

1 (2) If the secretary determines that the federal communications commission
2 has approved the transfer of all broadcasting licenses held by the educational
3 communications board to the broadcasting corporation, on and after the effective
4 date of the last license transferred, as determined by the secretary under s. 39.87 (2)
5 (a), the department shall contract with the broadcasting corporation for the
6 operation of an emergency weather warning system.

7 *~~0985/8.9~~* SECTION 221. 16.26 of the statutes is created to read:

8 **16.26 Public broadcasting assets.** (1) In this section:

9 (a) "Broadcasting corporation" has the meaning given under s. 39.81 (2).

10 (b) "Shared asset" means an asset of the state that, as determined by the
11 secretary, is used for the purpose of providing public broadcasting, including a tower,
12 transmitter, transmission facility or other related structure, equipment, or property,
13 and that is also used by another agency, as defined in s. 16.70 (1).

14 (2) If the secretary determines that the federal communications commission
15 has approved the transfer of all broadcasting licenses held by the educational
16 communications board to the broadcasting corporation, the secretary shall negotiate
17 and enter into an agreement to lease, sell, or otherwise transfer any shared asset
18 used by the educational communications board to the broadcasting corporation. In
19 addition, the secretary shall negotiate and enter into an agreement with the
20 broadcasting corporation regarding the payment of any outstanding debt service of
21 the educational communications board related to public broadcasting.

22 (3) If the secretary determines that the federal communications commission
23 has approved the transfer of all broadcasting licenses, except licenses for student
24 radio, held by the board of regents of the University of Wisconsin System to the
25 broadcasting corporation, the secretary shall negotiate and enter into an agreement

1 to lease, sell, or otherwise transfer any shared asset used by the University of
2 Wisconsin System to the broadcasting corporation. In addition, the secretary shall
3 negotiate and enter into an agreement with the broadcasting corporation regarding
4 the payment of any outstanding debt service of the board of regents of the University
5 of Wisconsin System related to public broadcasting.

6 ***-1552/5.6* SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

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

13 ***-1552/5.7* SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

14 16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h),
15 the department shall award grants to eligible applicants for the purpose of
16 supplementing the operating budgets of agencies and shelter facilities that have or
17 anticipate a need for additional funding because of the renovation or expansion of an
18 existing shelter facility, the development of an existing building into a shelter facility,
19 the expansion of shelter services for homeless persons, or an inability to obtain
20 adequate funding to continue the provision of an existing level of services.

21 ***-1552/5.8* SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to
22 read:

23 16.352 (2) (b) (intro.) The department shall allocate funds from the
24 appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h) for temporary shelter for
25 homeless individuals and families as follows:

1 ***-1552/5.9*** SECTION 225. 16.385 (3) (e) 1. of the statutes is amended to read:

2 16.385 (3) (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7)
3 ~~(km)~~ (kg), 15% of the moneys received under 42 USC 8621 to 8629 in each federal
4 fiscal year under the priority of maintaining funding for the geographical areas on
5 July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for
6 the weatherization assistance program administered by the department under s.
7 16.39.

8 ***-1552/5.10*** SECTION 226. 16.40 (14) of the statutes is amended to read:

9 16.40 (14) COMMITTEES. Perform administrative services required to properly
10 account for the finances of committees created by law or executive order. The
11 governor may authorize each committee to make expenditures from the
12 appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) not exceeding \$2,000 per fiscal year. The
13 governor shall report such authorized expenditures to the joint committee on finance
14 at the next quarterly meeting of the committee. If the governor desires to authorize
15 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall
16 submit to the joint committee on finance for its approval a complete budget for all
17 expenditures made or to be made by the committee. The budget may cover a period
18 encompassing more than one fiscal year or biennium during the governor's term of
19 office. If the joint committee on finance approves a budget authorizing expenditures
20 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
21 the expenditures to be made within the limits of the appropriation under s. 20.505
22 ~~(3) (a)~~ (4) (ba) in accordance with the approved budget during the period covered by
23 the budget. If after the joint committee on finance approves a budget for such a
24 committee the governor desires to authorize expenditures in excess of the authorized
25 expenditures under the approved budget, the governor shall submit a modified

1 budget for the committee to the joint committee on finance. If the joint committee
2 on finance approves a modified budget, the governor may authorize additional
3 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~
4 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
5 modified budget.

