



(DNOTE)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1857/2
JTK:kmg:kjf

Wanted by ~~Mar 2/5, 7:20 AM~~

DOA:.....Caucutt - Department of ~~information services~~ ^{electronic government}

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Sunday, 2/4/01

→ LPS: Editor. ~~7/2~~
note: a few refs. to DOIS are ~~not~~ changed to DEG. Do not replace.

1 ^{DON'T GEN. CAT.} AN ACT ^{electronic government} relating to: creation of a department of information technology and
2 making appropriations.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT ^{most} ^{electronic government (DEG)}

This bill creates a department of ~~information services (DOIS)~~ ^{most} ^{electronic government (DEG)}. The bill transfers ~~all~~ existing functions of DOA relating to information technology and telecommunications to ~~DOIS~~ ^{DEG} and creates a number of new functions for ~~DOIS~~ ^{DEG}. The bill grants ~~DOIS~~ ^{DEG} broad powers to manage the state's information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the "chief information officer." The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of ~~DOIS~~ ^{DEG}. The staff includes a deputy, executive assistant, and three division administrators appointed outside the classified service.

The bill also creates an information technology management board which is attached to ~~DOIS~~ ^{DEG}. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other ~~public officers or employees~~ ^{members} appointed by the governor. The two ~~public officers or employees~~ ^{members} serve for staggered four-year terms. The board advises ~~DOIS~~ ^{DEG}, monitors progress in attaining the state's information technology goals, and hears appeals by executive branch agencies of actions of the officer. The board may affirm, modify, or set aside any such action.

other members

The officer's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-2001).

without senate confirmation

2000-013

retains the attachment of the

Currently, the technology for educational achievement in Wisconsin (TEACH) board is attached to DOA. The TEACH board provides grants, loans, and other assistance to schools and other educational institutions in this state to aid in the installation of educational technology equipment and for the training of educators to use the technology. This bill attaches the TEACH board to ~~DOA~~ and makes purchases of materials, supplies, equipment, or services by the TEACH board subject to the approval of ~~DOA~~. *DEG*

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The bill directs ~~DOA~~, with the assistance of executive branch agencies and the advice of the board, to manage the information technology portfolio of state government to meet specified criteria. The portfolio includes information technology systems, applications, infrastructure and information resources, and human resources devoted to developing and maintaining information technology systems.

Currently, executive branch agencies are required to prepare, revise, and submit annually to DOA, for its approval, an information technology strategic plan that details how the agency plans to use information technology to serve its needs and those of its clients. This bill makes proposed strategic plans of executive branch agencies subject to approval of the chief information officer, with the advice of the board. The bill precludes the secretary of administration from including in the biennial budget compilation for presentation to the governor provision for development or implementation of any information technology project that is not consistent with the approved strategic plan of the agency.

DEG The bill permits ~~DOA~~ to acquire, operate, or maintain any information technology equipment or systems required by ~~DOA~~ to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, ~~DOA~~ may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided and may also charge legislative and judicial agencies for these costs as a component of any services provided by ~~DOA~~ to these agencies. The bill also permits ~~DOA~~ to assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected agency. The bill permits ~~DOA~~ to charge any executive branch agency for its reasonable costs incurred on behalf of the agency in carrying out this function.

Currently, DOA must provide computer services to state agencies in the executive, legislative, and judicial branches. DOA may also provide telecommunications services to those agencies and computer or telecommunications services to local governments and private schools, postsecondary institutions, museums, and zoos. DOA may also provide supercomputer services to state agencies, local governments, and entities in the private sector. Under this bill, ~~DOA~~ may enter into an agreement to provide computer services to any entity in the private sector. ~~DOA~~ may also develop and operate or maintain any system or device facilitating Internet or telephone access to information about programs of agencies or entities in the private sector by means of electronic communication and may assess or charge agencies and entities in the private sector for its costs of

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development, operation, or maintenance on the same basis that ~~DOIS~~^{DEG} assesses or charges for information technology equipment or systems.

The bill appropriates to ~~DOIS~~^{DEG} all revenues received from assessments or charges, without limitation, for the purpose of carrying out its functions. The bill also appropriates general purpose revenue to ~~DOIS~~^{DEG} equivalent to the depreciated value of its equipment.

Currently, the number of full-time equivalent (FTE) positions for each state agency within each revenue source is fixed by law or by the governor, JCF, or the legislature in budget determinations. Program-revenue funded positions may be adjusted by the governor with the concurrence of JCF and federally funded positions may be adjusted by the governor alone. This bill permits the chief information officer to transfer any number of FTE positions having responsibilities related to information technology or telecommunications from any executive branch agency to ~~DOIS~~^{DEG}, or any other executive branch agency and to transfer the funding source for any position from one source to another for the purpose of carrying out the functions of ~~DOIS~~^{DEG}. Upon transfer of any position, the incumbent in that position is also transferred without loss of pay, fringe benefits, or seniority privileges. Under the bill, the secretary of administration provides to JCF a quarterly report of the position changes made by the chief information officer. The bill also permits the officer to transfer moneys from the appropriation account for any appropriation made to an executive branch agency, without the consent of the agency, for the purpose of facilitating more efficient and effective funding of information technology or electronic communications resources within the executive branch of state government. Under the bill, any transfer of positions or funding may not be made if it would be inconsistent with state or federal law or any requirement imposed by the federal government as a condition to receipt of aids by this state.

except a
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appropriation

Currently, every executive branch agency, other than the board of regents of the UW system, is required to purchase computer services from DOA, unless DOA grants permission to the agencies to procure the services from a private source or from another agency, or to provide the services to itself. This bill provides that every executive branch agency, including the board of regents of the UW system, must purchase all materials, equipment, supplies, and services relating to information technology or telecommunications from ~~DOIS~~^{DEG}, unless ~~DOIS~~^{DEG} grants permission to the agency to procure the materials, supplies, equipment, or services from a private source or from another agency, or to provide the materials, supplies, equipment, or services to itself.

Currently, subject to numerous exceptions, state agencies are generally required to make purchases through solicitation of bids or competitive sealed proposals preceded by public notice, and to allow DOC the opportunity to provide the materials, supplies, equipment, or services under certain conditions if DOC is able to do so. These requirements do not apply to purchases by the division of information technology services of DOA relating to the functions of the division. This bill provides that these requirements do not apply to purchases of any materials, supplies, equipment, or services by ~~DOIS~~^{DEG}.

DEG

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to ~~DOA~~ to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

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

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

1 **SECTION 1.** 13.101 (14) of the statutes is amended to read:

2 13.101 (14) With the concurrence of the joint committee on information policy

3 and technology, direct the department of administration ~~information services~~ ^{electronic government} to

4 report to the committee concerning any specific information technology system

5 project in accordance with s. 13.58 (5) (b) 4.

6 **SECTION 2.** 13.58 (5) (a) 5. of the statutes is amended to read:

7 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of

8 ~~administration information services~~ ^{electronic government}, the joint committee on legislative organization

9 and the director of state courts, review and transmit comments concerning the plans

10 to the entities submitting the plans.

11 **SECTION 3.** 13.58 (5) (b) 1. of the statutes is amended to read:

12 13.58 (5) (b) 1. Direct the subunit in the department of ~~administration with~~ ^{electronic government}

13 ~~policy-making responsibility related to information technology~~ ^{information services}

14 to conduct studies or prepare reports on items related to the committee's duties under

15 par. (a).

16 **SECTION 4.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

1 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
2 direct the department of administration ^{electronic government} ~~information services~~ to report semiannually
3 to the committee and the joint committee on finance concerning any specific
4 information technology system project which is being designed, developed, tested or
5 implemented and which the committees anticipate will have a total cost to the state
6 exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The report
7 shall include all of the following:

8 **SECTION 5.** 13.90 (6) of the statutes is amended to read:

9 13.90 (6) The joint committee on legislative organization shall adopt, revise
10 biennially and submit to the cochairpersons of the joint committee on information
11 policy and technology, the governor and the ~~secretary of administration~~ chief
12 information officer, no later than September 15 of each even-numbered year, a
13 strategic plan for the utilization of information technology to carry out the functions
14 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
15 shall address the business needs of the legislature and legislative service agencies
16 and shall identify all resources relating to information technology which the
17 legislature and legislative service agencies desire to acquire, contingent upon
18 funding availability, the priority for such acquisitions and the justification for such
19 acquisitions. The plan shall also identify any changes in the functioning of the
20 legislature and legislative service agencies under the plan.

21 **SECTION 6.** 13.93 (2) (h) of the statutes is amended to read:

22 13.93 (2) (h) Approve specifications and scheduling for computer databases
23 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
24 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

25 **SECTION 7.** 14.20 (1) (a) of the statutes is amended to read:

1 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
2 (7).

3 SECTION 8. 15.07 (2) (L) of the statutes is created to read:

4 15.07 (2) (L) The governor shall serve as chairperson of the information
5 technology management board and the chief information officer shall serve as vice
6 chairperson of that board.

7 SECTION 9. 15.07 (3) (bm) 4. of the statutes is created to read:

8 15.07 (3) (bm) 4. The information technology management board shall meet at
9 least 4 times each year and may meet at other times on the call of the chairperson.

