



NOTE on 4
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1857/8
JTK:kmg:km

DOA:.....Caucutt – Department of electronic government

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 *Don't GEN. CAT.*
AN ACT ...; relating to: creation of a department of electronic government and
2 making appropriations.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants 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's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-01). The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of 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 DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other members appointed by the governor without senate confirmation. The two other members serve for staggered four-year terms. The board advises 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.

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 retains the attachment of the TEACH board to DOA but makes purchases of materials, supplies, equipment, or services by the TEACH board subject to the approval of DEG.

The bill directs DEG, 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.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG 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 DEG to these agencies. The bill also permits DEG 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 DEG 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, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local governmental unit, or any entity in the private sector. DEG may also develop and

operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to 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 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 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 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, except a sum sufficient appropriation, 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.

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 DEG, unless 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. The bill also makes all contracts for the purchase of materials,

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 or

requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or under DEG

by any executive branch agency

subject to review and approval of the chief information officer, or information relating to telecommunications services or equipment, or contractual services

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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 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 DEG 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.

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.

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~~ 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~~ electronic government, the joint committee on legislative
9 organization and the director of state courts, review and transmit comments
10 concerning the plans to the entities submitting the plans.

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

1 **SECTION 23.** 16.52 (13) of the statutes is created to read:

2 **16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS**
3 **TRANSFERS.** The department shall execute transfers between appropriation accounts
4 authorized under s. 22.09 (4) upon the direction of the chief information officer.

5 **SECTION 24.** 16.61 (2) (af) of the statutes is amended to read:

6 **16.61 (2) (af) "Form"** has the meaning specified in s. ~~16.97~~ 22.01 (5p).

7 **SECTION 25.** 16.61 (3n) of the statutes is amended to read:

8 **16.61 (3n) EXEMPT FORMS.** The board may not receive or investigate complaints
9 about the forms specified in s. ~~16.971~~ 22.03 (2m).

10 **SECTION 26.** 16.70 (2) of the statutes is amended to read:

11 **16.70 (2) "Authority"** means a body created under ch. 231, 232, 233 ~~or~~ 234, or
12 235.

13 **SECTION 27.** 16.70 (4m) of the statutes is created to read:

14 **16.70 (4m) "Information technology"** has the meaning given in s. 22.01 (6).

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

16 **16.70 (15) "Telecommunications"** has the meaning given in s. 22.01 (10).

17 **SECTION 29.** 16.71 (1) of the statutes is amended to read:

18 **16.71 (1)** Except as otherwise required under this section and s. 16.78 or as
19 authorized in s. 16.74, the department shall purchase and may delegate to special
20 designated agents the authority to purchase all necessary materials, supplies,
21 equipment, all other permanent personal property and miscellaneous capital, and
22 contractual services and all other expense of a consumable nature for all agencies.
23 In making any delegation, the department shall require the agent to adhere to all
24 requirements imposed upon the department in making purchases under this
25 subchapter. All materials, services and other things and expense furnished to any

1 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
2 of the agency to which furnished.

3 **SECTION 30.** 16.71 (2m) of the statutes is created to read:

4 16.71 (2m) The department of administration shall delegate authority to make
5 all purchases for the department of electronic government to the department of
6 electronic government. This delegation may not be withdrawn, but the department
7 of electronic government may elect to make any purchase through the department
8 of administration.

9 **SECTION 31.** 16.71 (4) of the statutes is amended to read:

10 16.71 (4) The With the approval of the department of electronic government,
11 the department of administration shall delegate authority to the technology for
12 educational achievement in Wisconsin board to make purchases of educational
13 technology equipment for use by school districts, cooperative educational service
14 agencies and public educational institutions in this state, upon request of the board.

15 **SECTION 32.** 16.72 (2) (a) of the statutes is amended to read:

16 16.72 (2) (a) The department of administration shall prepare standard
17 specifications, as far as possible, for all state purchases. By "standard specifications"
18 is meant a specification, either chemical or physical or both, prepared to describe in
19 detail the article which the state desires to purchase, and trade names shall not be
20 used. On the formulation, adoption and modification of any standard specifications,
21 the department of administration shall also seek and be accorded without cost, the
22 assistance, advice and cooperation of other agencies and officers. Each specification
23 adopted for any commodity shall, insofar as possible, satisfy the requirements of any
24 and all agencies which use it in common. Any specifications for the purchase of
25 materials, supplies, equipment, or contractual services for information technology

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

11 SECTION 39. 16.75 (6) (am) 1. of the statutes is repealed.

12 SECTION 40. 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
13 amended to read:

14 16.75 (6) (am) Subsections (1) and (3t) do not apply to major procurements by
15 the department of electronic government. Annually not later than October 1, the
16 department of electronic government shall report to the department of
17 administration, in the form specified by the secretary, concerning all procurements

18 made by the department of electronic government during the preceding fiscal year *that were not made in accordance with the requirements of subs. (1)*

19 SECTION 41. 16.751 (1) of the statutes is repealed. *and (3t)*

20 SECTION 42. 16.751 (2) of the statutes is renumbered 16.751 and amended to
21 read:

22 **16.751 Information technology purchases by investment board.** The
23 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
24 to procurements authorized to be made by the investment board under s. 16.78 (1)
25 for information technology purposes.

1 SECTION 43. 16.752 (12) (i) of the statutes is amended to read:

2 16.752 (12) (i) Paragraph (a) does not apply to major procurements, as defined
3 in s. 16.75 (6) (am) by the department of electronic government.

4 SECTION 44. 16.78 of the statutes is amended to read:

5 **16.78 Purchases from ~~division of information technology services~~**
6 **department of electronic government.** (1) Every executive branch agency other

7 than the board of regents of the University of Wisconsin system and an agency
8 making purchases under s. 16.74 shall purchase all computer make all purchases of

9 materials, supplies, equipment, and contractual services relating to information
10 technology or telecommunications from the ~~division of information technology~~

11 services in the department of administration electronic government, unless the
12 division ~~department of electronic government~~ grants written authorization to the

13 agency to procure the materials, supplies, equipment, or contractual services under
14 s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual

15 services from another agency or to provide the materials, supplies, equipment, or
16 contractual services to itself. ~~The board of regents of the University of Wisconsin~~

17 ~~System may purchase computer services from the division of information technology~~
18 ~~services.~~

19 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of
20 computer materials, supplies, equipment, or contractual services by any agency from

21 the ~~division of information technology services~~ department of electronic government
22 under sub. (1).

23 SECTION 45. 16.80 of the statutes is renumbered 22.19.

24 SECTION 46. Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes
25 is amended to read:

*requires the agency to purchase the materials, supplies,
equipment, or contractual services pursuant to a master contract established under
s. 22.05 (2)(h) or*

1 deems necessary before approving expenditure estimates in excess of the
2 unexpended moneys in the appropriation account.