6 ***-1552/5.11* SECTION 227.** 16.40 (17) of the statutes is amended to read:

7 16.40 (17) INTERSTATE BODIES. Perform administrative services required to
8 properly account for dues and related expenses for state participation in national or
9 regional interstate governmental bodies specified in s. 20.505 ~~(3)~~ ~~(a)~~ (4) (ba) or
10 determined by the governor.

11 ***-1335/7.15* SECTION 228.** 16.41 (4) of the statutes is amended to read:

12 16.41 (4) In this section, “authority” means a body created under ch. 231, 233
13 ~~or, 234,~~ or 237.

14 ***-1127/1.1* SECTION 229.** 16.417 of the statutes is repealed.

15 ***-1857/5.15* SECTION 230.** 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 ***-1717/5.2* SECTION 231.** 16.46 (5m) of the statutes is created to read:

1 16.46 (5m) A statement of estimated general purpose revenue receipts and
2 expenditures in the biennium following the succeeding biennium based on
3 recommendations in the budget bill or bills. The statement shall contain all of the
4 following:

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

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

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

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

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

21 a. General equalization school aids.

22 b. Appropriations to the department of corrections.

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

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

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

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

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

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

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

22 3. Adjust the estimate of the amount of tax revenues that are deposited in the
23 general fund in the biennium following the succeeding biennium by any provision in
24 the biennial budget bill or bills that would affect the amount of tax revenues that are
25 deposited in the general fund in the biennium.

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

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

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

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

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

16 ***-1717/5.3* SECTION 232.** 16.46 (9) of the statutes is created to read:


17 16.46 (9) A comparison of the state’s budgetary surplus or deficit according to
18 generally accepted accounting principles, as reported in any audited financial report
19 prepared by the department for the most recent fiscal year, and the estimated change
20 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
21 For the purpose of this calculation, the secretary shall increase or decrease the
22 surplus or deficit by the amount designated as “Gross Balances” that appears in the
23 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
24 budget bill or bills.

25 ***-1063/6.2* SECTION 233.** 16.46 (10) of the statutes is created to read:

1 16.46 (10) The determination of the department under s. 13.40 (4).

2 ~~*-0886/3.2*~~ SECTION 234. 16.50 (1) (b) of the statutes is amended to read:

3 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
4 (2) (ac) and ~~(q)~~, 20.835, and 20.865 (4).

5 ~~*-1773/3.1*~~ SECTION 235. 16.50 (3) of the statutes is amended to read: 

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

~~committee on finance of any position changes made by the governor under s. 16.505
(1) (c). No pay increase may be approved unless it is at the rate or within the pay
ranges prescribed in the compensation plan or as provided in a collective bargaining
agreement under subch. V of ch. 111. At the request of the secretary of employment
relations, the secretary of administration may authorize the temporary creation of
pool or surplus positions under any source of funds if the secretary of employment
relations determines that temporary positions are necessary to maintain adequate
staffing levels for high turnover classifications, in anticipation of attrition, to fill
positions for which recruitment is difficult. Surplus or pool positions authorized by
the secretary shall be reported quarterly to the joint committee on finance in
conjunction with the report required under s. 16.54 (8).~~

***-1857/5.16* SECTION 236.** 16.50 (3) of the statutes is amended to read:

16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employee, expend money or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor. No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2), by the chief information officer under s. 16.505 (2e), by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part-time or limited term employees until such time as the secretary determines that the filling of the position

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1 or the expending of funds is consistent with s. 16.505 and with the intent of the
2 legislature as established by law or in budget determinations, or the intent of the
3 joint committee on finance in creating or abolishing positions under s. 13.10, the
4 intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),
5 the intent of the chief information officer in transferring positions under s. 16.505
6 (2e), or the intent of the board of regents of the University of Wisconsin System in
7 creating or abolishing positions under s. 16.505 (2m) or (2p). Until the release of
8 funding occurs, recruitment or certification for the position may not be undertaken.
9 The secretary shall submit a quarterly report to the joint committee on finance of any
10 position changes made by the governor under s. 16.505 (1) (c) or by the chief
11 information officer under s. 16.505 (2e). No pay increase may be approved unless it
12 is at the rate or within the pay ranges prescribed in the compensation plan or as
13 provided in a collective bargaining agreement under subch. V of ch. 111. At the
14 request of the secretary of employment relations, the secretary of administration
15 may authorize the temporary creation of pool or surplus positions under any source
16 of funds if the secretary of employment relations determines that temporary
17 positions are necessary to maintain adequate staffing levels for high turnover
18 classifications, in anticipation of attrition, to fill positions for which recruitment is
19 difficult. Surplus or pool positions authorized by the secretary shall be reported
20 quarterly to the joint committee on finance in conjunction with the report required
21 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.

