16.765 (5) The head of each contracting agency and the boards of directors of
5 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
6 Navigational System Authority, and the Bradley Center Sports and Entertainment
7 Corporation shall be primarily responsible for obtaining compliance by any
8 contractor with the nondiscrimination and affirmative action provisions prescribed
9 by this section, according to procedures recommended by the department. The
10 department shall make recommendations to the contracting agencies and the boards
11 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
12 River Navigational System Authority, and the Bradley Center Sports and
13 Entertainment Corporation for improving and making more effective the
14 nondiscrimination and affirmative action provisions of contracts. The department
15 shall promulgate such rules as may be necessary for the performance of its functions
16 under this section.

17 **SECTION 303.** 16.765 (6) of the statutes is amended to read:

18 16.765 (6) The department may receive complaints of alleged violations of the
19 nondiscrimination provisions of such contracts. The department shall investigate
20 and determine whether a violation of this section has occurred. The department may
21 delegate this authority to the contracting agency, the University of Wisconsin
22 Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the
23 Bradley Center Sports and Entertainment Corporation for processing in accordance
24 with the department's procedures.

25 **SECTION 304.** 16.765 (7) (intro.) of the statutes is amended to read:

1 16.765 (7) (intro.) When a violation of this section has been determined by the
2 department, the contracting agency, the University of Wisconsin Hospitals and
3 Clinics Authority, the Fox River Navigational System Authority, or the Bradley
4 Center Sports and Entertainment Corporation, the contracting agency, the
5 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
6 System Authority, or the Bradley Center Sports and Entertainment Corporation
7 shall:

8 **SECTION 305.** 16.765 (7) (d) of the statutes is amended to read:

9 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
10 further violations of this section and to report its corrective action to the contracting
11 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
12 Navigational System Authority, or the Bradley center sports and entertainment
13 corporation.

14 **SECTION 306.** 16.765 (8) of the statutes is amended to read:

15 16.765 (8) If further violations of this section are committed during the term
16 of the contract, the contracting agency, the Fox River Navigational System Authority,
17 or the Bradley Center Sports and Entertainment Corporation may permit the
18 violating party to complete the contract, after complying with this section, but
19 thereafter the contracting agency, the Fox River Navigational System Authority, or
20 the Bradley Center Sports and Entertainment Corporation shall request the
21 department to place the name of the party on the ineligible list for state contracts,
22 or the contracting agency, the Fox River Navigational System Authority, or the
23 Bradley Center Sports and Entertainment Corporation may terminate the contract
24 without liability for the uncompleted portion or any materials or services purchased
25 or paid for by the contracting party for use in completing the contract.

1 **SECTION 307.** 16.78 of the statutes is amended to read:

2 **16.78 Purchases from ~~division of information technology services~~**
3 **department of electronic government.** (1) Every agency other than the board
4 of regents of the University of Wisconsin system and an agency making purchases
5 under s. 16.74 shall ~~purchase all computer~~ make all purchases of materials, supplies,
6 equipment, and contractual services relating to information technology or
7 telecommunications from the ~~division of information technology services~~ in the
8 department of ~~administration~~ electronic government, unless the ~~division~~
9 department of electronic government requires the agency to purchase the materials,
10 supplies, equipment, or contractual services pursuant to a master contract
11 established under s. 22.05 (2) (h), or grants written authorization to the agency to
12 procure the materials, supplies, equipment, or contractual services under s. 16.75 (1)
13 or (2m), to purchase the materials, supplies, equipment, or contractual services from
14 another agency or to provide the materials, supplies, equipment, or contractual
15 services to itself. The board of regents of the University of Wisconsin system may
16 purchase computer services from the division of information technology services
17 make purchases of materials, supplies, equipment, and contractual services relating
18 to information technology or telecommunications from the department of electronic
19 government.

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

24 **SECTION 308.** 16.80 of the statutes is renumbered 22.19.

25 **SECTION 310.** 16.838 (1) (b) of the statutes is amended to read:

1 16.838 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234
2 ~~or, 235, or 237.~~

3 **SECTION 311.** 16.84 (14) of the statutes is amended to read:

4 16.84 (14) Provide interagency mail delivery service for agencies, as defined
5 in s. 16.70 (1). The department may charge agencies for this service. Any moneys
6 collected shall be credited to the appropriation account under s. 20.505 (1) ~~(kd)~~ (kb).