3 **SECTION 101.** 20.923 (4) (h) 2. of the statutes is created to read:

4 20.923 (4) (h) 2. Electronic government, department of: secretary (chief
5 information officer).

6 **SECTION 102.** Chapter 22 (title) of the statutes is created to read:

7 **CHAPTER 22**

8 **DEPARTMENT OF**

9 **ELECTRONIC GOVERNMENT**

10 **SECTION 103.** 22.01 (2m), (5), (6m) and (10) of the statutes are created to read:

11 22.01 (2m) "Board" means the information technology management board.

12 (5) "Department" means the department of electronic government.

13 (6m) "Information technology portfolio" means information technology
14 systems, applications, infrastructure, and information resources and human
15 resources devoted to developing and maintaining information technology systems.

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

19 **SECTION 104.** 22.05 (2) (f) to ⁽ⁱ⁾ (h) of the statutes are created to read:

20 22.05 (2) (f) Acquire, operate, and maintain any information technology
21 equipment or systems required by the department to carry out its functions, and
22 provide information technology development and management services related to
23 those information technology systems. The department may assess executive
24 branch agencies for the costs of equipment or systems acquired, operated,
25 maintained, or provided or services provided under this paragraph in accordance

1 with a methodology determined by the chief information officer. The department
2 may also charge any agency for such costs as a component of any services provided
3 by the department to the agency.

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

11 (i) ~~Accept~~ Accept gifts, grants, and bequests, to be used for the purposes for which
12 made, consistently with applicable laws.

13 SECTION 105. 22.07 (intro.) of the statutes is created to read:

14 22.07 Duties of the department. (intro.) The department shall:

15 SECTION 106. 22.09 of the statutes is created to read:

16 22.09 Powers of the chief information officer. The chief information
17 officer may:

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

20 (2) Subject to s. 22.05 (2) (b), enter into and enforce an agreement with any
21 agency, any authority, any unit of the federal government, any local governmental
22 unit, or any entity in the private sector to provide services authorized to be provided
23 by the department to that agency, authority, unit, or entity at a cost specified in the
24 agreement.

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1 (3) Develop or operate and maintain any system or device facilitating Internet
2 or telephone access to information about programs of agencies, authorities, local
3 governmental units, or entities in the private sector, or otherwise permitting the
4 transaction of business by agencies, authorities, local governmental units, or entities
5 in the private sector by means of electronic communication. The chief information
6 officer may assess executive branch agencies for the costs of systems or devices that
7 are developed, operated, or maintained under this subsection in accordance with a
8 methodology determined by the officer. The chief information officer may also charge
9 any agency, authority, local governmental unit, or entity in the private sector for such
10 costs as a component of any services provided by the department to that agency,
11 authority, local governmental unit, 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 107. 22.13 of the statutes is created to read:
4

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

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

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

1 considered as having been submitted to or taken by the department of electronic
2 government, as created by this act.

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

4 (1) INFORMATION TECHNOLOGY MANAGEMENT BOARD; INITIAL TERMS.
5 Notwithstanding section 15.215 (1) of the statutes, as created by this act, of the
6 members other than state officers first appointed to serve as members of the
7 information technology management board, the governor shall designate one to
8 serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May
9 1, 2005.

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

11 (1) INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNDING TRANSFER. The
12 unencumbered balances in the appropriation accounts under section 20.505 (1) (kL)
13 and (kr), 1999 stats., immediately before the effective date of this subsection are
14 transferred to the appropriation account under section 20.530 (1) (ke) of the statutes,
15 as affected by this act.

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

17 **CS DEPARTMENT OF ELECTRONIC GOVERNMENT.**
(1) The treatment of section 20.505 (1) (ka) (by SECTION 90) of the statutes takes
18 effect on September 1, 2003.

19 (END)

INSERT 4A:

^{N/A} The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

INSERT 14-2:

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

16.71 (1m) The department shall not delegate to any executive branch agency the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the chief information officer. No executive branch agency may enter into any such contract without review and approval of the contract by the chief information officer.

INSERT 37-2:

^{text treat} (5) Review and approve, approve with modifications, or disapprove any proposed contract for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications by an executive branch agency.

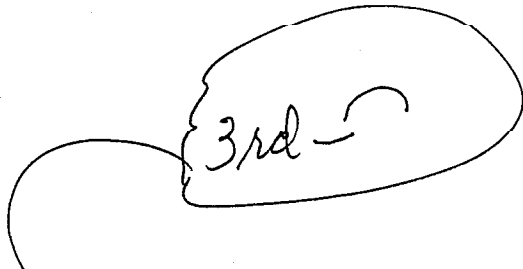
INSERT 35-10:

(h) Establish master contracts for the purchase of materials, supplies, equipment[✓] or contractual services relating to information technology or telecommunications for use by agencies, authorities, local governmental units[✓] or entities in the private sector and require any executive branch agency to make any purchases of materials, supplies, equipment[✓] or contractual services included under the contract pursuant to the terms of the contract.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/4dn

JTK.....



Dan Caucutt:

Per our discussion, this draft makes the following changes concerning procurement:

1. The draft precludes executive branch agencies from entering into procurement contracts related to information technology or telecommunications with review and approval of the chief information officer. See proposed s. 16.71 (1m). The draft does not make contracts entered into in violation of this provision voidable because it may not be possible to insulate the state from damages resulting from a ~~third~~ party's reliance on a contract entered into by that party with an agency in good faith

2. The draft permits DEG to create master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications by state agencies and authorities, local governmental units, and entities in the private sector, and to require executive branch agencies to make their purchases of items covered under the contracts pursuant to those contracts. See proposed s. 22.05 (2) (h). ✓

3. The draft limits the scope of the annual DEG procurement report to purchases by DEG that are not made in accordance with s. 16.75 (1) and (3t), stats. See the treatment of s. 16.75 (6) (am), stats.

4. Under the previous draft, executive branch agencies were precluded from purchasing materials, supplies, equipment, or contractual services relating to information technology or telecommunications except from DEG, unless DEG granted to the agencies the authority to make purchases from another agency, from an outside source under normal state procurement procedures or to provide the materials, supplies, equipment, or contractual services to itself. This draft authorizes DEG, as an additional option, to require an executive branch agency to make purchases pursuant to a DEG master contract. The draft does not make any change to s. 16.78 (1), stats. ✓

to include specific reference to software and licenses per the drafter's note to the /3 draft, item #3.