22 ***-1256/5.1* SECTION 237.** 16.50 (7) (b) of the statutes is amended to read:

1 16.50 (7) (b) Following such notification, the governor shall submit a bill
2 containing his or her recommendations for correcting the imbalance between
3 projected revenues and authorized expenditures, including a recommendation as to
4 whether moneys should be transferred from the budget stabilization fund to the
5 general fund. If the legislature is not in a floorperiod at the time of the secretary's
6 notification, the governor shall call a special session of the legislature to take up the
7 matter of the projected revenue shortfall and the governor shall submit his or her bill
8 for consideration at that session.

9 *-1734/3.1* SECTION 238. 16.501 (1) of the statutes is amended to read:

10 16.501 (1) No funds appropriated under s. 20.143 (1) (bm) or (kn) may be
11 expended until the department of commerce submits to the secretary a report setting
12 forth the amount of private contributions received by Forward Wisconsin, Inc., since
13 the date the department of commerce last submitted a report under this subsection.
14 After receiving the report, the secretary may approve the expenditure of funds up to
15 the amount set forth in the report. Total funds expended in any fiscal year may not
16 exceed the amounts in the schedule under s. 20.143 (1) (bm) and (kn).

17 *-1734/3.2* SECTION 239. 16.501 (2) of the statutes is amended to read:

18 16.501 (2) Forward Wisconsin, Inc., shall expend funds appropriated under s.
19 20.143 (1) (bm) and (kn) in adherence with the uniform travel schedule amounts
20 approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds
21 appropriated under s. 20.143 (1) (bm) or (kn) on entertainment, foreign travel,
22 payments to persons not providing goods or services to Forward Wisconsin, Inc., or
23 for any other purposes prohibited by contract between Forward Wisconsin, Inc., and
24 the department.

25 *-1773/3.2* SECTION 240. 16.505 (1) (intro.) ~~of the statutes is amended to read:~~

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

4 ***-1857/5.17* SECTION 241.** 16.505 (1) (intro.) of the statutes is amended to
5 read:

6 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) and, (2n), and (2p),
7 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
8 created or abolished unless authorized by one of the following:

****NOTE: 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.

9 ***-1857/5.18* SECTION 242.** 16.505 (2e) of the statutes is created to read:

10 16.505 (2e) (a) In this subsection, "executive branch agency" has the meaning
11 given in s. 16.70 (4).

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

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

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

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

1 ***-1774/1.1*** **SECTION 243.** 16.505 (2m) of the statutes is amended to read:

2 16.505 (2m) The board of regents of the University of Wisconsin System may
3 create or abolish a full-time equivalent position or portion thereof from revenues
4 appropriated under s. 20.285 (1) (h), (ip), (ir), (iz), (j), (m), (n), or (u) or (3) (iz) or (n).
5 No later than the last day of the month following completion of each calendar quarter,
6 the board of regents shall report to the department and the cochairpersons of the
7 joint committee on finance concerning the number of full-time equivalent positions
8 created or abolished by the board under this subsection during the preceding
9 calendar quarter and the source of funding for each such position.

10 ***-1773/3.3*** **SECTION 244.** 16.505 (2p) of the statutes is created to read:

11 16.505 (2p) (a) The board of regents of the University of Wisconsin System may
12 create or abolish a full-time equivalent academic staff or faculty position or portion
13 thereof from revenues appropriated under s. 20.285 (1) (a) if the board of regents
14 submits a request to the department, by December 1 of the previous academic year,
15 containing a clear explanation of how the requested position will be filled and if the
16 department approves the request.

17 (b) The board of regents may not include in any certification to the department
18 under s. 20.928 (1) any sum to pay any costs of a position authorized under this
19 subsection. Notwithstanding s. 16.42 (1), in submitting information under s. 16.42
20 for the biennial budget bill, the board of regents may not include the cost of funding
21 positions requested under this subsection.