7 **SECTION 312.** 16.845 (1) of the statutes is amended to read:

8 16.845 (1) **RULE; PENALTY.** Except as elsewhere expressly prohibited, the
9 managing authority of any facility owned by the state or by the University of
10 Wisconsin Hospitals and Clinics Authority or leased from the state by the Fox River
11 Navigational System Authority may permit its use for free discussion of public
12 questions, or for civic, social, recreational or athletic activities. No such use shall be
13 permitted if it would unduly burden the managing authority or interfere with the
14 prime use of such facility. The applicant for use shall be liable to the state ~~or, to the~~
15 Fox River Navigational System Authority, or to the University of Wisconsin
16 Hospitals and Clinics Authority for any injury done to its property, for any expense
17 arising out of any such use and for such sum as the managing authority may charge
18 for such use. All such sums payable to the state shall be paid into the general fund
19 and credited to the appropriation account for the operation of the facility used. The
20 managing authority may permit such use notwithstanding the fact that a reasonable
21 admission fee may be charged to the public. Whoever does or attempts to do an act
22 for which a permit is required under this section without first obtaining the permit
23 may be fined not more than \$100 or imprisoned not more than 30 days or both. This
24 subsection applies only to those facilities for which a procedure for obtaining a permit
25 has been established by the managing authority.

1 **SECTION 313.** 16.847 (1) (a) of the statutes is repealed.

2 **SECTION 314.** 16.847 (2) to (7) of the statutes are repealed.

3 **SECTION 315.** 16.847 (8) (a) of the statutes is renumbered 16.847 (8) and
4 amended to read:

5 16.847 (8) REPAYMENT AGREEMENTS. ~~As a condition of receiving a loan under sub-~~
6 ~~(6), an agency shall enter into an agreement to repay the loan from utility expenses~~
7 ~~saved by the energy efficiency project. The agreement shall specify the annual~~
8 ~~repayment amount and the appropriation to which the loan shall be repaid.~~
9 ~~Annually, the~~ The department may annually transfer the specified repayment
10 amount from an appropriation described in the agreement to the same account in
11 repayments under agreements to obtain loans from the energy efficiency fund from
12 which the loan was made under s. 16.847 (6), 1999 stats., from the appropriations
13 specified in the agreements to the general fund. The amount of each annual
14 repayment shall equal the amount of annual savings in utility expenses realized as
15 a result of the energy efficiency project that was funded by a loan. The department
16 shall determine the amount of annual savings in utility expenses saved realized as
17 a result of an energy efficiency project.

18 **SECTION 316.** 16.847 (8) (b) of the statutes is repealed.

19 **SECTION 317.** 16.847 (9) of the statutes is repealed.

20 **SECTION 318.** 16.85 (1) of the statutes is amended to read:

21 16.85 (1) To take charge of and supervise all engineering or architectural
22 services or construction work as defined in s. 16.87 performed by, or for, the state, or
23 any department, board, institution, commission or officer thereof, including
24 nonprofit-sharing corporations organized for the purpose of assisting the state in the
25 construction and acquisition of new buildings or improvements and additions to

1 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
2 engineering, architectural and construction work of the department of
3 transportation, the engineering service performed by the department of commerce,
4 department of revenue, public service commission, department of health and family
5 services and other departments, boards and commissions when the service is not
6 related to the maintenance, and construction and planning of the physical properties
7 of the state, ~~and energy efficiency projects of the energy efficiency program under s.~~
8 ~~16.847. The department shall adopt the architectural and engineering design~~
9 ~~proposed by the state fair park board for any project to be constructed for the board,~~
10 ~~if the design and specifications conform to applicable laws, rules, codes and~~
11 ~~regulations. The department shall not authorize construction work for any state~~
12 ~~office facility in the city of Madison after May 11, 1990, unless the department first~~
13 ~~provides suitable space for a day care center primarily for use by children of state~~
14 ~~employees.~~

15 **SECTION 319.** 16.85 (2) of the statutes is amended to read:

16 16.85 (2) To furnish engineering, architectural, project management and other
17 building construction services whenever requisitions therefor are presented to the
18 department by any agency. The department may deposit moneys received from the
19 provision of these services in the account under s. 20.505 (1) (kc) or in the general
20 fund as general purpose revenue — earned. In this subsection, “agency” means an
21 office, department, independent agency, institution of higher education, association,
22 society or other body in state government created or authorized to be created by the
23 constitution or any law, which is entitled to expend moneys appropriated by law,
24 including the legislature and the courts, but not including an authority created in
25 ch. 231, 233 ~~or~~ 234, or 237.