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Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/4dn

JTK:kmg:eh

February 5, 2001

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1. The draft precludes executive branch agencies from entering into procurement contracts related to information technology or telecommunications with review and approval of the chief information officer. See proposed s. 16.71 (1m). The draft does not make contracts entered into in violation of this provision voidable because it may not be possible to insulate the state from damages resulting from a 3rd-party's reliance on a contract entered into by that party with an agency in good faith.
2. The draft permits DEG to create master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications by state agencies and authorities, local governmental units, and entities in the private sector, and to require executive branch agencies to make their purchases of items covered under the contracts pursuant to those contracts. See proposed s. 22.05 (2) (h).
3. The draft limits the scope of the annual DEG procurement report to purchases by DEG that are not made in accordance with s. 16.75 (1) and (3t), stats. See the treatment of s. 16.75 (6) (am), stats.
4. Under the previous draft, executive branch agencies were precluded from purchasing materials, supplies, equipment, or contractual services relating to information technology or telecommunications except from DEG, unless DEG granted to the agencies the authority to make purchases from another agency, from an outside source under normal state procurement procedures or to provide the materials, supplies, equipment, or contractual services to itself. This draft authorizes DEG, as an additional option, to require an executive branch agency to make purchases pursuant to a DEG master contract. The draft does not make any change to s. 16.78 (1), stats., to include specific reference to software and licenses per the drafter's note to the /3 draft, item #3.

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WINDIE
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1857/40
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/Grinde /Milito /Montgomery /Dombrowski /Fathy /Coomber

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appeals by executive branch agencies of actions of the officer. The board may affirm, modify, or set aside any such action.

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 retains the attachment of the TEACH board to DOA but makes purchases of materials, supplies, equipment, or services by the TEACH board subject to the approval of DEG.

The bill directs DEG, 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.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG 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 DEG to these agencies. The bill also permits DEG 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 DEG 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, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local governmental unit, or any entity in the private sector. DEG may also develop and

operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to 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 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 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 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, except a sum sufficient appropriation, 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.

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 DEG, unless DEG requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or unless 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. The bill also makes all contracts by any executive branch agency for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications subject to review and approval of the chief information officer.

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 DEG. The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

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 DEG 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.

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.

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~~ electronic government to

1 report to the committee concerning any specific information technology system
2 project in accordance with s. 13.58 (5) (b) 4.

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

4 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
5 ~~administration~~ electronic government, the joint committee on legislative
6 organization and the director of state courts, review and transmit comments
7 concerning the plans to the entities submitting the plans.

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

9 13.58 (5) (b) 1. Direct the ~~subunit in the department of administration with~~
10 ~~policy-making responsibility related to information technology~~ electronic
11 government to conduct studies or prepare reports on items related to the committee's
12 duties under par. (a).

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

14 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
15 direct the department of ~~administration~~ electronic government to report
16 semiannually to the committee and the joint committee on finance concerning any
17 specific information technology system project which is being designed, developed,
18 tested or implemented and which the committees anticipate will have a total cost to
19 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
20 report shall include all of the following:

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

22 13.90 (6) The joint committee on legislative organization shall adopt, revise
23 biennially and submit to the cochairpersons of the joint committee on information
24 policy and technology, the governor and the ~~secretary of administration~~ chief
25 information officer, no later than September 15 of each even-numbered year, a

1 strategic plan for the utilization of information technology to carry out the functions
2 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
3 shall address the business needs of the legislature and legislative service agencies
4 and shall identify all resources relating to information technology which the
5 legislature and legislative service agencies desire to acquire, contingent upon
6 funding availability, the priority for such acquisitions and the justification for such
7 acquisitions. The plan shall also identify any changes in the functioning of the
8 legislature and legislative service agencies under the plan.

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

10 13.93 (2) (h) Approve specifications and scheduling for computer databases
11 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
12 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

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

14 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
15 (7).

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

17 15.07 (2) (L) The governor shall serve as chairperson of the information
18 technology management board and the chief information officer shall serve as vice
19 chairperson of that board.

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

21 15.07 (3) (bm) 4. The information technology management board shall meet at
22 least 4 times each year and may meet at other times on the call of the chairperson.

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

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

25 **SECTION 12.** 15.107 (7) (f) of the statutes is amended to read:

1 15.107 (7) (f) A representative of the ~~unit in the~~ department of administration
2 that deals with information technology electronic government.

3 **SECTION 13.** 15.21 of the statutes is created to read:

4 **15.21 Department of electronic government; creation.** There is created
5 a department of electronic government under the direction and supervision of the
6 secretary of electronic government, who shall be known as the "chief information
7 officer."

8 **SECTION 14.** 15.215 of the statutes is created to read:

9 **15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT**
10 **BOARD.** There is created an information technology management board which is
11 attached to the department of electronic government under s. 15.03. The board shall
12 consist of the governor, the chief information officer, the secretary of administration,
13 2 heads of departments or independent agencies appointed to serve at the pleasure
14 of the governor, and 2 other members appointed to serve for 4-year terms.

15 **SECTION 15.** 16.43 of the statutes is amended to read:

16 **16.43 Budget compiled.** The secretary shall compile and submit to the
17 governor or the governor-elect and to each person elected to serve in the legislature
18 during the next biennium, not later than November 20 of each even-numbered year,
19 a compilation giving all of the data required by s. 16.46 to be included in the state
20 budget report, except the recommendations of the governor and the explanation
21 thereof. The secretary shall not include in the compilation any provision for the
22 development or implementation of an information technology development project
23 for an executive branch agency that is not consistent with the strategic plan of the
24 agency, as approved under s. 22.13.

25 **SECTION 16.** 16.50 (3) of the statutes is amended to read:

1 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
2 the legislature or the courts, may increase the pay of any employee, expend money
3 or incur any obligation except in accordance with the estimate that is submitted to
4 the secretary as provided in sub. (1) and approved by the secretary or the governor.
5 No change in the number of full-time equivalent positions authorized through the
6 biennial budget process or other legislative act may be made without the approval
7 of the joint committee on finance, except for position changes made by the governor
8 under s. 16.505 (1) (c) or (2), by the chief information officer under s. 16.505 (2e), by
9 the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n) or by
10 the board of regents of the University of Wisconsin System under s. 16.505 (2m) ^{or (2p)}. The
11 secretary may withhold, in total or in part, the funding for any position, as defined
12 in s. 230.03 (11), as well as the funding for part-time or limited term employees until
13 such time as the secretary determines that the filling of the position or the expending
14 of funds is consistent with s. 16.505 and with the intent of the legislature as
15 established by law or in budget determinations, or the intent of the joint committee
16 on finance in creating or abolishing positions under s. 13.10, the intent of the
17 governor in creating or abolishing positions under s. 16.505 (1) (c) or (2), the intent
18 of the chief information officer in transferring positions under s. 16.505 (2e), or the
19 intent of the board of regents of the University of Wisconsin System in creating or
20 abolishing positions under s. 16.505 (2m) ^{or (2p)}. Until the release of funding occurs,
21 recruitment or certification for the position may not be undertaken. The secretary
22 shall submit a quarterly report to the joint committee on finance of any position
23 changes made by the governor under s. 16.505 (1) (c) or by the chief information
24 officer under s. 16.505 (2e). No pay increase may be approved unless it is at the rate
25 or within the pay ranges prescribed in the compensation plan or as provided in a