22 ***-0475/3.1*** **SECTION 245.** 16.51 (7) of the statutes is amended to read:

23 16.51 (7) **AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND**
24 **JUVENILES IN SECURED CORRECTIONAL FACILITIES.** Receive, examine, determine and
25 audit claims, duly certified and approved by the department of corrections, from the

1 county clerk of any county in behalf of the county, which are presented for payment
2 to reimburse the county for certain expenses incurred or paid by it in reference to all
3 matters growing out of actions and proceedings involving prisoners in state prisons,
4 ~~as defined~~ listed in s. 302.01, or juveniles in secured correctional facilities, as defined
5 in s. 938.02 (15m), including prisoners or juveniles transferred to a mental health
6 institute for observation or treatment, when the proceedings are commenced in
7 counties in which the prisons or secured correctional facilities are located by a
8 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter
9 involving the prisoner's status as a prisoner or the juvenile's status as a resident of
10 a secured correctional facility and for certain expenses incurred or paid by it in
11 reference to holding those juveniles in secure custody while those actions or
12 proceedings are pending. Expenses shall only include the amounts that were
13 necessarily incurred and actually paid and shall be no more than the legitimate cost
14 would be to any other county had the offense or crime occurred therein.

15 *-1857/5.19* SECTION 246. 16.517 of the statutes is amended to read:

16 **16.517 Adjustments of program revenue positions and funding levels.**

17 No later than 30 days after the effective date of each biennial budget act, the
18 department shall provide to the joint committee on finance a report indicating any
19 initial modifications that are necessary to the appropriation levels established under
20 that act for program revenue and program revenue-service appropriations as
21 defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions
22 funded from program revenue and program revenue-service appropriations
23 authorized by that act to account for any additional funding or positions authorized
24 under s. 16.505 (2), (2e), or (2m) or 16.515 in the fiscal year immediately preceding
25 the fiscal biennium of the budget that have not been included in authorizations

1 under the biennial budget act but which should be included as continued budget
2 authorizations in the fiscal biennium of the budget. Such modifications shall be
3 limited to adjustment of the appropriation or position levels to the extent required
4 to account for higher base levels for the fiscal year immediately preceding the fiscal
5 biennium of the budget due to appropriation or position increases authorized under
6 s. 16.505 (2), (2e), or (2m) or 16.515 during the fiscal year immediately preceding the
7 fiscal biennium of the budget. If the cochairpersons of the committee do not notify
8 the secretary that the committee has scheduled a meeting for the purpose of
9 reviewing the proposed modifications within 14 working days after the date of
10 receipt of the department's report, the department may make the modifications
11 specified in the report. If, within 14 working days after the date of the department's
12 report, the cochairpersons of the committee notify the secretary that the committee
13 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
14 department may not make the modifications specified in the report until the
15 committee approves the report.

16 ***-1256/5.2*** SECTION 247. 16.518 of the statutes is created to read:

17 **16.518 Transfers to the budget stabilization fund and the tax relief**
18 **fund.** (1) In this section, "summary" means the amount shown in the summary in
19 s. 20.005 (1), as published in the biennial budget act or acts.

20 (2) Annually, the secretary shall calculate the difference between the amount
21 of moneys projected to be deposited in the general fund during the fiscal year that
22 are designated as "Taxes" in the summary and the amount of such moneys actually
23 deposited in the general fund during the fiscal year.

24 (3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in
25 the general fund during the fiscal year that are designated as "Taxes" in the

1 summary is less than the amount of such moneys actually deposited in the general
2 fund during the fiscal year, the secretary shall annually transfer from the general
3 fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

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

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

14 (4) Annually, the secretary shall transfer from the general fund to the tax relief
15 fund the difference between the amount calculated under sub. (2) and the amount
16 transferred to the budget stabilization fund under sub. (3).

17 ***-1528/8.1* SECTION 248.** 16.519 of the statutes is created to read:

18 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

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

21 (2) Annually, on June 15, beginning in 2004, the secretary shall transfer from
22 the permanent endowment fund to the general fund an amount equal to the amount
23 calculated by the investment board under s. 25.17 (16).

24 (3) If the state has not received in fiscal year 2001–02 at least \$12,006,400
25 under the tobacco settlement agreement, because the secretary, under s. 16.63, has

1 sold the state's right to receive any of the payments under the tobacco settlement
2 agreement, the secretary shall transfer from the general fund to the tobacco control
3 fund an amount equal to \$12,006,400 less any payments received under the tobacco
4 settlement agreement and deposited in the tobacco control fund in that fiscal year.