10 SECTION 10. 15.103 (3) of the statutes is repealed.

11 SECTION 11. 15.103 (5) of the statutes is repealed.

12 SECTION 12. 15.105 (25) (intro.) of the statutes is renumbered 15.235 (2) (intro.)
13 and amended to read:

14 15.235 (2) TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD.
15 (intro.) There is created a technology for educational achievement in Wisconsin
16 board which is attached to the department of ~~administration~~ information services
17 under s. 15.03. The board shall consist of the state superintendent of public
18 instruction or his or her designee, the ~~secretary of administration~~ chief information
19 officer or his or her designee and the following members appointed for 4-year terms:

20 SECTION 13. 15.105 (25) (a) to (c) of the statutes are renumbered 15.235 (2) (a)
21 to (c).

22 SECTION 14. 15.107 (7) (f) of the statutes is amended to read:

23 15.107 (7) (f) A representative of the unit in the department of administration
24 that deals with information technology ^{electronic government} ~~information services~~

25 SECTION 15. ~~15.231~~ of the statutes is created to read:

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electronic government
~~15.23~~ Department of ~~information services~~; creation. There is created a department of *electronic government* information services under the direction and supervision of the secretary of *electronic government* information services, who shall be known as the "chief information officer."

~~15.235~~ 15.215
 SECTION 16. ~~15.235~~ of the statutes is created to read:

~~15.235~~ *15.215* Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an information technology management board which is attached to the department of *electronic government* information services under s. 15.03. The board shall consist of the governor, the chief information officer, the secretary of administration, 2 heads of departments or independent agencies appointed to serve at the pleasure of the governor, and 2 *other members* public officers or employees appointed to serve for 4-year terms.

SECTION 17. 16.43 of the statutes is amended to read:

16.43 Budget compiled. The secretary shall compile and submit to the governor or the governor-elect and to each person elected to serve in the legislature during the next biennium, not later than November 20 of each even-numbered year, a compilation giving all of the data required by s. 16.46 to be included in the state budget report, except the recommendations of the governor and the explanation thereof. The secretary shall not include in the compilation any provision for the development or implementation of an information technology development project for an executive branch agency that is not consistent with the strategic plan of the agency, as approved under s. 22.13.

SECTION 18. 16.50 (3) of the statutes is amended to read:

16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employee, expend money or incur any obligation except in accordance with the estimate that is submitted to

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

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

6 **SECTION 19.** 16.505 (1) (intro.) of the statutes is amended to read:

7 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) and (2n), no
8 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
9 created or abolished unless authorized by one of the following:

10 **SECTION 20.** 16.505 (2e) of the statutes is created to read:

11 16.505 (2e) (a) In this subsection, "executive branch agency" has the meaning
12 given in s. 16.70 (4).

13 (b) 1. In addition to the procedure under sub. (2), the chief information officer
14 may, unless otherwise required by state or federal law or unless otherwise required
15 by the federal government as a condition to receipt of aids by this state, transfer any
16 whole or fractional number of authorized full-time equivalent positions having
17 responsibilities related to information technology or telecommunications functions
18 from any executive branch agency to the department of ~~information services~~ ^{electronic government} or
19 another executive branch agency, or may transfer the funding source for any such
20 positions within the appropriations made to an executive branch agency, for the
21 purpose of carrying out the authorized functions of the department of ~~information~~
22 ~~services~~ ^{electronic government}. The chief information officer may also change the funding source, in whole
23 or in part, for any position transferred to the department of ~~information services~~ ^{electronic government} or
24 another executive branch agency under this paragraph. The chief information
25 officer may also rescind any previous action under this subdivision. If the funding

1 source for any position is changed under this subdivision and the transfer or change
2 in funding sources is rescinded, the funding source for that position reverts to the
3 original funding source. The number of authorized full-time equivalent positions for
4 the department of ~~information services~~ ^{electronic government} or any other executive branch agency from
5 which or to which positions are transferred under this subdivision and the allocation
6 of full-time equivalent positions to the department of ~~information services~~ ^{electronic government} and other
7 executive branch agencies among funding sources is adjusted to reflect the transfer
8 on the date on which the transfer is made.

9 2. On the effective date of any transfer of employees between executive branch
10 agencies under subd 1., any incumbent in a position that is affected by the transfer
11 is transferred to the appropriate executive branch agency required to effect the
12 transfer. Employees transferred under this paragraph have all of the rights and the
13 same status under subch. V of ch. 111 and ch. 230 in the executive branch agency to
14 which they are transferred that they enjoyed in the executive branch agency by
15 which they were employed immediately prior to the transfer. Notwithstanding s.
16 230.28 (4), no employee so transferred who has attained permanent status in class
17 may be required to serve a probationary period in the position to which the employee
18 is transferred.

19 3. Promptly following the completion of each calendar quarter, the chief
20 information officer shall report to the secretary the number of position changes made
21 by the chief information officer during the preceding calendar quarter; itemized for
22 each executive branch agency and funding source and, if applicable, the specific
23 appropriations from which funding for any position was provided or from which
24 funding for any position was deleted.

25 SECTION 21. 16.517 of the statutes is amended to read:

1 **16.517 Adjustments of program revenue positions and funding levels.**

2 No later than 30 days after the effective date of each biennial budget act, the
3 department shall provide to the joint committee on finance a report indicating any
4 initial modifications that are necessary to the appropriation levels established under
5 that act for program revenue and program revenue-service appropriations as
6 defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions
7 funded from program revenue and program revenue-service appropriations
8 authorized by that act to account for any additional funding or positions authorized
9 under s. 16.505 (2), (2e), or (2m) or 16.515 in the fiscal year immediately preceding
10 the fiscal biennium of the budget that have not been included in authorizations
11 under the biennial budget act but which should be included as continued budget
12 authorizations in the fiscal biennium of the budget. Such modifications shall be
13 limited to adjustment of the appropriation or position levels to the extent required
14 to account for higher base levels for the fiscal year immediately preceding the fiscal
15 biennium of the budget due to appropriation or position increases authorized under
16 s. 16.505 (2), (2e), or (2m) or 16.515 during the fiscal year immediately preceding the
17 fiscal biennium of the budget. If the cochairpersons of the committee do not notify
18 the secretary that the committee has scheduled a meeting for the purpose of
19 reviewing the proposed modifications within 14 working days after the date of
20 receipt of the department's report, the department may make the modifications
21 specified in the report. If, within 14 working days after the date of the department's
22 report, the cochairpersons of the committee notify the secretary that the committee
23 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
24 department may not make the modifications specified in the report until the
25 committee approves the report.

1 **SECTION 22.** 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

2 **SECTION 23.** 16.52 (1), (2) and (3) of the statutes are amended to read:

3 16.52 (1) ~~KEEP SEPARATE ACCOUNTS~~ ACCOUNTS OF MONEYS AND FUNDS. ~~Keep~~ The
4 department shall keep in its office separate accounts of the revenues and funds of the
5 state, and of all moneys and funds received or held by the state, and also of all
6 encumbrances, expenditures, disbursements and investments thereof, showing the
7 particulars of every encumbrance, expenditure, disbursement and investment.

8 (2) **REVENUE ACCOUNTS.** ~~Place~~ The department shall place revenue estimates
9 on the books of accounts and credit actual receipts against them as of the last day of
10 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior
11 fiscal year received between the day after the date for closing of books specified by
12 the secretary under sub. (5) (a) and the next succeeding such date specified by the
13 secretary shall be credited by the secretary to the fiscal year following the year to
14 which the receipts apply. Except in the case of program revenue and continuing
15 appropriations, any refund of a disbursement to a general purpose revenue
16 appropriation, applicable to any prior fiscal year, received between these dates may
17 not be credited to any appropriation but shall be considered as a nonappropriated
18 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not
19 available for expenditure, whether or not applied to the fiscal year in which received.

20 (3) ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
21 keep separate accounts of all appropriations authorizing expenditures from the state
22 treasury, which accounts shall show the amounts appropriated, the amounts
23 allotted, the amounts encumbered, the amounts expended, the allotments
24 unencumbered and the unallotted balance of each appropriation.

25 **SECTION 24.** 16.52 (12) of the statutes is amended to read:

1 **16.52 (12) DATE FOR INTERFUND TRANSFERS.** Whenever it is provided by law for
2 a transfer of moneys to be made from one fund to another fund and no date is specified
3 for the transfer to be made, the department shall determine a date on which the
4 transfer shall be made or provide for partial transfers to be made on different dates,
5 and transfer the moneys in accordance with its determination.

6 **SECTION 25.** 16.52 (13) of the statutes is created to read:

7 **16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS**
8 **TRANSFERS.** The department shall execute transfers between appropriation accounts
9 authorized under s. 22.09 (4) upon the direction of the chief information officer.

10 **SECTION 26.** 16.61 (2) (af) of the statutes is amended to read:

11 **16.61 (2) (af)** "Form" has the meaning specified in s. ~~16.97~~ 22.01 (5p).

12 **SECTION 27.** 16.61 (3n) of the statutes is amended to read:

13 **16.61 (3n) EXEMPT FORMS.** The board may not receive or investigate complaints
14 about the forms specified in s. ~~16.971~~ 22.03 (2m).

15 **SECTION 28.** 16.70 (4m) of the statutes is created to read:

16 **16.70 (4m)** "Information technology" has the meaning given in s. 22.01 (6).

17 **SECTION 29.** 16.70 (15) of the statutes is created to read:

18 **16.70 (15)** "Telecommunications" has the meaning given in s. 22.01 (10).