1 collective bargaining agreement under subch. V of ch. 111. At the request of the
 2 secretary of employment relations, the secretary of administration may authorize
 3 the temporary creation of pool or surplus positions under any source of funds if the
 4 secretary of employment relations determines that temporary positions are
 5 necessary to maintain adequate staffing levels for high turnover classifications, in
 6 anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
 7 or pool positions authorized by the secretary shall be reported quarterly to the joint
 8 committee on finance in conjunction with the report required under s. 16.54 (8).

NOTE: This is reconciled s. 16.50(3). This section has been affected by drafts with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

9 SECTION 17. 16.505 (1) (intro.) of the statutes is amended to read:

10 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) and (2n), no
 11 position, as defined in s. 230.03 (11), regardless of funding source or type, may be

12 created or abolished unless authorized by one of the following:

This is reconciled s. 16.505 (1) (intro.). This section has been affected by drafts with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

13 SECTION 18. 16.505 (2e) of the statutes is created to read:

14 16.505 (2e) (a) In this subsection, "executive branch agency" has the meaning
 15 given in s. 16.70 (4).

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

10
 13
 NOTE!

1 whole or in part, for any position transferred to the department of electronic
2 government or another executive branch agency under this paragraph. The chief
3 information officer may also rescind any previous action under this subdivision. If
4 the funding source for any position is changed under this subdivision and the
5 transfer or change in funding sources is rescinded, the funding source for that
6 position reverts to the original funding source. The number of authorized full-time
7 equivalent positions for the department of electronic government or any other
8 executive branch agency from which or to which positions are transferred under this
9 subdivision and the allocation of full-time equivalent positions to the department of
10 electronic government and other executive branch agencies among funding sources
11 is adjusted to reflect the transfer on the date on which the transfer is made.

12 2. On the effective date of any transfer of employees between executive branch
13 agencies under subd 1., any incumbent in a position that is affected by the transfer
14 is transferred to the appropriate executive branch agency required to effect the
15 transfer. Employees transferred under this paragraph have all of the rights and the
16 same status under subch. V of ch. 111 and ch. 230 in the executive branch agency to
17 which they are transferred that they enjoyed in the executive branch agency by
18 which they were employed immediately prior to the transfer. Notwithstanding s.
19 230.28 (4), no employee so transferred who has attained permanent status in class
20 may be required to serve a probationary period in the position to which the employee
21 is transferred.

22 3. Promptly following the completion of each calendar quarter, the chief
23 information officer shall report to the secretary the number of position changes made
24 by the chief information officer during the preceding calendar quarter, itemized for
25 each executive branch agency and funding source and, if applicable, the specific

1 appropriations from which funding for any position was provided or from which
2 funding for any position was deleted.

3 **SECTION 19.** 16.517 of the statutes is amended to read:

4 **16.517 Adjustments of program revenue positions and funding levels.**

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

1 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
2 department may not make the modifications specified in the report until the
3 committee approves the report.

4 SECTION 20. 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

5 SECTION 21. 16.52 (1), (2) and (3) of the statutes are amended to read:

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

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

23 (3) ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
24 keep separate accounts of all appropriations authorizing expenditures from the state
25 treasury, which accounts shall show the amounts appropriated, the amounts

1 allotted, the amounts encumbered, the amounts expended, the allotments
2 unencumbered and the unallotted balance of each appropriation.

3 **SECTION 22.** 16.52 (12) of the statutes is amended to read:

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

9 **SECTION 23.** 16.52 (13) of the statutes is created to read:

10 16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS
11 TRANSFERS. The department shall execute transfers between appropriation accounts
12 authorized under s. 22.09 (4) upon the direction of the chief information officer.

13 **SECTION 24.** 16.61 (2) (af) of the statutes is amended to read:

14 16.61 (2) (af) "Form" has the meaning specified in s. 16.97 22.01 (5p).

15 **SECTION 25.** 16.61 (3n) of the statutes is amended to read:

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

18 ~~**SECTION 26.** 16.70 (2) of the statutes is amended to read:~~

19 16.70 (2) "Authority" means a body created under ch. ~~231, 232, 233 or, 234, or~~

20 ~~235.~~

21 **SECTION 27.** 16.70 (4m) of the statutes is created to read:

22 16.70 (4m) "Information technology" has the meaning given in s. 22.01 (6).

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

24 16.70 (15) "Telecommunications" has the meaning given in s. 22.01 (10).

25 **SECTION 29.** 16.71 (1) of the statutes is amended to read:

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

11 **SECTION 30.** 16.71 (1m) of the statutes is created to read:

12 16.71 (1m) The department shall not delegate to any executive branch agency
13 the authority to enter into any contract for materials, supplies, equipment, or
14 contractual services relating to information technology or telecommunications prior
15 to review and approval of the contract by the chief information officer. No executive
16 branch agency may enter into any such contract without review and approval of the
17 contract by the chief information officer.

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

19 16.71 (2m) The department of administration shall delegate authority to make
20 all purchases for the department of electronic government to the department of
21 electronic government. This delegation may not be withdrawn, but the department
22 of electronic government may elect to make any purchase through the department
23 of administration.

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

1 16.71 (4) The With the approval of the department of electronic government,
2 the department of administration shall delegate authority to the technology for
3 educational achievement in Wisconsin board to make purchases of educational
4 technology equipment for use by school districts, cooperative educational service
5 agencies and public educational institutions in this state, upon request of the board.

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

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

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

20 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
21 565.25 (2) (a) 4., the department shall prepare or review specifications for all
22 materials, supplies, equipment, other permanent personal property and contractual
23 services not purchased under standard specifications. Such "nonstandard
24 specifications" may be generic or performance specifications, or both, prepared to
25 describe in detail the article which the state desires to purchase either by its physical

1 properties or programmatic utility. When appropriate for such nonstandard items
2 or services, trade names may be used to identify what the state requires, but
3 wherever possible 2 or more trade names shall be designated and the trade name of
4 any Wisconsin producer, distributor or supplier shall appear first.