5 (4) If the state has not received in fiscal year 2002-03 at least \$21,169,200
6 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
7 sold the state's right to receive any of the payments under the tobacco settlement
8 agreement, the secretary shall transfer from the general fund to the tobacco control
9 fund an amount equal to \$21,169,200 less any payments received under the tobacco
10 settlement agreement and deposited in the tobacco control fund in that fiscal year.

11 *-1857/5.20* **SECTION 249.** 16.52 (intro.) (except 16.52 (title)) of the statutes
12 is repealed.

13 *-1857/5.21* **SECTION 250.** 16.52 (1), (2) and (3) of the statutes are amended
14 to read:

15 16.52 (1) ~~KEEP SEPARATE ACCOUNTS~~ ACCOUNTS OF MONEYS AND FUNDS. ~~Keep The~~
16 department shall keep in its office separate accounts of the revenues and funds of the
17 state, and of all moneys and funds received or held by the state, and also of all
18 encumbrances, expenditures, disbursements and investments thereof, showing the
19 particulars of every encumbrance, expenditure, disbursement and investment.

20 (2) **REVENUE ACCOUNTS.** ~~Place~~ The department shall place revenue estimates
21 on the books of accounts and credit actual receipts against them as of the last day of
22 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior
23 fiscal year received between the day after the date for closing of books specified by
24 the secretary under sub. (5) (a) and the next succeeding such date specified by the
25 secretary shall be credited by the secretary to the fiscal year following the year to

1 which the receipts apply. Except in the case of program revenue and continuing
2 appropriations, any refund of a disbursement to a general purpose revenue
3 appropriation, applicable to any prior fiscal year, received between these dates may
4 not be credited to any appropriation but shall be considered as a nonappropriated
5 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not
6 available for expenditure, whether or not applied to the fiscal year in which received.

7 (3) ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
8 keep separate accounts of all appropriations authorizing expenditures from the state
9 treasury, which accounts shall show the amounts appropriated, the amounts
10 allotted, the amounts encumbered, the amounts expended, the allotments
11 unencumbered and the unallotted balance of each appropriation.

12 *~~1335/7.16~~* SECTION 251. 16.52 (7) of the statutes is amended to read:

13 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
14 which is authorized to maintain a contingent fund under s. 20.920 may establish a
15 petty cash account from its contingent fund. The procedure for operation and
16 maintenance of petty cash accounts and the character of expenditures therefrom
17 shall be prescribed by the secretary. In this subsection, "agency" means an office,
18 department, independent agency, institution of higher education, association,
19 society or other body in state government created or authorized to be created by the
20 constitution or any law, which is entitled to expend moneys appropriated by law,
21 including the legislature and the courts, but not including an authority created in
22 ch. 231, 233 ~~or~~, 234, or 237.

23 *~~0886/3.3~~* SECTION 252. 16.52 (10) of the statutes is amended to read:

24 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
25 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal

1 year shall not apply to the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
2 (q).

3 ***-1857/5.22* SECTION 253.** 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 ***-1857/5.23* SECTION 254.** 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 ***-1335/7.17* SECTION 255.** 16.528 (1) (a) of the statutes is amended to read:

14 16.528 (1) (a) “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

19 ***-1335/7.18* SECTION 256.** 16.53 (2) of the statutes is amended to read:

20 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
21 invoice, the agency shall notify the sender of the invoice within 10 working days after
22 it receives the invoice of the reason it is improperly completed. In this subsection,
23 “agency” means an office, department, independent agency, institution of higher
24 education, association, society or other body in state government created or
25 authorized to be created by the constitution or any law, which is entitled to expend

1 moneys appropriated by law, including the legislature and the courts, but not
2 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

3 ***-1839/1.1* SECTION 257.** 16.53 (14) of the statutes is created to read:

4 16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The
5 department may prescribe and collect a fee for review of any petition for
6 incorporation of a municipality under s. 66.0203 or any petition for annexation of
7 municipal territory under s. 66.0217. The fee shall be paid by the person or persons
8 filing the petition for incorporation or by the person or persons filing the notice of the
9 proposed annexation.