19 **SECTION 30.** 16.71 (1) of the statutes is amended to read:

20 **16.71 (1)** Except as otherwise required under this section and s. 16.78 or as
21 authorized in s. 16.74, the department shall purchase and may delegate to special
22 designated agents the authority to purchase all necessary materials, supplies,
23 equipment, all other permanent personal property and miscellaneous capital, and
24 contractual services and all other expense of a consumable nature for all agencies.
25 In making any delegation, the department shall require the agent to adhere to all

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1 requirements imposed upon the department in making purchases under this
2 subchapter. All materials, services and other things and expense furnished to any
3 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
4 of the agency to which furnished.

5 SECTION 31. 16.71 (2m) of the statutes is created to read:

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

11 SECTION 32. 16.71 (4) of the statutes is amended to read:

12 16.71 (4) ~~The~~ ^{electronic government} ~~With the approval of the department of information services, the~~
13 department of administration shall delegate authority to the technology for
14 educational achievement in Wisconsin board to make purchases of educational
15 technology equipment for use by school districts, cooperative educational service
16 agencies and public educational institutions in this state, upon request of the board.

17 SECTION 33. 16.72 (2) (a) of the statutes is amended to read:

18 16.72 (2) (a) The department of administration shall prepare standard
19 specifications, as far as possible, for all state purchases. By "standard specifications"
20 is meant a specification, either chemical or physical or both, prepared to describe in
21 detail the article which the state desires to purchase, and trade names shall not be
22 used. On the formulation, adoption and modification of any standard specifications,
23 the department of administration shall also seek and be accorded without cost, the
24 assistance, advice and cooperation of other agencies and officers. Each specification
25 adopted for any commodity shall, insofar as possible, satisfy the requirements of any

1 and all agencies which use it in common. Any specifications for the purchase of
2 materials, supplies, equipment, or contractual services for information technology
3 or telecommunications purposes are subject to the approval of the chief information
4 officer.

5 **SECTION 34.** 16.72 (2) (b) of the statutes is amended to read:

6 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
7 565.25 (2) (a) 4., the department shall prepare or review specifications for all
8 materials, supplies, equipment, other permanent personal property and contractual
9 services not purchased under standard specifications. Such “nonstandard
10 specifications” may be generic or performance specifications, or both, prepared to
11 describe in detail the article which the state desires to purchase either by its physical
12 properties or programmatic utility. When appropriate for such nonstandard items
13 or services, trade names may be used to identify what the state requires, but
14 wherever possible 2 or more trade names shall be designated and the trade name of
15 any Wisconsin producer, distributor or supplier shall appear first.

16 **SECTION 35.** 16.72 (2) (d) of the statutes is amended to read:

17 16.72 (2) (d) Except as permitted in ~~s. ss. 16.75 (6) (am)~~ and 16.751, to the extent
18 possible, the department and any other designated purchasing agent under s. 16.71
19 (1) shall write specifications for the purchase of materials, supplies, commodities,
20 equipment and contractual services so as to permit their purchase from prison
21 industries, as created under s. 303.01 (1).

22 **SECTION 36.** 16.72 (4) (a) of the statutes is amended to read:

23 16.72 (4) (a) Except as provided in ~~s. ss. 16.71 and~~ 16.74 or as otherwise
24 provided in this subchapter and the rules promulgated under s. 16.74 and this
25 subchapter, all supplies, materials, equipment and contractual services shall be

1 purchased for and furnished to any agency only upon requisition to the department.
2 The department shall prescribe the form, contents, number and disposition of
3 requisitions and shall promulgate rules as to time and manner of submitting such
4 requisitions for processing. No agency or officer may engage any person to perform
5 contractual services without the specific prior approval of the department for each
6 such engagement. Purchases of supplies, materials, equipment or contractual
7 services by the department of ~~information services~~ ^{electronic government}, the legislature, the courts or
8 legislative service or judicial branch agencies do not require approval under this
9 paragraph.

10 SECTION 37. 16.72 (8) of the statutes is amended to read:

11 16.72 (8) The ~~division of information technology services of the department of~~
12 ~~information services~~ may purchase educational technology materials, supplies,
13 equipment or contractual services from orders placed with the department by the
14 technology for educational achievement in Wisconsin board on behalf of school
15 districts, cooperative educational service agencies, technical college districts and the
16 board of regents of the University of Wisconsin System.

17 SECTION 38. 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 39. 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 40.** 16.75 (6) (am) 1. of the statutes is repealed.

14 **SECTION 41.** 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 ~~information services~~ ^{electronic government}. Annually not later than October 1, the
18 department of ~~information services~~ ^{electronic government} shall report to the department of administration,
19 in the form specified by the secretary, concerning all procurements made by the
20 department of ~~information services~~ during the preceding fiscal year.

21 **SECTION 42.** 16.751 (1) of the statutes is repealed.

22 **SECTION 43.** 16.751 (2) of the statutes is renumbered 16.751 and amended to
23 read:

24 **16.751 Information technology purchases by investment board.** The
25 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply

1 to procurements authorized to be made by the investment board under s. 16.78 (1)
2 for information technology purposes.

3 SECTION 44. 16.752 (12) (i) of the statutes is amended to read:

4 16.752 (12) (i) Paragraph (a) does not apply to ~~major~~ procurements, as defined
5 in s. 16.75 (6) (am) by the department of ~~information services~~ ^{electronic government}

6 SECTION 45. 16.78 of the statutes is amended to read:

7 16.78 Purchases from ~~division of information technology~~ ^{services} ~~department~~
8 ~~of information services~~ ^{electronic government} (1) Every executive branch agency other than the board
9 of regents of the University of Wisconsin system and an agency making purchases
10 under s. 16.74 shall ~~purchase all computer~~ make all purchases of materials, supplies,
11 equipment, and contractual services relating to information technology or
12 telecommunications from the ~~division of information technology services in the~~
13 ~~department of administration information services~~ ^{electronic government}, unless the ~~division~~ ^{department}
14 ~~of information services~~ ^{electronic government} grants written authorization to the agency to procure the
15 materials, supplies, equipment, or contractual services under s. 16.75 (1) or (2m), to
16 purchase the materials, supplies, equipment, or contractual services from another
17 agency or to provide the materials, supplies, equipment, or contractual services to
18 itself. ~~The board of regents of the University of Wisconsin System may purchase~~
19 ~~computer services from the division of information technology services.~~

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~~ ^{electronic government} ~~department of information services~~
23 under sub. (1).

24 SECTION 46. 16.80 of the statutes is renumbered 22.19.

VII

Fix Component ①

1 SECTION 47, Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes
2 is amended to read: *CHAPTER 16*
SUBCHAPTER VII
INFORMATION TECHNOLOGY

3 SECTION 48. 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and
4 amended to read:

5 22.01 Definitions. (intro.) In this subchapter chapter:

6 SECTION 49. 16.97 (1) to (9) of the statutes are renumbered 22.01 (1) to (9).

7 SECTION 50. 16.97 (10) of the statutes is ~~repealed.~~ *renumbered 16.97 and amended to read:*

8 SECTION 51. 16.971 (title) of the statutes is renumbered 22.03 (title).

9 SECTION 52. 16.971 (1) *of the statutes is repealed.* ~~(intro.) and (b) of the statutes are consolidated,~~
10 renumbered 22.03 (1) and amended to read:

11 22.03 (1) In this section: (b) "Small, "small agency" means an agency having
12 fewer than 50 authorized full-time equivalent positions.

13 SECTION 53. 16.971 (1) (a) of the statutes is repealed.

14 SECTION 54. 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and
15 amended to read:

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

Fix Component ②

IMS 19-8

ref. in s. 16.971 (2) (4) is OK.

1 **SECTION 55.** 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 56.** 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 57.** 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2) (am)
15 to (k).

16 **SECTION 58.** 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 to adopt, revise biennially,
19 and submit ~~for its approval,~~ ^{to the department,} in a form specified by the department, no later than
20 March 1 of each year, a strategic plan for the utilization of information technology
21 to carry out the functions of the agency. ~~As a part of each plan, the division shall~~
22 ~~require each executive branch agency to address the business needs of the agency~~
23 ~~and to identify all proposed information technology development projects that serve~~
24 ~~those business needs, the priority for undertaking such projects and the justification~~
25 ~~for each project, including the anticipated benefits of the project. Each plan shall~~

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

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

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

21 SECTION 59. 16.971 (2) (n) and (2m) of the statutes are renumbered 22.03 (2)
22 (n) and (2m).

23 SECTION 60. 16.971 (3) of the statutes is ^{repealed.} ~~renumbered 22.03 (3) and amended~~
24 ~~to read:~~ ✓

1 22.03 (3) (a) The secretary chief information officer shall notify the joint
2 committee on finance in writing of the proposed acquisition of any information
3 technology resource that the department considers major or that is likely to result
4 in a substantive change of service, and that was not considered in the regular
5 budgeting process and is to be financed from general purpose revenues or
6 corresponding revenues in a segregated fund. If the cochairpersons of the committee
7 do not notify the secretary chief information officer that the committee has scheduled
8 a meeting for the purpose of reviewing the proposed acquisition within 14 working
9 days after the date of the secretary's officer's notification, the department may
10 approve acquisition of the resource. If, within 14 working days after the date of the
11 secretary's chief information officer's notification, the cochairpersons of the
12 committee notify the secretary officer that the committee has scheduled a meeting
13 for the purpose of reviewing the proposed acquisition, the department shall not
14 approve acquisition of the resource unless the acquisition is approved by the
15 committee.