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

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

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

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

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

1 16.72 (8) ~~The division of information technology services of the department~~
2 may purchase educational technology materials, supplies, equipment or contractual
3 services from orders placed with the department by the technology for educational
4 achievement in Wisconsin board on behalf of school districts, cooperative educational
5 service agencies, technical college districts and the board of regents of the University
6 of Wisconsin System.

7 **SECTION 38.** 16.75 (3t) (a) of the statutes is amended to read:

8 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~16.97~~
9 22.01 (5p).

10 **SECTION 39.** 16.75 (3t) (c) (intro.) of the statutes is amended to read:

11 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
12 to the department of administration a current list of all materials, supplies,
13 equipment or contractual services, excluding commodities, that are supplied by
14 prison industries, as created under s. 303.01. The department of administration
15 shall distribute the list to all designated purchasing agents under s. 16.71 (1). ~~Prior~~
16 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
17 sealed proposals with respect to the purchase of any materials, supplies, equipment
18 or contractual services enumerated in the list, the department of administration or
19 any other designated purchasing agent under s. 16.71 (1) shall offer prison industries
20 the opportunity to supply the materials, supplies, equipment or contractual services
21 if the department of corrections is able to provide them at a price comparable to one
22 which may be obtained through competitive bidding or competitive sealed proposals
23 and is able to conform to the specifications, provided the specifications are written
24 in accordance with s. 16.72 (2) (d). If the department of administration or other
25 purchasing agent is unable to determine whether the price of prison industries is

1 comparable, it may solicit bids or competitive proposals before awarding the order
2 or contract. This paragraph does not apply to the printing of the following forms:

3 **SECTION 40.** 16.75 (6) (am) 1. of the statutes is repealed.

4 **SECTION 41.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
5 amended to read:

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

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

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

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

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

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

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

23 **16.78 Purchases from ~~division of information technology services~~**
24 **department of electronic government.** (1) Every executive branch agency other
25 than the board of regents of the University of Wisconsin system and an agency

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

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

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

19 SECTION 47. Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes
20 is amended to read:

21 CHAPTER 16
22 SUBCHAPTER VII
23 INFORMATION EDUCATIONAL
24 TECHNOLOGY

1 **SECTION 48.** 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and
2 amended to read:

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

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

5 **SECTION 50.** 16.97 (10) of the statutes is renumbered 16.97 and amended to
6 read:

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

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

11 **SECTION 52.** 16.971 (1) of the statutes is repealed.

12 **SECTION 53.** 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and
13 amended to read:

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

24 **SECTION 54.** 16.971 (2) (intro.) of the statutes is renumbered 22.03 (2) (intro.)
25 and amended to read:

1 22.03 (2) (intro.) The ~~division~~ department shall:

2 **SECTION 55.** 16.971 (2) (a) of the statutes is renumbered 22.03 (2) (ae) and
3 amended to read:

4 22.03 (2) (ae) Except as provided in sub. (2m), review and approve, modify or
5 reject all forms approved by a records and forms officer for jurisdiction, authority,
6 standardization of design and nonduplication of existing forms. Unless the ~~division~~
7 department rejects for cause or modifies the form within 20 working days after
8 receipt, it is considered approved. The ~~division's~~ department's rejection of any form
9 is appealable to the public records board. If the head of an agency certifies to the
10 ~~division~~ department that the form is needed on a temporary basis, approval by the
11 ~~division~~ department is not required.

12 **SECTION 56.** 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2) (am)
13 to (k).

14 **SECTION 57.** 16.971 (2) (L) to (m) of the statutes are renumbered 22.03 (2) (L)
15 to (m) and amended to read:

16 22.03 (2) (L) Require each executive branch agency to adopt, ~~revise biennially,~~
17 ~~and submit for its approval, to the department, in a form specified by the department,~~
18 no later than March 1 of each year, a strategic plan for the utilization of information
19 technology to carry out the functions of the agency. As a part of each plan, the division
20 ~~shall require each executive branch agency to address the business needs of the~~
21 ~~agency and to identify all proposed information technology development projects~~
22 ~~that serve those business needs, the priority for undertaking such projects and the~~
23 ~~justification for each project, including the anticipated benefits of the project. Each~~
24 ~~plan shall identify any changes in the functioning of the agency under the plan. The~~
25 ~~division shall consult with the joint committee on information policy and technology~~

1 ~~in providing guidance for and scheduling of planning by executive branch agencies~~
2 ~~in the succeeding fiscal year for review and approval under s. 22.13.~~

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

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

19 **SECTION 58.** 16.971 (2) (n) and (2m) of the statutes are renumbered 22.03 (2)
20 (n) and (2m).

21 **SECTION 59.** 16.971 (3) of the statutes is repealed.

22 **SECTION 60.** 16.971 (4) and (6) of the statutes are renumbered 22.03 (4) and (6).

23 **SECTION 61.** 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 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 electronic
7 government shall annually report to the legislature under s. 13.172 (2) concerning
8 the ~~division's~~ department's efforts to improve and increase the efficiency of
9 integration of justice information systems.

10 *NOTE: This is a corrected s. 22.03 (9). This section has been affected by drafts with the following LRB numbers:*
11 SECTION 62. 16.971 (11) of the statutes is renumbered 22.03 (11) and amended

12 to read:

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

16 SECTION 63. 16.973 (title) of the statutes is renumbered 22.05 (title) and
17 amended to read:

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

20 SECTION 64. 16.973 (1) of the statutes is renumbered 22.05 (1).

21 SECTION 65. 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered
22 22.05 (2) (intro.) and (a) to (d) and amended to read:

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

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

1 (b) Provide such computer services and telecommunications services to local
 2 governmental units ^{and the broadcasting corporation} and provide such telecommunications services to qualified
 3 private schools, postsecondary institutions, museums and zoos, as the division
 4 department considers to be appropriate and as the division department can
 5 efficiently and economically provide. The division department may exercise this
 6 power only if in doing so it maintains the services it provides at least at the same
 7 levels that it provides prior to exercising this power and it does not increase the rates
 8 chargeable to users served prior to exercise of this power as a result of exercising this

9 power. ^{the broadcasting corporation} The division department may charge local governmental units and qualified
 10 private schools, postsecondary institutions, museums and zoos, for services provided
 11 to them under this paragraph in accordance with a methodology determined by the
 12 secretary chief information officer. Use of telecommunications services by a qualified
 13 private school or postsecondary institution shall be subject to the same terms and
 14 conditions that apply to a municipality using the same services. The division
 15 department shall prescribe eligibility requirements for qualified museums and zoos

16 to receive telecommunications services under this paragraph.