1 **SECTION 319m.** 16.85 (6) of the statutes is amended to read:

2 16.85 (6) To approve the appointment of a principal engineer or architect for
3 departments, boards and commissions and when such continuous service is needed.
4 No such engineer or architect shall be employed without the written approval of the
5 secretary. ~~This subsection does not apply to the state fair park board.~~

6 **SECTION 319s.** 16.85 (10m) of the statutes is created to read:

7 16.85 (10m) In connection with the planning process for the long-range state
8 building program under sub. (10), to investigate the potential to incorporate and use
9 distributed generation units in any state building project that is expected to involve
10 an expenditure of \$5,000,000 or more. In conducting its investigation, the
11 department shall consider the cost effectiveness of such use, the potential for such
12 use to increase statewide power generation capacity, and the potential for cost
13 savings to be realized by the state from such use. The department shall report the
14 results of its investigation, together with its recommendations and the reasons
15 therefor, to the building commission prior to consideration of the project by the
16 commission. In this subsection, “distributed generation unit” means any form of
17 energy generation that may be used by electric consumers for the generation of
18 electric power.

19 **SECTION 321.** 16.85 (16) of the statutes is created to read:

20 16.85 (16) To review and approve the design and specifications of any
21 rehabilitation or repair project of the Fox River Navigational System Authority on
22 state-owned land, to approve the decision to proceed with the project, and to
23 periodically review the progress of the project during construction to assure
24 compliance with the approved design and specifications.

25 **SECTION 321j.** 16.854 (1) (a) of the statutes is amended to read:

1 16.854 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
2 means a business that is certified by the department of commerce under s. 560.036
3 (2).

4 **SECTION 321m.** 16.855 (19) of the statutes is amended to read:

5 16.855 (19) As the work progresses under any contract for construction the
6 department, from time to time, shall grant to the contractor an estimate of the
7 amount and proportionate value of the work done, which shall entitle the contractor
8 to receive the amount thereof, less the retaining, from the proper fund. On all
9 construction projects, the retainage shall be an amount equal to ~~10%~~ 5% of said
10 estimate until 50% of the work has been completed. At 50% completion, no additional
11 amounts shall be retained, and partial payments shall be made in full to the
12 contractor unless the architect or engineer certifies that the job is not proceeding
13 satisfactorily. At 50% completion or any time thereafter when the progress of the
14 work is not satisfactory, additional amounts may be retained but in no event shall
15 the total retainage be more than ~~10%~~ 5% of the value of the work completed. Upon
16 substantial completion of the work, an amount retained may be paid to the
17 contractor. For the purposes of this section, estimates may include any fabricated
18 or manufactured materials and components specified, previously paid for by
19 contractor and delivered to the work or properly stored and suitable for incorporation
20 in the work embraced in the contract. This subsection does not apply to contracts
21 awarded under s. 16.858.

22 **SECTION 322.** 16.865 (8) of the statutes is amended to read:

23 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
24 proportionate share of the estimated costs attributable to programs administered by
25 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department

1 may charge premiums to agencies to finance costs under this subsection and pay the
2 costs from the appropriation on an actual basis. The department shall deposit all
3 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
4 Costs assessed under this subsection may include judgments, investigative and
5 adjustment fees, data processing and staff support costs, program administration
6 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
7 subsection, "agency" means an office, department, independent agency, institution
8 of higher education, association, society or other body in state government created
9 or authorized to be created by the constitution or any law, which is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in ch. 231, 232, 233, 234 ~~or~~ 235, or 237.

12 **SECTION 322e.** 16.87 (2) of the statutes is amended to read:

13 16.87 (2) A contract for engineering services or architectural services or a
14 contract involving an expenditure of ~~\$2,500~~ \$10,000 or more for construction work,
15 or ~~\$20,000~~ \$30,000 or more for limited trades work, to be done for or furnished to the
16 state or a department, board, commission or officer of the state is exempt from the
17 requirements of ss. 16.705 and 16.75. The department shall attempt to ensure that
18 5% of the total amount expended under this section in each fiscal year is paid to
19 minority businesses, as defined under s. 16.75 (3m) (a).