16 (b) The secretary chief information officer shall promptly notify the joint
17 committee on finance in writing of the proposed acquisition of any information
18 technology resource that the department considers major or that is likely to result
19 in a substantive change in service, and that was not considered in the regular
20 budgeting process and is to be financed from program revenues or corresponding
21 revenues from program receipts in a segregated fund.

22 SECTION 61. 16.971 (4) and (6) of the statutes are renumbered 22.03 (4) and (6).

23 SECTION 62. 16.971 (9) of the statutes is renumbered 22.03 (9) and amended

24 to read:

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

10 SECTION 63. 16.971 (11) of the statutes is renumbered 22.03 (11) and amended
11 to read:

12 22.03 (11) The ~~division department~~ may charge executive branch agencies for
13 information technology development and management services provided to them by
14 the ~~division department~~ under this section.

15 SECTION 64. 16.973 (title) of the statutes is renumbered 22.05 (title) and
16 amended to read:

17 22.05 (title) ~~Powers of the division of information technology services~~
18 ~~department.~~

19 SECTION 65. 16.973 (1) of the statutes is renumbered 22.05 (1).

20 SECTION 66. 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered
21 22.05 (2) (intro.) and (a) to (d) and amended to read:

22 22.05 (2) (intro.) The ~~division of information technology services~~ department
23 may:

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

1 (b) Provide such computer services and telecommunications services to ~~the~~
2 ~~federal government~~, local governmental units and ~~provide such telecommunications~~
3 ~~services to entities in the private sector, including~~ qualified private schools,
4 postsecondary institutions, museums and zoos, as the ~~division~~ department considers
5 to be appropriate and as the ~~division~~ department can efficiently and economically
6 provide. The ~~division~~ department may exercise this power only if in doing so it
7 maintains the services it provides at least at the same levels that it provides prior
8 to exercising this power and it does not increase the rates chargeable to users served
9 prior to exercise of this power as a result of exercising this power. The ~~division~~
10 department may charge ~~the federal government~~, local governmental units and
11 ~~entities in the private sector, including~~ qualified private schools, postsecondary
12 institutions, museums and zoos, for services provided to them under this paragraph
13 in accordance with a methodology determined by the secretary chief information
14 officer. Use of telecommunications services by a qualified private school or
15 postsecondary institution shall be subject to the same terms and conditions that
16 apply to a municipality using the same services. The ~~division~~ department shall
17 prescribe eligibility requirements for qualified museums and zoos to receive
18 telecommunications services under this paragraph.

19 (c) Provide such supercomputer services to agencies, ~~the federal government~~,
20 local governmental units and entities in the private sector as the ~~division~~
21 department considers to be appropriate and as the ~~division~~ department can
22 efficiently and economically provide. The ~~division~~ department may exercise this
23 power only if in doing so it maintains the services it provides at least at the same
24 levels that it provides prior to exercising this power and it does not increase the rates
25 chargeable to users served prior to exercise of this power as a result of exercising this

1 power. The ~~division department~~ may charge agencies, ~~the federal government~~ local
 2 governmental units and entities in the private sector for services provided to them
 3 under this paragraph in accordance with a methodology determined by the ~~secretary~~
 4 chief information officer.

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

14 SECTION 67. 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

15 SECTION 68. 16.974 (intro.) ~~and (1)~~ of the statutes are renumbered 22.07 (intro.)
 16 and ~~(1)~~ and amended to read:

17 ^{16.974}
~~22.07~~ **Duties of the division of information technology services**
 18 department. (intro.) The ~~division of information technology services~~ department

19 shall: SECTION #. 16.974 (1) of the statutes is renumbered 22.07 (1) and
 20 22.07 (1) Provide or contract with a public or private entity to provide computer ^{amended}
 21 services to agencies. The ~~division~~ department may charge agencies for services ^{to}
 22 provided to them under this subsection in accordance with a methodology ^{read:}
 23 determined by the ~~secretary~~ chief information officer.

24 SECTION 69. 16.974 (3) of the statutes is renumbered 22.07 (3).

1 **SECTION 70.** 16.974 (4) to (6) of the statutes are renumbered 22.07 (4) to (6) and
2 amended to read:

3 **22.07 (4)** Ensure responsiveness to the needs of agencies for delivery of
4 high-quality information technology processing services on an efficient and
5 economical basis, while not unduly affecting the privacy of individuals who are the
6 subjects of the information being processed by the ~~division~~ department.

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

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

14 **SECTION 71.** 16.974 (7) ^{(a) to (d) are} of the statutes ^{16,974 (1) to (4)} is renumbered ~~22.07 (7)~~ ✓

15 **SECTION 72.** 16.975 of the statutes is renumbered 22.11 and amended to read:

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

1 information by that agency, unit or entity or any other person shall be determined
2 by that agency, unit or other entity and in accordance with law.

3 SECTION 73. 16.979 of the statutes is renumbered 16.006.

4 SECTION 74. Subchapter IX (title) of chapter 16 [precedes 16.99] of the statutes
5 is repealed.

6 SECTION 75. 16.99 (title) of the statutes is renumbered 22.41 (title).

7 SECTION 76. 16.99 (1) of the statutes is repealed.

8 SECTION 77. 16.99 (2) (intro.) and (a) of the statutes are renumbered 22.41 (2)
9 (intro.) and (a) and amended to read:

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

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

20 SECTION 78. 16.99 (2) (b) to (e) of the statutes are renumbered 22.41 (2) (b) to
21 (e).

22 SECTION 79. 16.99 (2) (f) of the statutes is renumbered 22.41 (2) (f) and amended
23 to read:

1 22.41 (2) (f) Perform the functions of agency telecommunications officer for
2 those ~~departments~~ agencies with no designated focal point for telecommunications
3 planning, coordination, technical review and procurement.

4 **SECTION 80.** 16.99 (3) of the statutes is renumbered 22.41 (3).

5 **SECTION 81.** 19.36 (4) of the statutes is amended to read:

6 19.36 (4) **COMPUTER PROGRAMS AND DATA.** A computer program, as defined in s.
7 ~~16.971~~ 22.03 (4) (c), is not subject to examination or copying under s. 19.35 (1), but
8 the material used as input for a computer program or the material produced as a
9 product of the computer program is subject to the right of examination and copying,
10 except as otherwise provided in s. 19.35 or this section.

11 **SECTION 82.** 20.225 (1) (kb) of the statutes is amended to read:

12 20.225 (1) (kb) *Emergency weather warning system operation.* From the
13 moneys received by the department of administration ^{electronic government} ~~information services~~
14 provision of state telecommunications and data processing services and sale of
15 telecommunications and data processing inventory items primarily to state
16 agencies, the amounts in the schedule for the operation of the emergency weather
17 warning system under s. 39.11 (21).

18 **SECTION 83.** 20.275 (1) (s) of the statutes is amended to read:

19 20.275 (1) (s) *Telecommunications access; school districts; grant.* Biennially,
20 from the universal service fund, the amounts in the schedule to make payments to
21 telecommunications providers under contracts with the department of
22 ~~administration information services~~ ^{State - plain} under s. ~~16.974~~ 22.011 (7) (a) ^{restoration} to the extent that
23 the amounts due are not paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is)
24 and, prior to July 1, 2002, to make grants to school districts under s. 44.73 (6) and,

1 in the 1999-2000 fiscal year, to award a grant to the distance learning network under
2 1999 Wisconsin Act 9, section 9148 (4w).

3 SECTION 84. 20.275 (1) (t) of the statutes is amended to read:

4 20.275 (1) (t) *Telecommunications access; private and technical colleges and*
5 *libraries.* Biennially, from the universal service fund, the amounts in the schedule
6 to make payments to telecommunications providers under contracts with the
7 department of ~~administration information services~~ ^{restore-plain} under s. ~~16.974 22/07~~ ^{restore} (7) (b) to ⁽²⁾
8 the extent that the amounts due are not paid from the appropriation under s. ~~20.505~~
9 20.530 (1) (is).

10 SECTION 85. 20.275 (1) (tm) of the statutes is amended to read:

11 20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
12 the universal service fund, the amounts in the schedule to make payments to
13 telecommunications providers under contracts with the department of
14 ~~administration information services~~ ^{restore-plain} under s. ~~16.974 22/07~~ ^{restore} (7) (e) to the extent that ⁽³⁾
15 the amounts due are not paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is)
16 and, prior to July 1, 2002, to make grants to private schools under s. 44.73 (6). ⁽³⁾

17 SECTION 86. 20.275 (1) (tu) of the statutes is amended to read:

18 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
19 universal service fund, the amounts in the schedule to make payments to
20 telecommunications providers under contracts with the department of
21 ~~administration information services~~ ^{restore-plain} under s. ~~16.974 22/07~~ ^{restore} (7) (d) to the extent that ⁽⁴⁾
22 the amounts due are not paid from the appropriation under s. ~~20.505 (1) (l)~~ 20.530
23 (1) (ke).

24 SECTION 87. 20.505 (1) (im) of the statutes is amended to read:

1 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
2 schedule to provide services and to repurchase inventory items that are provided
3 primarily to purchasers other than state agencies. All moneys received from the sale
4 of services, ~~other than services provided under par. (is),~~ and inventory items which
5 are provided primarily to purchasers other than state agencies shall be credited to
6 this appropriation account.