17 (c) Provide such supercomputer services to agencies, local governmental units

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

NOTE:
 s. 16.973 (2) (renumbered to be
 s. 22.05 (2) (b)). This section has been
 affected by drafts with the following #s: LRB-0985/7 and
 LRB-1857/4.

1 services provided to them under this paragraph in accordance with a methodology
2 determined by the ~~secretary~~ chief information officer.

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

11 **SECTION 66.** 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

12 **SECTION 67.** 16.974 (intro.) of the statutes is amended to read:

13 **16.974 Duties of the ~~division of information technology services~~**
14 **department.** (intro.) The ~~division of information technology services~~ department
15 shall:

16 **SECTION 68.** 16.974 (1) of the statutes is renumbered 22.07 (1) and amended
17 to read:

18 **22.07 (1)** Provide or contract with a public or private entity to provide computer
19 services to agencies. The ~~division~~ department may charge agencies for services
20 provided to them under this subsection in accordance with a methodology
21 determined by the ~~secretary~~ chief information officer.

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

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

1 22.07 (4) Ensure responsiveness to the needs of agencies for delivery of
2 high-quality information technology processing services on an efficient and
3 economical basis, while not unduly affecting the privacy of individuals who are the
4 subjects of the information being processed by the division department.

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

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

12 ~~SECTION 71. 16.974 (7) (a) to (d) of the statutes are renumbered 16.974 (1) to~~

13 (4).

14
15
26-13

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, ^{authorities} ~~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, ^{authority} ~~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 other entity~~ to have access to the information. The
24 agency, ~~unit or other entity~~ submitting the information remains the custodian of the
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, ^{authorities} 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 for the~~
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 under s. 16.974 (7) (a) (1) to the extent that the amounts due are not~~
23 ~~paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) and, prior to July 1, 2002,~~
24 ~~to make grants to school districts under s. 44.73 (6) and, in the 1999-2000 fiscal year,~~

1 to award a grant to the distance learning network under 1999 Wisconsin Act 9,
2 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 under s. 16.974 (7) (b) (2) to the extent that the
8 amounts due are not paid from the appropriation under s. ~~20.505-20.530~~ (1) (is).

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

10 20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
11 the universal service fund, the amounts in the schedule to make payments to
12 telecommunications providers under contracts with the department of
13 administration under s. 16.974 (7) (e) (3) to the extent that the amounts due are not
14 paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) and, prior to July 1, 2002,
15 to make grants to private schools under s. 44.73 (6).

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

17 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
18 universal service fund, the amounts in the schedule to make payments to
19 telecommunications providers under contracts with the department of
20 administration under s. 16.974 (7) (d) (4) to the extent that the amounts due are not
21 paid from the appropriation under s. ~~20.505 (1) (kL)~~ 20.530 (1) (ke).

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

23 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
24 schedule to provide services and to repurchase inventory items that are provided
25 primarily to purchasers other than state agencies. All moneys received from the sale

LPS:
Insert "KMA"
goes on p. 35, not
here.

1 of services, other than services provided under par. (is), and inventory items which
2 are provided primarily to purchasers other than state agencies shall be credited to
3 this appropriation account.

4 SECTION 88. 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and
5 amended to read:

6 20.530 (1) (is) *Information technology processing services to General program*
7 *operations: services to nonstate entities.* All moneys received from state authorities,
8 units of the federal government, local governmental units and entities in the private
9 sector for provision of computer services, telecommunications services and
10 supercomputer services under s. 16.973 22.05 (2) (b) and (c) or 22.09 (2) or under s.
11 44.73 (2) (d), to be used for the purpose of providing those services and for the general
12 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.

13 SECTION 89. 20.505 (1) (ja) of the statutes is renumbered 20.530 (1) (ja) and
14 amended to read:

15 20.530 (1) (ja) *Justice information systems.* The amounts in the schedule for
16 the development and operation of automated justice information systems under s.
17 ~~16.971~~ 22.03 (9). Two-ninths of the moneys received under s. 814.635 (1) shall be
18 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.

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

20 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*
21 The amounts in the schedule to provide services primarily to state agencies or local
22 professional baseball park districts created under subch. III of ch. 229, other than

"KMA"

NOTE: This is reconciled s. 20.903 (2) (b). This section has been affected by drafts with the following LRB numbers:

LRB-1551,
and
LRB-1857/4.

1 services specified in pars. (im), (is) and (kb) to (ku) and subs. (2) (k) and (5) (ka), and
2 to repurchase inventory items sold primarily to state agencies or such districts. All
3 moneys received from the provision of services primarily to state agencies and such
4 districts and from the sale of inventory items primarily to state agencies and such
5 districts, other than moneys received and disbursed under pars. (im), (is) and (kb)
6 to (ku) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

7 **SECTION 91.** 20.505 (1) (ka) of the statutes, as affected by 1999 Wisconsin Act
8 9, section 519, is amended to read:

9 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*

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

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

20 20.530 (1) (ke) ~~Telecommunications and data processing~~ *General program*
21 *operations; services to state agencies.* The amounts in the schedule to provide state
22 telecommunications services and data processing oversight and management
23 services and telecommunications and data processing inventory items primarily to
24 state agencies and to provide for the initial costs of establishment and operation of
25 the division of information technology services. All moneys received from the

mail processing, printing

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

NOTE: This section has been affected by drafts with the following LRB numbers: LRB-1555/1 and LRB-1857/4.

12 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.

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

~~Interagency assistance; justice~~ Justice

15 20.530 (1) (kp) ~~Interagency assistance; justice~~ information systems. The
 16 amounts in the schedule for the development and operation of automated justice
 17 information systems under s. 16.971 22.03 (9). All moneys transferred from the
 18 appropriation account accounts under sub. s. 20.505 (6) (k) and (pc) shall be credited
 19 to this appropriation account. *and two-thirds of the moneys received under s. 819.635(1)*

NOTE: This is reconciled s. 20.530 (1) (kp). This section has been affected by drafts with the following LRB numbers: LRB-1552/3, LRB-1857/4 and LRB-1915/2.

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

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

9

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

6 **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.

7 **SECTION 97.** 20.505 (4) (is) of the statutes is renumbered 20.530 (1) (ir) and
8 amended to read:

9 20.530 (1) (ir) *Relay service.* The amounts in the schedule for a statewide
10 telecommunications relay service ~~and for general program operations.~~ All moneys
11 received from the assessments authorized under s. 196.858 shall be credited to this
12 appropriation account.

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

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

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

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

17 **20.530 Electronic government, department of.** There is appropriated to
18 the department of electronic government for the following program:

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

1 (it) *Electronic communication services; nonstate entities.* All moneys received
2 from state authorities, units of the federal government, local governmental units,
3 and entities in the private sector for electronic communications services provided to
4 those entities by the department under s. 22.09 (3), to be used for the purpose of
5 providing those services.