20 **SECTION 322g.** 16.87 (3) of the statutes is amended to read:

21 16.87 (3) Except as provided in sub. (4), a contract under sub. (2) is not valid
22 or effectual for any purpose until it is endorsed in writing and approved by the
23 secretary or the secretary's designated assistant and, if the contract involves an
24 expenditure over ~~\$30,000~~ \$60,000, approved by the governor. Except as provided in
25 sub. (4), no payment or compensation for work done under any contract involving

1 \$2,500 or more, except a highway contract, may be made unless the written claim is
2 audited and approved by the secretary or the secretary's designee. Any change order
3 to a contract requiring approval under this subsection requires the prior approval by
4 the secretary or the secretary's designated assistant and, if the change order involves
5 an expenditure over ~~\$30,000~~ \$60,000, the approval of the governor.

6 **SECTION 322i.** 16.87 (5) of the statutes is repealed.

7 **SECTION 322m.** 16.95 (16) of the statutes is created to read:

8 16.95 (16) Require public utilities to provide the department with energy
9 billing and use data regarding public schools, if the department determines that the
10 data would facilitate any effort by the department to administer or provide energy
11 assistance for public schools, including any effort to direct energy assistance to public
12 schools with the highest energy costs.

13 **SECTION 324.** 16.957 (2) (a) (intro.) of the statutes is amended to read:

14 16.957 (2) (a) *Low-income programs.* (intro.) After holding a hearing,
15 establish programs to be administered by the department for awarding grants from
16 the appropriation under s. 20.505 ~~(10)~~ (3) (r) to provide low-income assistance. In
17 each fiscal year, the amount awarded under this paragraph shall be sufficient to
18 ensure that an amount equal to 47% of the sum of the following is spent for
19 weatherization and other energy conservation services:

20 **SECTION 325.** 16.957 (2) (b) 1. of the statutes is amended to read:

21 16.957 (2) (b) 1. Subject to subd. 2., after holding a hearing, establish programs
22 for awarding grants from the appropriation under s. 20.505 ~~(10)~~ (3) (s) for each of the
23 following:

24 a. Proposals for providing energy conservation or efficiency services. In
25 awarding grants under this subd. 1. a., the department shall give priority to

1 proposals directed at the sectors of energy conservation or efficiency markets that
2 are least competitive and at promoting environmental protection, electric system
3 reliability, or rural economic development. In each fiscal year, 1.75% of the
4 appropriation under s. 20.505 ~~(10)~~ (3) (s) shall be awarded in grants for research and
5 development proposals regarding the environmental impacts of the electric industry.

6 b. Proposals for encouraging the development or use of customer applications
7 of renewable resources, including educating customers or members about renewable
8 resources or encouraging uses of renewable resources by customers or members or
9 encouraging research technology transfers. In each fiscal year, the department shall
10 ensure that 4.5% of the appropriation under s. 20.505 ~~(10)~~ (3) (s) is awarded in grants
11 under this subd. 1. b.

12 **SECTION 327n.** 16.964 (1) (i) of the statutes is created to read:

13 16.964 (1) (i) From the appropriations under s. 20.505 (6) (kp) and (p), allocate
14 \$250,000 annually to the department of transportation for the purpose of awarding
15 grants under s. 85.53.

16 **SECTION 328g.** 16.964 (4) of the statutes is amended to read:

17 16.964 (4) In regard to any grant the office makes to any local unit of
18 government for which the state is providing matching funds from moneys under s.
19 20.505 (6) (kp), the local unit of government shall provide matching funds equal to
20 at least 10%. This subsection does not apply to grants made to improve the
21 enforcement of laws regarding controlled substances commonly known as club
22 drugs, including ecstasy, and to educate the public regarding the nature and impact
23 of those controlled substances and the criminal penalties that apply to possessing,
24 manufacturing, distributing, or delivering them unlawfully.

25 **SECTION 332.** 16.965 (2) of the statutes is amended to read:

1 16.965 (2) From the ~~appropriation~~ appropriations under ~~s. ss.~~ 20.505 (1) (cm)
2 and (if), the department may provide grants to local governmental units to be used
3 to finance the cost of planning activities, including contracting for planning
4 consultant services, public planning sessions and other planning outreach and
5 educational activities, or for the purchase of computerized planning data, planning
6 software or the hardware required to utilize that data or software. The department
7 shall require any local governmental unit that receives a grant under this section to
8 finance a percentage of the cost of the product or service to be funded by the grant
9 from the resources of the local governmental unit. The department shall determine
10 the percentage of the cost to be funded by a local governmental unit based on the
11 number of applications for grants and the availability of funding to finance grants
12 for the fiscal year in which grants are to be provided. A local governmental unit that
13 desires to receive a grant under this subsection shall file an application with the
14 department. The application shall contain a complete statement of the expenditures
15 proposed to be made for the purposes of the grant. The department shall establish
16 a deadline for receipt of applications. Immediately following the deadline, all
17 applications received by the department are open to public inspection. No local
18 governmental unit is eligible to receive a grant under this subsection unless the local
19 governmental unit agrees to utilize the grant to finance planning for all of the
20 purposes specified in s. ~~66.0295~~ 66.1001 (2).