7 **SECTION 88.** 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and
8 amended to read:

9 20.530 (1) (is) ~~Information technology processing services to General program~~
10 ~~operations; services to nonstate entities.~~ All moneys received from ^{state authorities, units} local governmental ^{of}
11 units and entities in the private sector for provision of computer services, ^{the} Federal
12 telecommunications services and supercomputer services under s. 16.973 ~~22.05~~ (2) ^{government}
13 (b) and (c) ^{or 22.09(2)} ~~or under s. 44.73 (2) (d), and all moneys received from assessments under~~
14 ~~s. 196.858 for a statewide telecommunications relay service~~ to be used for the
15 purpose of providing those services ~~and for the general program operations of the~~
16 department.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 89.** 20.505 (1) (ja) of the statutes is renumbered 20.530 (1) (ja) and
18 amended to read:

19 20.530 (1) (ja) *Justice information systems.* The amounts in the schedule for
20 the development and operation of automated justice information systems under s.
21 ~~16.971~~ 22.03 (9). Two-ninths of the moneys received under s. 814.635 (1) shall be
22 credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 90.** 20.505 (1) (ka) of the statutes is amended to read:

2 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

3 The amounts in the schedule to provide services primarily to state agencies or local
4 professional baseball park districts created under subch. III of ch. 229, other than
5 services specified in pars. (im), (is) and (kb) to (ku) and subs. (2) (k) and (5) (ka), and
6 to repurchase inventory items sold primarily to state agencies or such districts. All
7 moneys received from the provision of services primarily to state agencies and such
8 districts and from the sale of inventory items primarily to state agencies and such
9 districts, other than moneys received and disbursed under pars. (im), (is) and (kb)
10 to (ku) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

11 **SECTION 91.** 20.505 (1) (ka) of the statutes, as affected by 1999 Wisconsin Act
12 9, section 519, is amended to read:

13 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

14 The amounts in the schedule to provide services primarily to state agencies or local
15 professional baseball park districts created under subch. III of ch. 229, other than
16 services specified in pars. (im), (is) and (kb) to (ku) and subs. (2) (k) and (5) (ka), and
17 to repurchase inventory items sold primarily to state agencies or such districts. All
18 moneys received from the provision of services primarily to state agencies and such
19 districts and from the sale of inventory items primarily to state agencies and such
20 districts, other than moneys received and disbursed under pars. (im), (is) and (kb)
21 to (ku) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

22 **SECTION 92.** 20.505 (1) (ke) of the statutes is renumbered 20.530 (1) (ke) and
23 amended to read:

24 20.530 (1) (ke) ~~*Telecommunications and data processing General program*~~
25 *operations; services to state agencies.* ~~The amounts in the schedule to provide state~~

1 ~~telecommunications services and data processing oversight and management~~
2 ~~services and telecommunications and data processing inventory items primarily to~~
3 ~~state agencies and to provide for the initial costs of establishment and operation of~~
4 ~~the division of information technology services. All moneys received from the~~
5 ~~provision of state information technology processing and telecommunications and~~
6 ~~data processing services and sale of telecommunications and data processing~~
7 ~~inventory items primarily to state agencies under ss. 22.05 and 22.07 or under s.~~
8 ~~44.73 (2) (d), other than moneys received and disbursed under par. (kL) and s. 20.225~~
9 ~~(1) (kb), and all reimbursements of advances received by the division of information~~
10 ~~technology services shall be credited to this appropriation account all moneys~~
11 ~~received from the provision of information technology development and~~
12 ~~management services to executive branch agencies under s. 22.03, and all moneys~~
13 ~~transferred to this appropriation account from any other appropriation account~~
14 ~~under s. 22.09 (4) to be used for the purpose of providing those services and for the~~
15 ~~general program operations of the department.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 93. 20.505 (1) (kL) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 SECTION 94. 20.505 (1) (kp) of the statutes is renumbered 20.530 (1) (kp) and
18 amended to read:

19 20.530 (1) (kp) *Interagency assistance; justice information systems.* The
20 amounts in the schedule for the development and operation of automated justice
21 information systems under s. ~~16.971~~ 22.03 (9). All moneys transferred from the

1 appropriation ~~account~~ accounts under sub. s. 20.505 (6) (kt) and (pc) shall be credited
2 to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 SECTION 95. 20.505 (1) (kq) of the statutes is renumbered 20.530 (1) (kq) and
4 amended to read:

5 20.530 (1) (kq) *Justice information systems development, operation and*
6 *maintenance.* The amounts in the schedule for the purpose of developing, operating
7 and maintaining automated justice information systems under s. ~~16.971~~ 22.03 (9).
8 All moneys transferred from the appropriation account under s. 20.505 (6) (j) 12.
9 shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 SECTION 96. 20.505 (1) (kr) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 SECTION 97. 20.505 (4) (is) of the statutes is ~~repealed~~ *renumbered 20.530 (i) (ir)* and amended to read:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 SECTION 98. 20.505 (6) (j) 12. of the statutes is amended to read:

13 20.505 (6) (j) 12. The amount transferred to sub. s. 20.530 (1) (kq) shall be the
14 amount in the schedule under sub. s. 20.530 (1) (kq).

15 SECTION 99. 20.530 of the statutes is created to read:

16 *Electronic government*
20.530 ~~Information services~~ department of. There is appropriated to the
17 *Electronic government*
department of ~~information services~~ for the following program:

18 (1) INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES. (g) *Gifts, grants, and*
19 *bequests.* All moneys received from gifts, grants, and bequests, to be used to carry
20 out the purposes for which made and received.

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state 1 activities, units of the federal
9 governments, local governmental units, and

(it) *Electronic communication services; nonstate entities.* All moneys received from entities in the private sector for electronic communications services provided to those entities by the department under s. 22.09 (3), to be used for the purpose of providing those services.

(kf) *Electronic communications services; state agencies.* All moneys received from state agencies for electronic communications services provided to the agencies by the department under s. 22.09 (3), and all moneys transferred to this appropriation account from any other appropriation account under s. 22.09 (4), to be used for the purpose of providing those services.

(m) *Federal aid.* All moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for the purposes for which received.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 100. 20.680 (2) (kd) of the statutes is ^{repealed.} amended to read:

~~20.680 (2) (kd) Court operations information technology. The amounts in the schedule to provide information technology development and management services to the court system. All moneys transferred from the appropriation account under s. 20.505 20.530 (1) (ja) shall be credited to this appropriation account.~~

NOTE: b o d
SECTION 101. 20.903 (2) (b) of the statutes is amended to read:

20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and, 20.505 (1) (im), (ka), (kb), (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and, 20.505

1 (1) (im), (ka), (kb), (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf). The secretary
2 of administration may require such statements of assets and liabilities as he or she
3 deems necessary before approving expenditure estimates in excess of the
4 unexpended moneys in the appropriation account.

5 ~~SECTION 102. 20.923 (4) (e) 1b. of the statutes is renumbered 20.923 (4) (e) 4m.~~
6 and amended to read:

7 20.923 (4) (e) 4m. ~~Administration Information Services~~, department of;
8 technology for educational achievement in Wisconsin board: executive director

9 SECTION 103. 20.923 (4) (h) 2. of the statutes is created to read:

10 20.923 (4) (h) 2. ~~Information Services~~ ^{Electronic government} department of: secretary (chief
11 information officer).

12 SECTION 104. Chapter 22 (title) of the statutes is created to read:

13 **CHAPTER 22**

14 **DEPARTMENT OF**
15 ~~INFORMATION SERVICES~~ ^{ELECTRONIC GOVERNMENT}

16 SECTION 105. 22.01 (2m), (5), (6m) and (10) of the statutes are created to read:

17 22.01 (2m) "Board" means the information technology management board.

18 (5) "Department" means the department of ~~information services~~ ^{electronic government}

19 (6m) "Information technology portfolio" means information technology
20 systems, applications, infrastructure, and information resources and human
21 resources devoted to developing and maintaining information technology systems.

22 (10) "Telecommunications" means all services and facilities capable of
23 transmitting, switching, or receiving information in any form by wire, radio, or other
24 electronic means.

25 SECTION 106. 22.05 (2) (f) to (h) of the statutes are created to read:

1 22.05 (2) (f) Acquire, operate, and maintain any information technology
 2 equipment or systems required by the department to carry out its functions, and
 3 provide information technology development and management services related to
 4 those information technology systems. The department may assess executive
 5 branch agencies for the costs of equipment or systems acquired, operated,
 6 maintained, or provided or services provided under this paragraph in accordance
 7 with a methodology determined by the chief information officer. The department
 8 may also charge any agency for such costs as a component of any services provided
 9 by the department to the agency.

10 (g) Assume direct responsibility for the planning and development of any
 11 information technology system in the executive branch of state government that the
 12 chief information officer determines to be necessary to effectively develop or manage
 13 the system, with or without the consent of any affected executive branch agency. The
 14 department may charge any executive branch agency for the department's
 15 reasonable costs incurred in carrying out its functions under this paragraph on
 16 behalf of that agency.

17 (h) Accept gifts, grants, and bequests, to be used for the purposes for which
 18 made, consistently with applicable laws.

Handwritten notes: "7/19", "36-18", and a circled "20". An arrow points from the circled "20" to the word "SECTION" in the following line.

19 **SECTION 107.** 22.09 of the statutes is created to read:

20 **22.09 Powers of the chief information officer.** The chief information
 21 officer may:

22 (1) Establish and collect assessments and charges for all authorized services
 23 provided by the department, subject to applicable agreements under sub. (2).

24 (2) Enter into and enforce an agreement with any agency, ^{subject to s. 22.05(2)(b), enter} any unit of the ^{✓ (any authority)}
 25 federal government, any local governmental unit, or any entity in the private sector

1 to provide services authorized to be provided by the department to that agency, unit,^{authority,}
2 or entity at a cost specified in the agreement.