10 ***-1335/7.19* SECTION 258.** 16.54 (9) (a) 1. of the statutes is amended to read:

11 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
12 institution of higher education, association, society or other body in state
13 government created or authorized to be created by the constitution or any law, which
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

16 ***-0179/3.1* SECTION 259.** 16.54 (13) of the statutes is created to read:

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

24 (b) If the state is required to pay any interest payments to the federal
25 government relating to the timing of transfers of federal grant funds for programs

1 that are funded with moneys from the general fund and that are covered in an
2 agreement between the federal department of the treasury and the state under the
3 federal Cash Management Improvement Act of 1990, as amended, the secretary
4 shall notify the cochairpersons of the joint committee on finance, in writing, that the
5 state is required to pay an interest payment. The notice shall contain an accounting
6 of the amount of interest that the state is required to pay.

7 ***-1554/1.1* SECTION 260.** 16.545 (9) of the statutes is amended to read:

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

16 ***-1857/5.24* SECTION 261.** 16.61 (2) (af) of the statutes is amended to read:

17 16.61 (2) (af) “Form” has the meaning specified in s. ~~16.97~~ 22.01 (5p).

18 ***-1857/5.25* SECTION 262.** 16.61 (3n) of the statutes is amended to read:

19 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
20 about the forms specified in s. ~~16.971~~ 22.03 (2m).

21 ***-1536/3.1* SECTION 263.** 16.61 (7) (d) of the statutes is created to read:

22 16.61 (7) (d) This subsection does not apply to public records governed by s.
23 137.20.

24 ***-1536/3.2* SECTION 264.** 16.611 (2) (e) of the statutes is created to read:

1 16.611 (2) (e) This subsection does not apply to public records governed by s.
2 137.20.

3 ***-1536/3.3*** SECTION 265. 16.612 (2) (c) of the statutes is created to read:

4 16.612 (2) (c) This subsection does not apply to documents or public records
5 governed by s. 137.20.

6 ***-1555/2.1*** SECTION 266. 16.62 (2) of the statutes is amended to read:

7 16.62 (2) The department may establish user charges for records storage and
8 retrieval services, with any moneys collected to be credited to the appropriation
9 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
10 encourage efficient utilization of the services.

11 ***-1555/2.2*** SECTION 267. 16.62 (3) of the statutes is amended to read:

12 16.62 (3) The department may establish user fees for the services of the public
13 records board. Any moneys collected shall be credited to the appropriation account
14 under s. 20.505 (1) ~~(kd)~~ (kb).

15 ***-1528/8.2*** SECTION 268. 16.63 of the statutes is created to read:

16 **16.63 Sale of state's rights to tobacco settlement agreement payments.**

17 (1) In this section:

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

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

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

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

3 (3) The secretary may organize one or more nonstock corporations under ch.
4 181 or limited liability companies under ch. 183 for any purpose related to the sale
5 of the state's right to receive any of the payments under the tobacco settlement
6 agreement and may take any action necessary to facilitate and complete the sale.

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

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

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

16 2. The required financing statement shall include a description of collateral
17 that describes the collateral as general intangibles consisting of the right to receive
18 settlement payments arising from or pursuant to the tobacco settlement agreement
19 and all proceeds of that right. The required financing statement may include any
20 additional description of collateral that is legally sufficient under the laws of this
21 state.

22 3. The tobacco settlement revenues are general intangibles for purposes of ch.
23 409.

24 4. A security interest perfected under this paragraph is enforceable against the
25 debtor, any assignee or grantee, and all third parties, including creditors under any

1 lien obtained by judicial proceedings, subject only to the rights of any third parties
2 holding security interests in the tobacco settlement revenues previously perfected
3 under this paragraph. Unless the applicable security agreement provides otherwise,
4 a perfected security interest in the tobacco settlement revenues is a continuously
5 perfected security interest in all tobacco settlement revenues existing on the date of
6 the agreement or arising after the date of the agreement. A security interest
7 perfected under this paragraph has priority over any other lien created by operation
8 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

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

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

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

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

1 a. Commingling of amounts arising with respect to the tobacco settlement
2 revenues with other amounts.

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

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

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

9 e. Whether the seller is responsible for collecting payments due under the
10 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
11 revenues or retains legal title to the tobacco settlement revenues for the purpose of
12 these collection activities.

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

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

17 4. Nothing in this subsection precludes consideration of the factors listed in
18 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
19 tax purposes. The characterization of the sale, assignment, or transfer as an
20 absolute transfer under subd. 1. may not be considered in determining whether the
21 sale, assignment, or transfer is a sale for tax purposes.