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

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

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

14 SECTION 100. 20.680 (2) (kd) 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.

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

16 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys
17 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and
18 (es) ^{and} 20.505 (1) (im), (ka), (kb) ^{and} (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf)
19 in an additional amount not exceeding the depreciated value of equipment for
20 operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) ^{and} 20.505
21 (1) (im), (ka), (kb) ^{and} (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf). The secretary
22 of administration may require such statements of assets and liabilities as he or she

plain comma

1 deems necessary before approving expenditure estimates in excess of the
2 unexpended moneys in the appropriation account.

3 *→ Insert "KMA" from page 30 ←*
SECTION 102. 20.923 (4) (h) 2. of the statutes is created to read:

4 20.923 (4) (h) 2. Electronic government, department of: secretary (chief
5 information officer).

6 SECTION 103. Chapter 22 (title) of the statutes is created to read:

7 **CHAPTER 22**

8 **DEPARTMENT OF**

9 **ELECTRONIC GOVERNMENT**

10 SECTION 104. 22.01 (2m), (5), (6m) and (10) of the statutes are created to read:

11 22.01 (2m) "Board" means the information technology management board.

12 (5) "Department" means the department of electronic government.

13 (6m) "Information technology portfolio" means information technology
14 systems, applications, infrastructure, and information resources and human
15 resources devoted to developing and maintaining information technology systems.

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

19 SECTION 105. 22.05 (2) (f) to (i) of the statutes are created to read:

20 22.05 (2) (f) Acquire, operate, and maintain any information technology
21 equipment or systems required by the department to carry out its functions, and
22 provide information technology development and management services related to
23 those information technology systems. The department may assess executive
24 branch agencies for the costs of equipment or systems acquired, operated,
25 maintained, or provided or services provided under this paragraph in accordance

1 with a methodology determined by the chief information officer. The department
2 may also charge any agency for such costs as a component of any services provided
3 by the department to the agency.

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

11 (h) Establish master contracts for the purchase of materials, supplies,
12 equipment, or contractual services relating to information technology or
13 telecommunications for use by agencies, authorities, local governmental units, or
14 entities in the private sector and require any executive branch agency to make any
15 purchases of materials, supplies, equipment, or contractual services included under
16 the contract pursuant to the terms of the contract.

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

19 **SECTION 106.** 22.07 (intro.) of the statutes is created to read:

20 **22.07 Duties of the department.** (intro.) The department shall:

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

22 **22.09 Powers of the chief information officer.** The chief information
23 officer may:

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

1 (2) Subject to s. 22.05 (2) (b), enter into and enforce an agreement with any
2 agency, any authority, any unit of the federal government, any local governmental
3 unit, or any entity in the private sector to provide services authorized to be provided
4 by the department to that agency, authority, unit, or entity at a cost specified in the
5 agreement.

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

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

1 receipt of aids by this state. If any transfer under this subsection is made to or from
2 a sum certain appropriation, the amount in the schedule for the account from which
3 the transfer is made for the period during which the transfer is made is decreased
4 by the amount transferred and the amount in the schedule for the account to which
5 the transfer is made for the period during which the transfer is made is increased by
6 the amount transferred.

7 (5) Review and approve, approve with modifications, or disapprove any
8 proposed contract for the purchase of materials, supplies, equipment, or contractual
9 services relating to information technology or telecommunications by an executive
10 branch agency.

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

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

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

1 (3) Following receipt of a proposed strategic plan from an executive branch
2 agency under this section, the chief information officer shall, before June 1, notify
3 the agency of any concerns that the officer may have regarding the plan and provide
4 the agency with his or her recommendations regarding the proposed plan. The chief
5 information officer may also submit any concerns or recommendations regarding any
6 proposed plan to the board for its consideration. The board shall then consider the
7 proposed plan and provide the chief information officer with its recommendations
8 regarding the plan. The executive branch agency may submit modifications to its
9 proposed plan in response to any recommendations.

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

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

17 (6) The department shall consult with the joint committee on information
18 policy and technology in providing guidance for planning by executive branch
19 agencies.

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

21 **22.15 Information technology portfolio management.** With the
22 assistance of executive branch agencies and the advice of the board, the department
23 shall manage the information technology portfolio of state government in accordance
24 with a management structure that includes all of the following:

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

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

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

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

7 **22.17 Information technology management board.** (1) The board shall
8 provide the chief information officer with its recommendations concerning any
9 elements of the strategic plan of an executive branch agency that are referred to the
10 board under s. 22.13 (3).

11 (2) The board may advise the chief information officer with respect to
12 management of the information technology portfolio of state government under s.
13 22.15.

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

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

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

1 29.038 (1) (a) "Local governmental unit" has the meaning given in s. 16.97
2 22.01 (7).

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

4 36.25 (38) (b) 6. To pay the department of ~~administration~~ electronic
5 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1).

6 SECTION 113. 44.70 (4) of the statutes is amended to read:

7 44.70 (4) "Telecommunications" has the meaning given in s. ~~16.99 (1)~~ 22.01
8 (10).

9 ~~SECTION 114. 44.71 (2) (a) 7. and 8. of the statutes are amended to read:~~

10 44.71 (2) (a) 7. Coordinate the purchasing of educational technology materials,
11 supplies, equipment and contractual services for school districts, cooperative
12 educational service agencies, technical college districts and the board of regents of
13 the University of Wisconsin System by the department under s. 16.72 (8), and, in
14 cooperation with the department and subject to the approval of the department of
15 electronic government, establish standards and specifications for purchases of
16 educational technology hardware and software by school districts, cooperative
17 educational service agencies, technical college districts and the board of regents of
18 the University of Wisconsin System.

19 8. Purchase With the approval of the department of electronic government,
20 purchase educational technology equipment for use by school districts, cooperative
21 educational service agencies and public educational institutions in this state and
22 permit the districts, agencies and institutions to purchase or lease the equipment,
23 with an option to purchase the equipment at a later date. This subdivision does not
24 require the purchase or lease of any educational technology equipment from the
25 board.

1 **SECTION 115.** 44.73 (1) of the statutes is amended to read:

2 44.73 (1) Except as provided in s. 196.218 (4t), the board, in consultation with
3 the department and subject to the approval of the department of electronic
4 government, shall promulgate rules establishing an educational
5 telecommunications access program to provide educational agencies with access to
6 data lines and video links.

7 **SECTION 116.** 44.73 (3) of the statutes is amended to read:

8 44.73 (3) The board shall submit an annual report to the department on the
9 status of providing data lines and video links that are requested under sub. (2) (a)
10 and the impact on the universal service fund of any payment under contracts under
11 s. 16.974 (7).