3 (3) Develop or operate and maintain any system or device facilitating Internet
4 or telephone access to information about programs of agencies or entities in the^{authorities, local governmental units,}
5 private sector, or otherwise permitting the transaction of business by agencies, or^{authorities, local governmental units,}
6 entities in the private sector by means of electronic communication. The chief
7 information officer may assess executive branch agencies for the costs of systems or
8 devices that are developed, operated, or maintained under this subsection in
9 accordance with a methodology determined by the officer. The chief information
10 officer may also charge any agency or entity in the private sector for such costs as a
11 component of any services provided by the department to that agency or entity.

12 (4) Notwithstanding ss. 20.115 to 20.585, transfer moneys from the
13 unencumbered balance in the account for any appropriation made to any executive
14 branch agency, other than a sum sufficient appropriation, to the appropriation
15 account under s. 20.530 (1) (ke) or (kf) or any other account for an appropriation made
16 to an executive branch agency, without the consent of any affected executive branch
17 agency, for the purpose of facilitating more efficient or effective funding of
18 information technology or electronic communications services within the executive
19 branch of state government, if the transfer is consistent with state and federal law
20 and with any requirement imposed by the federal government as a condition to
21 receipt of aids by this state. If any transfer under this subsection is made to or from
22 a sum certain appropriation, the amount in the schedule for the account from which
23 the transfer is made for the period during which the transfer is made is decreased
24 by the amount transferred and the amount in the schedule for the account to which

1 the transfer is made for the period during which the transfer is made is increased by
2 the amount transferred.

3 SECTION 108. 22.13 of the statutes is created to read:

4 22.13 Strategic plans for executive branch agencies. (1) As a part of each
5 proposed strategic plan submitted under s. 22.03 (2) (L), the department shall
6 require each executive branch agency to address the business needs of the agency
7 and to identify all proposed information technology development projects that serve
8 those business needs, the priority for undertaking such projects, and the justification
9 for each project, including the anticipated benefits of the project. Each proposed plan
10 shall identify any changes in the functioning of the agency under the plan. In each
11 even-numbered year, the plan shall include identification of any information
12 technology development project that the agency plans to include in its biennial
13 budget request under s. 16.42 (1).

14 (2) Each proposed strategic plan shall separately identify the initiatives that
15 the executive branch agency plans to undertake from resources available to the
16 agency at the time that the plan is submitted and initiatives that the agency proposes
17 to undertake that would require additional resources.

18 (3) Following receipt of a proposed strategic plan from an executive branch
19 agency under this section, the chief information officer shall, before June 1, notify
20 the agency of any concerns that the officer may have ^{regarding} ~~concerning~~ the plan and provide
21 the agency with his or her recommendations ^{regarding} ~~concerning~~ the proposed plan. The chief
22 information officer may also submit any concerns or recommendations ^{regarding} ~~concerning~~
23 any proposed plan to the board for its consideration. The board shall then consider
24 the proposed plan and provide the chief information officer with its
25 recommendations ^{regarding} ~~concerning~~ the plan. *The executive branch agency may submit modifications to its proposed plan in response to any recommendations.*

1 (4) Before June 15, the chief information officer shall consider any
2 recommendations provided by the board under sub. (3) and shall then approve or
3 disapprove the proposed plan in whole or in part.

4 (5) No executive branch agency may implement a new or revised information
5 technology development project authorized under a strategic plan until the
6 implementation is approved by the chief information officer in accordance with
7 procedures prescribed by the officer.

8 (6) The department shall consult with the joint committee on information
9 policy and technology in providing guidance for ~~and scheduling~~ planning by
10 executive branch agencies.

11 SECTION 109. 22.15 of the statutes is created to read:

12 **22.15 Information technology portfolio management.** With the
13 assistance of executive branch agencies and the advice of the board, the department
14 shall manage the information technology portfolio of state government in accordance
15 with a management structure that includes all of the following:

16 (1) Criteria for selection of information technology assets to be managed.

17 (2) Methods for monitoring and controlling information technology
18 development projects and assets.

19 (3) Methods to evaluate the progress of information technology development
20 projects and the effectiveness of information technology systems, including
21 performance measurements for the information technology portfolio.

22 SECTION 110. 22.17 of the statutes is created to read:

23 **22.17 Information technology management board.** (1) The board shall
24 provide the chief information officer with its recommendations concerning any

1 elements of the strategic plan of an executive branch agency that are referred to the
2 board under s. 22.13 (3).

3 (2) The board may advise the chief information officer with respect to
4 management of the information technology portfolio of state government under s.
5 22.15.

6 (3) The board may, upon petition of an executive branch agency, review any
7 decision of the chief information officer under s. 16.505 (2e) or this chapter affecting
8 that agency. Upon review, the board may affirm, modify, or set aside the decision. If
9 the board modifies or sets aside the decision of the chief information officer, the
10 decision of the board stands as the decision of the chief information officer and the
11 decision is not subject to further review or appeal.

12 (4) The board may monitor progress in attaining goals for information
13 technology and telecommunications development set by the chief information officer
14 or executive branch agencies, and may make recommendations to the officer or
15 agencies concerning appropriate means of attaining those goals.

16 SECTION 111. 29.038 (1) (a) of the statutes is amended to read:

17 29.038 (1) (a) "Local governmental unit" has the meaning given in s. 16.97
18 22.01 (7).

19 SECTION 112. 36.25 (38) (b) 6. of the statutes is amended to read:

20 36.25 (38) (b) 6. To pay the department of administration, ^{electronic government} ~~information services~~
21 for telecommunications services provided under s. 16.973 22.05 (1).

22 SECTION 113. ~~44.70 (2)~~ of the statutes is amended to read:

23 44.70 (2) "Department" means the department of administration [✓] ~~information~~
24 services.

25 SECTION 114. 44.70 (4) of the statutes is amended to read:

~~22.01 (10)~~

1 44.70 (4) "Telecommunications" has the meaning given in s. 16.99 ~~22.01 (1)~~.

2 SECTION 115. 44.71 (2) (a) 7. and 8. of the statutes are amended to read:

3 44.71 (2) (a) 7. Coordinate the purchasing of educational technology materials,
4 supplies, equipment and contractual services for school districts, cooperative

5 educational service agencies, technical college districts and the board of regents of
6 the University of Wisconsin System by the department under s. 16.72 (8), and ~~in~~

restored

7 ~~cooperation~~ with the ~~approval of the~~ department, *and subject to the approval of the department of* establish standards *of electronic* and
8 specifications for purchases of educational technology hardware and software by *government*

9 school districts, cooperative educational service agencies, technical college districts
10 and the board of regents of the University of Wisconsin System.

11

11 8. Purchase With the approval of the department, *of electronic government* purchase educational
12 technology equipment for use by school districts, cooperative educational service
13 agencies and public educational institutions in this state and permit the districts,
14 agencies and institutions to purchase or lease the equipment, with an option to
15 purchase the equipment at a later date. This subdivision does not require the
16 purchase or lease of any educational technology equipment from the board.

17 SECTION 116. 44.73 (1) of the statutes is amended to read:

18 44.73 (1) Except as provided in s. 196.218 (4t), the board, in consultation with
19 the ~~approval of the~~ department, *and subject to the approval of the department of* shall promulgate rules establishing an educational
20 telecommunications access program to provide educational agencies with access to *electronic*
21 data lines and video links. *government*

22 SECTION 117. 44.73 (3) of the statutes is amended to read:

23 44.73 (3) The board shall submit an annual report to the department on the
24 status of providing data lines and video links that are requested under sub. (2) (a)

1 and the impact on the universal service fund of any payment under contracts under
2 s. ~~16.974(2)(a)~~ ^{restore} (7).

3 SECTION 118. 44.73 (6) of the statutes is amended to read:

4 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
5 award an annual grant to a school district or private school that had in effect on
6 October 14, 1997, a contract for access to a data line or video link, as documented by
7 the board. The board shall determine the amount of the grant, which shall be equal
8 to the cost incurred by the state to provide telecommunications access to a school
9 district or private school under a contract entered into under s. ~~16.974(2)(a)~~ ^{restore} (7) (a) ~~(a)~~
10 ~~or (e)~~ ^{(1) or (3)} less the amount that the school district or private school would be paying under
11 sub. (2) (d) if the school district or private school were participating in the program
12 established under sub. (1), except that the amount may not be greater than the cost
13 that a school district or private school incurs under the contract in effect on
14 October 14, 1997. A school district or private school receiving a grant under this
15 subsection is not eligible to participate in the program under sub. (1). No grant may
16 be awarded under this subsection after June 30, 2002.

17 SECTION 119. 85.12 (3) of the statutes is amended to read:

18 85.12 (3) The department may contract with any local governmental unit, as
19 defined in s. ~~16.97 22.01~~ (7), to provide that local governmental unit with services
20 under this section.

21 SECTION 120. 196.218 (4t) of the statutes is amended to read:

22 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
23 commission, in consultation with the department of administration information
24 services and the technology for educational achievement in Wisconsin board, shall

1 promulgate rules specifying the telecommunications services eligible for funding
2 through the educational telecommunications access program under s. 44.73.

3 SECTION 121. 196.218 (5) (a) 5. of the statutes is amended to read:

4 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 ~~22.071~~ ✓
5 ~~(7)~~ to the extent that these costs are not paid under s. 44.73 (2) (d).