21
22 **SECTION 342m.** 16.966 (5) of the statutes is created to read:

23 16.966 (5) Notwithstanding s. 16.705 (1), the department shall enter into a
24 contract for the operation and maintenance of the land information system under s.
25 16.967 (6m).

1 **SECTION 342n.** 16.966 (5) of the statutes, as created by 2001 Wisconsin Act ...
2 (this act), is repealed.

3 **SECTION 343m.** 16.967 (6) of the statutes, as affected by 1997 Wisconsin Act 27,
4 section 141am, is amended to read:

5 16.967 (6) REPORTS. By March 31, ~~1990, and biennially thereafter~~ of each year,
6 the department of administration, the department of agriculture, trade and
7 consumer protection, the department of commerce, the department of health and
8 family services, the department of natural resources, the department of tourism, the
9 department of revenue, the department of transportation, the board of regents of the
10 University of Wisconsin System, the public service commission and the board of
11 curators of the historical society shall each submit to the board a plan to integrate
12 land information to enable such information to be readily translatable, retrievable
13 and geographically referenced for use by any state, local governmental unit or public
14 utility. The plans shall include the information that will be needed by local
15 governmental units to prepare comprehensive plans containing the planning
16 elements required under s. 66.1001 (2). Upon receipt of this information, the board
17 shall integrate the information to enable the information to be used to meet land
18 information data needs. The integrated information shall be readily translatable,
19 retrievable, and geographically referenced to enable members of the public to use the
20 information.

21 **SECTION 343p.** 16.967 (6) of the statutes, as affected by 2001 Wisconsin Act ...
22 (this act), is amended to read:

23 16.967 (6) REPORTS. By March 31 of each year, the department of
24 administration, the department of agriculture, trade and consumer protection, the
25 department of commerce, the department of forestry, the department of health and

1 family services, the department of natural resources, the department of tourism, the
2 department of revenue, the department of transportation, the board of regents of the
3 University of Wisconsin System, the public service commission and the board of
4 curators of the historical society shall each submit to the board a plan to integrate
5 land information to enable such information to be readily translatable, retrievable
6 and geographically referenced for use by any state, local governmental unit or public
7 utility. The plans shall include the information that will be needed by local
8 governmental units to prepare comprehensive plans containing the planning
9 elements required under s. 66.1001 (2). Upon receipt of this information, the board
10 shall integrate the information to enable the information to be used to meet land
11 information data needs. The integrated information shall be readily translatable,
12 retrievable, and geographically referenced to enable members of the public to use the
13 information.

14 **SECTION 343r.** 16.967 (6m) of the statutes is created to read:

15 16.967 (6m) STATE LAND INFORMATION SYSTEM. The board shall promulgate rules
16 governing the creation and maintenance of a state land information system.

17 **SECTION 343t.** 16.967 (7) (a) 5. of the statutes is created to read:

18 16.967 (7) (a) 5. To support technological developments and improvements for
19 the purpose of providing Internet accessible housing assessment and sales data.

20 **SECTION 345.** Subchapter VII (title) of chapter 16 [precedes 16.97] of the
21 statutes is amended to read:

22 **CHAPTER 16**

23 **SUBCHAPTER VII**

24 **INFORMATION EDUCATIONAL**

25 **TECHNOLOGY**

1 **SECTION 346.** 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and
2 amended to read:

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

4 **SECTION 347.** 16.97 (1) to (9) of the statutes are renumbered 22.01 (1) to (9).

5 **SECTION 348.** 16.97 (10) of the statutes is renumbered 16.97 and amended to
6 read:

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

10 **SECTION 349.** 16.971 (title) of the statutes is renumbered 22.03 (title).

11 **SECTION 350.** 16.971 (1) of the statutes is repealed.