12 **SECTION 117.** 44.73 (6) of the statutes is amended to read:

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

1 SECTION 118. 85.12 (3) of the statutes is amended to read:

2 85.12 (3) The department may contract with any local governmental unit, as
3 defined in s. ~~16.97~~ 22.01 (7), to provide that local governmental unit with services
4 under this section.

5 ~~SECTION 119. 196.218 (5) (a) 5. of the statutes is amended to read:~~

6 ~~196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to~~
7 ~~the extent that these costs are not paid under s. 44.73 (2) (d).~~

8 SECTION 120. 196.218 (5) (a) 6. of the statutes is amended to read:

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

13 SECTION 121. 196.858 (1) of the statutes is amended to read:

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

17 SECTION 122. 196.858 (2) of the statutes is amended to read:

18 196.858 (2) The commission shall assess a sum equal to the annual total
19 amount under sub. (1) to local exchange and interexchange telecommunications
20 utilities in proportion to their gross operating revenues during the last calendar year.
21 If total expenditures for telephone relay service exceeded the payment made under
22 this section in the prior year, the commission shall charge the remainder to assessed
23 telecommunications utilities in proportion to their gross operating revenues during
24 the last calendar year. A telecommunications utility shall pay the assessment within
25 30 days after the bill has been mailed to the assessed telecommunication utility. The

1 bill constitutes notice of the assessment and demand of payment. Payments shall
2 be credited to the appropriation account under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

3 SECTION 123. 221.0320 (3) (a) of the statutes is amended to read:

4 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
5 given in s. ~~16.97~~ 22.01 (7).

6 SECTION 124. 230.08 (2) (e) 1. of the statutes is amended to read:

7 230.08 (2) (e) 1. Administration — ~~12~~ 10.

8 SECTION 125. 230.08 (2) (e) 3r. of the statutes is created to read:

9 230.08 (2) (e) 3r. Electronic government — 3.

10 SECTION 126. 230.09 (2) (g) of the statutes is amended to read:

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

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

8 **SECTION 127.** 283.84 (1) (c) of the statutes is amended to read:

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

13 **SECTION 128.** 758.19 (7) of the statutes is amended to read:

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

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

2 (1) TRANSFER OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNCTIONS.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of administration that are primarily related to its
5 information technology or telecommunications functions, except educational
6 technology functions, as determined by the secretary of administration, shall become
7 assets and liabilities of the department of electronic government, as created by this
8 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 that are primarily related to its
12 information technology or telecommunications functions, except educational
13 technology functions, as determined by the secretary of administration, are
14 transferred to the department of electronic government, 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 electronic
17 government, 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 electronic government, 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 its information technology or telecommunications
2 functions, except educational technology functions, as determined by the secretary
3 of administration, is transferred to the department of electronic government, as
4 created by this act.

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

13 (e) *Rules and orders.* All rules promulgated by the department of
14 administration that are primarily related to its information technology or
15 telecommunications functions, except educational technology functions, and that
16 are in effect on the effective date of this paragraph remain in effect until their
17 specified expiration dates or until amended or repealed by the department of
18 electronic government, as created by this act. All orders issued by the department
19 of administration that are primarily related to its information technology or
20 telecommunications functions, except educational technology functions, and that
21 are in effect on the effective date of this paragraph remain in effect until their
22 specified expiration dates or until modified or rescinded by the department of
23 electronic government, as created by this act.

24 (f) *Pending matters.* Any matter pending with the department of
25 administration that is primarily related to its information technology or

1 telecommunications functions, except educational technology functions, on the
2 effective date of this paragraph is transferred to the department of electronic
3 government, as created by this act, and all materials submitted to or actions taken
4 by the department of administration with respect to the pending matter are
5 considered as having been submitted to or taken by the department of electronic
6 government, as created by this act.

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

8 (1) INFORMATION TECHNOLOGY MANAGEMENT BOARD; INITIAL TERMS.
9 Notwithstanding section 15.215 (1) of the statutes, as created by this act, of the
10 members other than state officers first appointed to serve as members of the
11 information technology management board, the governor shall designate one to
12 serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May
13 1, 2005.

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

15 (1) INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNDING TRANSFER. The
16 unencumbered balances in the appropriation accounts under section 20.505 (1) (kL)
17 and (kr), 1999 stats., immediately before the effective date of this subsection are
18 transferred to the appropriation account under section 20.530 (1) (ke) of the statutes,
19 as affected by this act.

20 ~~**SECTION 9401. Effective dates; administration.**~~

21 ~~(1) DEPARTMENT OF ELECTRONIC GOVERNMENT. The treatment of section 20.505~~
22 ~~(1) (ka) (by SECTION 91) of the statutes takes effect on September 1, 2003.~~

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/5ins
JTK.....

INSERT 26-13:

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

16.974 (1) Coordinate with the technology for educational achievement in Wisconsin board to provide secured correctional facilities, as defined in s. 44.70 (3r), school districts and cooperative educational service agencies with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

History: 1991 a. 39; 1995 a. 27; 1997 a. 27, 237; 1999 a. 9, 185.

****NOTE: This is reconciled s. 16.974 (7) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0445/2 and LRB-1857/4.

SECTION 2. 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2) to (4).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/5dn

JTK.../...
mg

Dan Caucutt/Brett Coomber/Cynthia Dombrowski/Erin Fath/Kirsten Grinde/Steve Milioto/John Montgomery:

This draft reconciles LRB-0445/2, LRB-0657/1, LRB-0705/2, LRB-1462/1, LRB-1552/3, LRB-1555/1, LRB-1634/P5, LRB-1694/9, LRB-1773/3, LRB-1857/4, and LRB-1915/2. LRB-0445, LRB-0657, LRB-0705, LRB-1462, LRB-1552, LRB-1555, LRB-1634, LRB-1694, LRB-1773, LRB-1857, and LRB-1915 should continue to appear in the compiled bill.

Jeffery T. Kuesel
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1857/5dn
JTK:kmg:rs

February 7, 2001

Dan Caucutt/Brett Coomber/Cynthia Dombrowski/Erin Fath/Kirsten Grinde/Steve Milioto/John Montgomery:

This draft reconciles LRB-0445/2, LRB-0657/1, LRB-0705/2, LRB-1462/1, LRB-1552/3, LRB-1555/1, LRB-1634/P5, LRB-1694/9, LRB-1773/3, LRB-1857/4, and LRB-1915/2. LRB-0445, LRB-0657, LRB-0705, LRB-1462, LRB-1552, LRB-1555, LRB-1634, LRB-1694, LRB-1773, LRB-1857, and LRB-1915 should continue to appear in the compiled bill.

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