6 SECTION 122. 196.218 (5) (a) 6. of the statutes is amended to read:

7 196.218 (5) (a) 6. To pay the department of administration ~~information services~~ ^{electronic government} ✓
8 for telecommunications services provided under s. 16.973 ~~22.05~~ (1) to the campuses
9 of the University of Wisconsin System at River Falls, Stout, Superior and
10 Whitewater.

11 SECTION 123. 196.858 (1) of the statutes is amended to read:

12 ^{restore} 196.858 (1) The commission shall annually assess against local exchange and
13 interexchange telecommunications utilities ~~the total, not to exceed~~ \$5,000,000, of the
14 ~~amounts appropriated under s. 20.505 (4) (is)~~ ^{20.530 (1) (ir)} ✓

15 SECTION 124. 196.858 (2) of the statutes is amended to read:

16 196.858 (2) The commission shall assess ~~a sum equal to~~ the ^{restore} ~~annual~~ total
17 amount under sub. (1) to local exchange and interexchange telecommunications
18 utilities in proportion to their gross operating revenues during the last calendar year.
19 If total expenditures for telephone relay service exceeded the payment made under
20 this section in the prior year, the commission shall charge the remainder to assessed
21 telecommunications utilities in proportion to their gross operating revenues during
22 the last calendar year. A telecommunications utility shall pay the assessment within
23 30 days after the bill has been mailed to the assessed telecommunication utility. The
24 bill constitutes notice of the assessment and demand of payment. Payments shall
25 be credited to the appropriation ~~account~~ under s. 20.505 (4) ~~20.530 (1) (is)~~ ^(ir) ✓

1 SECTION 125. 221.0320 (3) (a) of the statutes is amended to read:

2 221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning
3 given in s. ~~16.97~~ 22.01 (7).

4 SECTION 126. 230.08 (2) (e) 1. of the statutes is amended to read:

5 230.08 (2) (e) 1. Administration — ~~12~~ 10. 3r.

6 SECTION 127. 230.08 (2) (e) ~~5n~~ of the statutes is created to read:

7 3r. ~~5m~~ Electronic government
230.08 (2) (e) ~~5m~~ Information services — 3.

8 SECTION 128. 230.09 (2) (g) of the statutes is amended to read:

9 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
10 that the classification for a position is different than that provided for by the
11 legislature as established by law or in budget determinations, or as authorized by the
12 joint committee on finance under s. 13.10, or as specified by the governor in creating
13 positions under s. 16.505 (1) (c) or (2), the chief information officer in transferring
14 positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics
15 Board in creating positions under s. 16.505 (2n) or the board of regents of the
16 University of Wisconsin System in creating positions under s. 16.505 (2m), or is
17 different than that of the previous incumbent, the secretary shall notify the
18 administrator and the secretary of administration. The administrator shall
19 withhold action on the selection and certification process for filling the position. The
20 secretary of administration shall review the position to determine that sufficient
21 funds exist for the position and that the duties and responsibilities of the proposed
22 position reflect the intent of the legislature as established by law or in budget
23 determinations, the intent of the joint committee on finance acting under s. 13.10,
24 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the chief
25 information officer transferring positions under s. 16.505 (2e), the University of

1 Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the
2 intent of the board of regents of the University of Wisconsin System creating
3 positions under s. 16.505 (2m). The administrator may not proceed with the selection
4 and certification process until the secretary of administration has authorized the
5 position to be filled.

6 **SECTION 129.** 283.84 (1) (c) of the statutes is amended to read:

7 283.84 (1) (c) Reaches an agreement with the department or a local
8 governmental unit, as defined in s. ~~16.97~~ 22.01 (7), under which the person pays
9 money to the department or local governmental unit and the department or local
10 governmental unit uses the money to reduce water pollution in the project area.

11 **SECTION 130.** 758.19 (7) of the statutes is amended to read:

12 758.19 (7) The director of state courts shall adopt, revise biennially and submit
13 to the cochairpersons of the joint committee on information policy and technology, the
14 governor and the secretary of administration ~~department of information services~~ ^{electronic government}, no
15 later than September 15 of each even-numbered year, a strategic plan for the
16 utilization of information technology to carry out the functions of the courts and
17 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
18 business needs of the courts and judicial branch agencies and shall identify all
19 resources relating to information technology which the courts and judicial branch
20 agencies desire to acquire, contingent upon funding availability, the priority for such
21 acquisitions and the justification for such acquisitions. The plan shall also identify
22 any changes in the functioning of the courts and judicial branch agencies under the
23 plan.

24 **SECTION 9101. Nonstatutory provisions; administration.**

25 (1) **TRANSFER OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNCTIONS.**

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of administration that are primarily related to its
3 information technology or telecommunications functions, ^{except educational technology functions} as determined by the
4 secretary of administration, shall become assets and liabilities of the department of
5 ~~information services~~, ^{electronic government} as created by this act.

6 (b) *Positions and employees.*

7 1. On the effective date of this subdivision, all full-time equivalent positions
8 in the department of administration having duties that are primarily related to its
9 information technology or telecommunications functions, ^{except educational technology functions} as determined by the
10 secretary of administration, are transferred to the department of ~~information~~
11 ~~services~~, ^{electronic government} as created by this act.

12 2. All incumbent employees holding positions specified in subdivision 1. are
13 transferred on the effective date of this subdivision to the department of ~~information~~
14 ~~services~~, ^{electronic government} as created by this act.

15 3. Employees transferred under subdivision 2. have all of the rights and the
16 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
17 department of ~~information services~~, ^{electronic government} as created by this act, that they enjoyed in the
18 department of administration immediately before the transfer. Notwithstanding
19 section 230.28 (4) of the statutes, no employee so transferred who has attained
20 permanent status in class is required to serve a probationary period.

21 (c) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the department of administration
23 that is primarily related to its information technology or telecommunications
24 functions, ^{except educational technology functions} as determined by the secretary of administration, is transferred to the
25 department of ~~information services~~, ^{electronic government} as created by this act.

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(d) *Contracts*. All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to its information technology or telecommunications functions, ^{except educational technology functions} as determined by the secretary of administration, are transferred to the department of ~~information services~~ ^{electronic government}, as created by this act. The department of ~~information services~~ ^{electronic government} shall carry out any contractual obligations under such a contract until the contract is modified or rescinded by the department of ~~information services~~ ^{electronic government} to the extent allowed under the contract.

(e) *Rules and orders*. All rules promulgated by the department of administration that are primarily related to its information technology or telecommunications functions, ^{except educational technology functions} and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of ~~information services~~ ^{electronic government}, as created by this act. All orders issued by the department of administration that are primarily related to its information technology or telecommunications functions and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of ~~information services~~ ^{electronic government}, as created by this act.

(f) *Pending matters*. Any matter pending with the department of administration that is primarily related to its information technology or telecommunications functions, ^{except educational technology functions} on the effective date of this paragraph is transferred to the department of ~~information services~~ ^{electronic government}, as created by this act, and all materials submitted to or actions taken by the department of administration with respect to the pending matter are considered as having been submitted to or taken by the department of ~~information services~~ ^{electronic government}, as created by this act.

1 ~~SECTION 9149. Nonstatutory provisions; technology for achievement in~~

2 ~~Wisconsin board.~~

3 ~~(1) ATTACHMENT TO DEPARTMENT OF INFORMATION SERVICES.~~

4 ~~(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and~~
5 ~~liabilities of the department of administration primarily related to the functions of~~
6 ~~the technology for educational achievement in Wisconsin board, as determined by~~
7 ~~the secretary of administration, shall become assets and liabilities of the department~~
8 ~~of information services, as created by this act.~~

9 ~~(b) *Positions and employees.*~~

10 ~~1. On the effective date of this subdivision, all full-time equivalent positions~~
11 ~~in the department of administration having duties primarily related to the functions~~
12 ~~of the technology for educational achievement in Wisconsin board, as determined by~~
13 ~~the secretary of administration, are transferred to the department of information~~
14 ~~services, as created by this act.~~

15 ~~2. All incumbent employees holding positions specified in subdivision 1. are~~
16 ~~transferred on the effective date of this subdivision to the department of information~~
17 ~~services, as created by this act.~~

18 ~~3. Employees transferred under subdivision 2. have all of the rights and the~~
19 ~~same status under subchapter V of chapter 111 and chapter 230 of the statutes in the~~
20 ~~department of information services, as created by this act, that they enjoyed in the~~
21 ~~department of administration immediately before the transfer. Notwithstanding~~
22 ~~section 230.28 (4) of the statutes, no employee so transferred who has attained~~
23 ~~permanent status in class is required to serve a probationary period.~~

24 ~~(c) *Tangible personal property.* On the effective date of this paragraph, all~~
25 ~~tangible personal property, including records, of the department of administration~~

1 that is primarily related to the functions of the technology for educational
2 achievement in Wisconsin board, as determined by the secretary of administration,
3 is transferred to the department of information services, as created by this act.

4 (d) *Contracts*. All contracts entered into by the department of administration
5 in effect on the effective date of this paragraph that are primarily related to the
6 functions of the technology for educational achievement in Wisconsin board, as
7 determined by the secretary of administration, remain in effect and are transferred
8 to the department of information services, as created by this act. The department
9 of information services shall carry out any contractual obligations under such a
10 contract until the contract is modified or rescinded by the department of information
11 services to the extent allowed under the contract.