12 **SECTION 351.** 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and
13 amended to read:

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

1 **SECTION 352.** 16.971 (2) (intro.) of the statutes is renumbered 22.03 (2) (intro.)
2 and amended to read:

3 22.03 (2) (intro.) The ~~division~~ department shall:

4 **SECTION 353.** 16.971 (2) (a) of the statutes is renumbered 22.03 (2) (ae) and
5 amended to read:

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

14 **SECTION 354.** 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2)
15 (am) to (k).

16 **SECTION 355.** 16.971 (2) (L) to (m) of the statutes are renumbered 22.03 (2) (L)
17 to (m) and amended to read:

18 22.03 (2) (L) Require each executive branch agency, other than the board of
19 regents of the University of Wisconsin System, to adopt, ~~revise biennially, and~~
20 ~~submit for its approval, to the department, in a form specified by the department, no~~
21 later than March 1 of each year, a strategic plan for the utilization of information
22 technology to carry out the functions of the agency. ~~As a part of each plan, the division~~
23 ~~shall require each executive branch agency to address the business needs of the~~
24 ~~agency and to identify all proposed information technology development projects~~
25 ~~that serve those business needs, the priority for undertaking such projects and the~~

1 justification for each project, including the anticipated benefits of the project. Each
2 plan shall identify any changes in the functioning of the agency under the plan. The
3 division shall consult with the joint committee on information policy and technology
4 in providing guidance for and scheduling of planning by executive branch agencies
5 in the succeeding fiscal year for review and approval under s. 22.13.

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

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

23 **SECTION 355m.** 16.971 (2) (n) of the statutes is renumbered 22.03 (2) (n) and
24 amended to read:

1 22.03 (2) (n) Maintain an information technology resource center to provide
2 appropriate technical assistance and training to small agencies. If funding is made
3 available to the ethics board under this paragraph, the department shall permit the
4 ethics board to utilize the funding to procure technical assistance or training from
5 any source.

6 **SECTION 356.** 16.971 (2m) of the statutes is renumbered 22.03 (2m).

7 **SECTION 357ab.** 16.971 (3) of the statutes is renumbered 22.03 (3) and
8 amended to read:

9 22.03 (3) (a) The ~~secretary~~ chief information officer shall notify the joint
10 committee on finance in writing of the proposed acquisition of any information
11 technology resource that the department considers major or that is likely to result
12 in a substantive change of service, and that was not considered in the regular
13 budgeting process and is to be financed from general purpose revenues or
14 corresponding revenues in a segregated fund. If the cochairpersons of the committee
15 do not notify the ~~secretary~~ chief information officer that the committee has scheduled
16 a meeting for the purpose of reviewing the proposed acquisition within 14 working
17 days after the date of the ~~secretary's~~ officer's notification, the department may
18 approve acquisition of the resource. If, within 14 working days after the date of the
19 ~~secretary's~~ officer's notification, the cochairpersons of the committee notify the
20 ~~secretary~~ officer that the committee has scheduled a meeting for the purpose of
21 reviewing the proposed acquisition, the department shall not approve acquisition of
22 the resource unless the acquisition is approved by the committee.

23 (b) The ~~secretary~~ chief information officer shall promptly notify the joint
24 committee on finance in writing of the proposed acquisition of any information
25 technology resource that the department considers major or that is likely to result

1 in a substantive change in service, and that was not considered in the regular
2 budgeting process and is to be financed from program revenues or corresponding
3 revenues from program receipts in a segregated fund.

4 **SECTION 358.** 16.971 (4) of the statutes is renumbered 22.03 (4).

5 **SECTION 358m.** 16.971 (6) of the statutes is renumbered 22.03 (6).

6 **SECTION 359.** 16.971 (9) of the statutes is renumbered 22.03 (9) and amended
7 to read:

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

17 **SECTION 360.** 16.971 (11) of the statutes is renumbered 22.03 (11) and amended
18 to read:

19 22.03 (11) The ~~division~~ department may charge executive branch agencies for
20 information technology development and management services provided to them by
21 the ~~division~~ department under this section.

22 **SECTION 361.** 16.973 (title) of the statutes is renumbered 22.05 (title) and
23 amended to read:

24 **22.05 (title) Powers of the ~~division of information technology services~~**
25 **department.**

1 **SECTION 362.** 16.973 (1) (intro.) and (b) to (d) of the statutes are renumbered
2 22.05 (1) (intro.) and (b) to (d).

3 **SECTION 363.** 16.973 (1) (a) of the statutes is renumbered 22.05 (1) (ag).

4 **SECTION 364.** 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered
5 22.05 (2) (intro.) and (a) to (d) and amended to read:

6 22.05 (2) (intro.) The ~~division of information technology services~~ department
7 may:

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

10 (b) Provide such computer services and telecommunications services to local
11 governmental units and the broadcasting corporation and provide such
12 telecommunications services to qualified private schools, postsecondary
13 institutions, museums and zoos, as the ~~division~~ department considers to be
14 appropriate and as the ~~division~~ department can efficiently and economically provide.

15 The ~~division~~ department may exercise this power only if in doing so it maintains the
16 services it provides at least at the same levels that it provides prior to exercising this
17 power and it does not increase the rates chargeable to users served prior to exercise
18 of this power as a result of exercising this power. The ~~division~~ department may
19 charge local governmental units, the broadcasting corporation, and qualified private
20 schools, postsecondary institutions, museums and zoos, for services provided to them
21 under this paragraph in accordance with a methodology determined by the ~~secretary~~
22 chief information officer. Use of telecommunications services by a qualified private
23 school or postsecondary institution shall be subject to the same terms and conditions
24 that apply to a municipality using the same services. The ~~division~~ department shall

1 prescribe eligibility requirements for qualified museums and zoos to receive
2 telecommunications services under this paragraph.

3 (c) Provide such supercomputer services to agencies, local governmental units
4 and entities in the private sector as the ~~division~~ department considers to be
5 appropriate and as the ~~division~~ department can efficiently and economically provide.
6 The ~~division~~ department may exercise this power only if in doing so it maintains the
7 services it provides at least at the same levels that it provides prior to exercising this
8 power and it does not increase the rates chargeable to users served prior to exercise
9 of this power as a result of exercising this power. The ~~division~~ department may
10 charge agencies, local governmental units and entities in the private sector for
11 services provided to them under this paragraph in accordance with a methodology
12 determined by the ~~secretary~~ chief information officer.

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

21 **SECTION 365.** 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

22 **SECTION 366.** 16.974 (intro.) of the statutes is amended to read:

23 **16.974 Duties of the ~~division of information technology services~~**
24 **department.** (intro.) The ~~division of information technology services~~ department
25 shall:

1 **SECTION 367.** 16.974 (1) of the statutes is renumbered 22.07 (1) and amended
2 to read:

3 **22.07 (1)** Provide or contract with a public or private entity to provide computer
4 services to agencies. The ~~division~~ department may charge agencies for services
5 provided to them under this subsection in accordance with a methodology
6 determined by the ~~secretary~~ chief information officer.

7 **SECTION 368.** 16.974 (3) of the statutes is renumbered 22.07 (3).

8 **SECTION 369.** 16.974 (4) to (6) of the statutes are renumbered 22.07 (4) to (6)
9 and amended to read:

10 **22.07 (4)** Ensure responsiveness to the needs of agencies for delivery of
11 high-quality information technology processing services on an efficient and
12 economical basis, while not unduly affecting the privacy of individuals who are the
13 subjects of the information being processed by the ~~division~~ department.

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

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

21 **SECTION 370.** 16.974 (7) (a) of the statutes is renumbered 16.974 (1) and
22 amended to read:

23 **16.974 (1)** Coordinate with the technology for educational achievement in
24 Wisconsin board to provide secured correctional facilities, as defined in s. 44.70 (3r),
25 school districts and cooperative educational service agencies with

1 telecommunications access under s. 44.73 and contract with telecommunications
2 providers to provide such access.

3 **SECTION 371b.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2)
4 to (4), and 16.974 (4), as renumbered, is amended to read:

5 16.974 (4) Coordinate with the technology for educational achievement in
6 Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired
7 and the Wisconsin School Educational Services Program for the Deaf and Hard of
8 Hearing with telecommunications access under s. 44.73 and contract with
9 telecommunications providers to provide such access.

10 **SECTION 372.** 16.975 of the statutes is renumbered 22.11 and amended to read:

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

24 **SECTION 373.** 16.979 of the statutes is renumbered 16.006.

1 **SECTION 374.** Subchapter IX (title) of chapter 16 [precedes 16.99] of the
2 statutes is repealed.

3 **SECTION 375.** 16.99 (title) of the statutes is renumbered 22.41 (title).

4 **SECTION 376.** 16.99 (1) of the statutes is repealed.