12 **SECTION 9159. Nonstatutory provisions; other.**

13 (1) INFORMATION TECHNOLOGY MANAGEMENT BOARD; INITIAL TERMS.

14 Notwithstanding section ^{15.215} ~~15.285~~ (1) of the statutes, as created by this act, of the
15 ~~public officers or employees~~ ^{members other than state officers} first appointed to serve as members of the information
16 technology management board, the governor shall designate one to serve for a term
17 expiring on May 1, 2003, and one to serve for a term expiring on May 1, 2005.

18 **SECTION 9201. Appropriation changes; administration.**

19 (1) INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNDING TRANSFER.

20 (a) ~~The unencumbered balance in the appropriation account under section~~
21 ~~20.505 (4) (is), 1999 stats., immediately before the effective date of this subsection~~
22 ~~is transferred to the appropriation account under section 20.530 (1) (is) of the~~
23 ~~statutes, as affected by this act.~~

24 (b) The unencumbered balances in the appropriation accounts under section
25 20.505 (1) (kL) and (kr), 1999 stats., immediately before the effective date of this

1 subsection are transferred to the appropriation account under section 20.530 (1) (ke) ✓
2 of the statutes, as affected by this act.

3 **SECTION 9401. Effective dates; administration.**

4 (1) The treatment of section 20.505 (1) (ka) (by SECTION 91) of the statutes takes
5 effect on September 1, 2003. a.r.

6 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/3ins
JTK.....

INSERT 4A:

Currently, the secretary of administration must notify JCF of the proposed acquisition of any information technology resource that DOA considers to be major or that is likely to result in a substantive change of service and that was not considered in the regular budget process. If the proposed acquisition is to be financed from general purpose revenue, or segregated revenue other than revenue derived from program receipts, the acquisition is subject to concurrence by JCF. This bill deletes this provision.

INSERT 13-14:

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

16.70 (2) "Authority" means a body created under ch. 231, 232, 233 or, 234⁽¹⁾

235.

History: 1971 c. 164; 1975 c. 41 s. 52; 1977 c. 29; 1979 c. 34, 221; 1983 a. 27, 106; 1985 a. 29 ss. 122a to 122f, 3200 (1); 1987 a. 292, 399; 1989 a. 335; 1991 a. 39; 189; 1993 a. 263, 399; 1995 a. 27, 56; 1997 a. 27; 1999 a. 65, 167; s. 13.93 (2) (c).

PROOF w/ FD LIO 16.97 (10)
INSERT 19-7.

16.97 Definition. In this subchapter, "telecommunications" has the meaning given in s. 22.01 (10).
"Telecommunications" means
plain period

the electronic movement of information in any form from one point to another
INSERT 33-11:

20.530 (1) (ir) *Relay service*. The amounts in the schedule for a statewide telecommunications relay service and for general program operations. All moneys received from the assessments authorized under s. 196.858 shall be credited to this appropriation account.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299n, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470m, 470n, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185.

INSERT 36-18: ✓

SECTION 2. 22.07 (intro.) of the statutes is created to read:

22.07 Duties of the department. The department shall:

↑
(intro.)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/3dn

JTK.....
tmg

Dan Caucutt:

1. Concerning the treatment of proposed s. 16.75 (6) (am) 2., stats., do you want to limit the scope of the annual DEG procurement report? If so, I need some description of how the scope would be limited.

2. Section 16.752 (12) (i), stats.,[✓] currently exempts purchases by the division of information technology services from the requirement for state agencies to purchase certain items from work centers for the severely handicapped. This draft expands that exemption to include all purchases by DEG. Your instructions indicated that this exemption was to apply to purchases "under this subsection"[?] This language did not seem to fit. I would therefore just focus on the policy. If this exemption is not wanted or if it is too broad, please advise. ✓

3. You forwarded an e-mail reflecting a concern of Kurt Sutheimer that the mandatory procurement requirement for contractual services under s. 16.78 (1), stats., as affected by this draft, might not apply to software licenses. Under the procurement laws, it is my understanding that "materials, supplies, equipment, and contractual services" covers the waterfront, i.e., everything is considered to fall into one or more of those categories. I'm therefore reluctant to amend s. 16.78 (1), stats., to indicate that "contractual services" does not include software licenses, because this amendment would necessarily impact other provisions of the procurement laws. My feeling is that the definition of "contractual services" in s. 16.70 (3), stats.,[✓] should be liberally construed, but if a clarification is required, I would amend that definition rather than amend s. 16.78 (1), stats. ✓

4. Concerning the treatment of s. 16.973 (2) (b) to (d), stats. [renumbered^{s.} 22.05 (2) (b) to (d)], I have deleted references to provision of services to private sector entities and the federal government. However, this is still authorized under proposed s. 22.09 (2).[✓] The result may cause some confusion. ✓

5. Concerning s. 20.505 (4) (is), stats. [renumbered s. 20.530 (1) (ir) by this draft], this appropriation is made for the purpose of operating the statewide telecommunications relay service "and for general program operations"[?] This latter reference was originally intended to finance the operation of the proposed relay service board that was created by 1989 SB-542, but the creation of the board was partially vetoed out of the bill when it became 1989 Wisconsin Act 336. The meaning of this reference is no longer clear. ✓

Therefore, I have deleted the reference in this draft. It seems to me that some of this assessment money can be used for related administrative expenses without the necessity of making any express reference to it; however, if this money is being used for anything unrelated to the relay service, we need to deal with that issue directly.

6. You indicated that you wanted to remove the reference in s. 20.680 (2) (kd), stats. [Court operations information technology] to the revenue source under s. 20.505 (1) (ja), stats. If this is done, s. 20.680 (2) (kd), stats. would become a GPR appropriation. Because you indicate that this appropriation was needed only for start-up purposes, this draft repeals s. 20.680 (2) (kd), stats.

7. Concerning proposed strategic plans of agencies under proposed s. 22.13 (3), I have added a sentence which clarifies that agencies may revise their plans, if this is what you envision. I did this because I was concerned that the original language didn't seem to capture the fact that the process is likely to be a fluid one, in some cases, and the agency would need to remain involved. I did not, however, attempt to deal with any revision timetable.

8. Concerning nonstate entities, since you indicate that you want all nonstate entities covered under the relevant provisions of the draft under which services are provided and revenues from charges for the services are deposited and appropriated, this draft expands current law to include the state authorities as potential clients, including the World Dairy Center Authority. Because the definition of "authority" in proposed ch. 22 is borrowed from the procurement law under s. 16.70 (2), stats., this change also has the effect of clarifying that the procurement law does not generally apply to the World Dairy Center Authority (which is also true of the other authorities). ✓

9. As we discussed, the process of reconciliation with other budget drafts has not yet begun. It will be done after the final in/out list is received.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/3dn
JTK:kmg:km

February 4, 2001

Dan Caucutt:

1. Concerning the treatment of proposed s. 16.75 (6) (am) 2., stats., do you want to limit the scope of the annual DEG procurement report? If so, I need some description of how the scope would be limited.
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9. As we discussed, the process of reconciliation with other budget drafts has not yet begun. It will be done after the final in/out list is received.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Procurement Language Changes to LRB-1857/2

(1) *New language:*

The intent is to prevent agencies from entering into any contracts related to any form of information technology without explicit consent of the new department. The effective date of the act would apply.

Suggested Language: No agency may enter into any contract for personal computing, computer services, information technology, or telecommunications or consulting services related to personal computing, computer services, information technology, or telecommunications without the review and approval of the Department of Information Services. Any contract entered into in violation of this subsection is voidable by the Department of Information Services.

(2) *New language:*

Add to the power and duties of the department the ability to make available contract terms and conditions for anything technology related that can then be referenced by other agencies when purchasing. This allows the department to cut the deals but it does not have to purchase the equipment or product. The benefit is the department can leverage volume procurement opportunities and ensure that agencies obtain equitable terms and conditions.

Suggested language under renumbered 16.973 (2):

May establish contracts for personal computing, computer services, information technology, or telecommunications or consulting services related to personal computing, computer services, information technology, or telecommunications for use by agencies, local governmental units and entities in the private sector as the department considers appropriate.

(3) *Section 41 (Page 17, line 19)*

The report should be limited to procurements when the department does not follow subsection (1) and (3t). (The department will follow state practices such as bulletins, simplified bids, and best judgement when it is feasible as Info-Tech does now.)

Suggested language: 16.75 (6) (am) Subsections (1) and (3t) do not apply to major procurements by the department of information services. Annually not later than October 1, the department of information services shall report to the department of administration, in the form specified by the secretary, concerning all procurements made under this paragraph by the department of information services during the preceding fiscal year.

(4) *Section 45 (Page 18 Amended s. 16.78)*

The intent is to cover the purchase or licensing of software and any future technology licenses that the industry may develop in the items identified under s. 16.78. Also, the agency needs to be allowed to use the DOIS terms and conditions besides s. 16.75 (1) or (2m).

Suggested language:

SECTION 45. 16.78 of the statutes is amended to read:

16.78 Purchases from department of information services. (1) Every executive branch agency shall make all purchases of materials, supplies, equipment, software, licenses and contractual services relating to information technology or telecommunications from the department of information services, unless the department of Information services grants written authorization to the agency to procure the materials, supplies, equipment, software, licenses or contractual services under s. 16.75 (1) or (2m) or <<new cross reference for DOIS terms and conditions>>, to purchase the materials, supplies, equipment, software, licenses or contractual services from another agency or to provide the materials, supplies, equipment, software, licenses or contractual services to itself.