5 **SECTION 377.** 16.99 (2) (intro.) and (a) of the statutes are renumbered 22.41 (2)
6 (intro.) and (a) and amended to read:

7 **22.41 (2) (intro.) POWERS AND DUTIES.** (intro.) The department shall ensure
8 maximum utility, cost-benefit and operational efficiency of all telecommunications
9 systems and activities of this state, and those which interface with cities, counties,
10 villages, towns, other states and the federal government. The department, with the
11 assistance and cooperation of all other ~~departments~~ agencies, shall:

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

17 **SECTION 378.** 16.99 (2) (b) to (e) of the statutes are renumbered 22.41 (2) (b) to
18 (e).

19 **SECTION 379.** 16.99 (2) (f) of the statutes is renumbered 22.41 (2) (f) and
20 amended to read:

21 **22.41 (2) (f)** Perform the functions of agency telecommunications officer for
22 those ~~departments~~ agencies with no designated focal point for telecommunications
23 planning, coordination, technical review and procurement.

24 **SECTION 380.** 16.99 (3) of the statutes is renumbered 22.41 (3).

25 **SECTION 381.** 17.15 (4) of the statutes is repealed.

1 **SECTION 382.** 17.27 (1r) of the statutes is repealed.

2 **SECTION 382b.** 18.561 (5) of the statutes is amended to read:

3 18.561 (5) REDEMPTION FUND. The proportion which shall be set aside for the
4 payment of the principal and interest on the enterprise obligations shall from month
5 to month as they accrue and are received, be set apart and paid into a separate fund
6 in the treasury or in an account maintained by a trustee appointed for that purpose
7 in the authorizing resolution to be identified as “the ... redemption fund”. Each
8 redemption fund shall be expended, and all moneys from time to time on hand
9 therein are irrevocably appropriated, in sums sufficient, only for the payment of
10 principal and interest on the enterprise obligations giving rise to it and premium, if
11 any, due upon redemption of any such obligations, and for other obligations that are
12 secured by the property or income, or both, of the enterprise or program. Moneys in
13 the redemption funds may be commingled only for the purpose of investment with
14 other public funds, but they shall be invested only in investment instruments
15 permitted in s. 25.17 (3) (dr). All such investments shall be the exclusive property
16 of the fund and all earnings on or income from such investments shall be credited to
17 the fund.

18 **SECTION 382e.** 18.562 (3) of the statutes is amended to read:

19 18.562 (3) REDEMPTION FUND. The special fund revenues that are to be set aside
20 for the payment of the principal and interest of the special fund obligations shall be
21 paid into a separate fund in the treasury or in an account maintained by a trustee
22 appointed for that purpose in the authorizing resolution to be identified as “the ...
23 redemption fund”. Each redemption fund shall be expended, and all moneys from
24 time to time on hand therein are irrevocably appropriated, in sums sufficient, only
25 for the payment of principal and interest on the special fund obligations giving rise

1 to it and premium, if any, due upon redemption of any such obligations, and for other
2 obligations that are secured by any fees, penalties, or excise taxes deposited in the
3 special fund. Moneys in the redemption funds may be commingled only for the
4 purpose of investment with other public funds, but they shall be invested only in
5 investment instruments permitted in s. 25.17 (3) (dr). All such investments shall be
6 the exclusive property of the fund and all earnings on or income from such
7 investments shall be credited to the fund.

8 **SECTION 382h.** 18.57 (1) of the statutes is amended to read:

9 18.57 (1) A separate and distinct fund shall be established in the state treasury
10 or in an account maintained by a trustee appointed for that purpose by the
11 authorizing resolution with respect to each revenue-producing enterprise or
12 program the income from which is to be applied to the payment of any enterprise
13 obligation. A separate and distinct fund shall be established in the state treasury
14 or in an account maintained by a trustee appointed for that purpose by the
15 authorizing resolution with respect to any special fund that is created by the
16 imposition of fees, penalties or excise taxes and is applied to the payment of special
17 fund obligations. All moneys resulting from the issuance of evidences of revenue
18 obligation shall be credited to the appropriate fund ~~or~~, applied for refunding or note
19 renewal purposes, or to make deposits to reserve funds, except that moneys which
20 represent premium or accrued interest received on the issuance of evidences shall
21 be credited to the appropriate redemption fund.

22 **SECTION 382L.** 18.57 (2) of the statutes is amended to read:

23 18.57 (2) Moneys in such funds may be expended, pursuant to appropriations,
24 only for the purposes and in the amounts for which borrowed, for the payment of the