22 (5) If the secretary sells the state's right to receive any of the payments under
23 the tobacco settlement agreement, the state pledges to and agrees with any
24 purchaser or subsequent transferee of the state's right to receive any of the payments
25 under the tobacco settlement agreement that the state will not limit or alter its

1 powers to fulfill the terms of the tobacco settlement agreement, nor will the state in
2 any way impair the rights and remedies provided under the tobacco settlement
3 agreement. The state also pledges to and agrees with any purchaser or subsequent
4 transferee of the state's right to receive any of the payments under the tobacco
5 settlement agreement that the state will pay all costs and expenses in connection
6 with any action or proceeding brought by or on behalf of the purchaser or any
7 subsequent transferee related to the state's not fulfilling the terms of the tobacco
8 settlement agreement. The secretary may include this pledge and agreement of the
9 state in any contract that is entered into by the secretary under this section.

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

19 (7) The secretary may enter into a contract with any firm or individual engaged
20 in providing financial services for the performance of any of his or her functions
21 under this section, using selection and procurement procedures established by the
22 secretary. That contract is not subject to s. 16.705 or 16.75.

23 (8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
24 proceedings, and actions brought against the state relating to the sale of the state's
25 right to receive any of the payments under the tobacco settlement agreement. If the

1 state fails to comply with this section or the terms of any agreement relating to the
2 sale of the state's right to receive any of the payments under the tobacco settlement
3 agreement, an action to compel compliance may be commenced against the state.

4 (8m) If the recovery of a money judgment against the state is necessary to give
5 the plaintiff in an action under sub. (8) complete relief, a claim for the money
6 damages may be joined with the claim commenced under sub. (8).

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

12 *-1335/7.20* SECTION 269. 16.70 (2) of the statutes is amended to read:

13 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 or, 234, or
14 237.

15 *-1857/5.26* SECTION 270. 16.70 (4m) of the statutes is created to read:

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

17 *-1857/5.27* SECTION 271. 16.70 (15) of the statutes is created to read:

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

19 *-1823/3.1* SECTION 272. 16.701 of the statutes is renumbered 16.701 (1).

20 *-1823/3.2* SECTION 273. 16.701 (2) of the statutes is created to read:

21 16.701 (2) The department may permit prospective vendors to provide product
22 or service information through the service established under sub. (1). The
23 department may prescribe fees or establish fees through a competitive process for the
24 use of the service under this subsection.

25 *-1823/3.3* SECTION 274. 16.7015 of the statutes is amended to read:

1 **16.7015 Bidders list.** ~~The department or any agency to which the department~~
2 ~~delegates purchasing authority under s. 16.71 (1) may maintain a bidders list which,~~
3 Any agency to which the department delegates purchasing authority under s. 16.71
4 (1) may maintain a bidders list if authorized by the delegation. The bidders list shall
5 include the names and addresses of all persons who request to be notified of bids or
6 competitive sealed proposals, excluding those to be awarded under s. 16.75 (1) (c) or
7 (2m) (c), that are solicited by the department or other agency for the procurement of
8 materials, supplies, equipment or contractual services under this subchapter. Any
9 list maintained by the department may include the names and addresses of any
10 person who requests to be notified of bids or competitive sealed proposals ~~to be that~~
11 are solicited by any agency. The department or other agency shall notify each person
12 on its list of all ~~requests for bids or competitive sealed proposals~~ that are solicited by
13 the department or other agency. The department or other agency may remove any
14 person from its list for cause.

15 *~~1857/5.28~~* SECTION 275. 16.71 (1) of the statutes is amended to read:

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

1 ***-1857/5.29*** SECTION 276. 16.71 (1m) of the statutes is created to read:

2 16.71 (1m) The department shall not delegate to any executive branch agency
3 the authority to enter into any contract for materials, supplies, equipment, or
4 contractual services relating to information technology or telecommunications prior
5 to review and approval of the contract by the chief information officer. No executive
6 branch agency may enter into any such contract without review and approval of the
7 contract by the chief information officer.

8 ***-1857/5.30*** SECTION 277. 16.71 (2m) of the statutes is created to read:

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

14 ***-1857/5.31*** SECTION 278. 16.71 (4) of the statutes is amended to read:

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

20 ***-1823/3.4*** SECTION 279. 16.71 (6) of the statutes is created to read:

21 16.71 (6) The department may assess any agency or municipality to which it
22 provides services under this subchapter for the cost of the services provided to the
23 agency or municipality. The department may also identify savings that the
24 department determines to have been realized by an agency to which it provides

1 services under this subchapter and may assess the agency for not more than the
2 amount of the savings identified by the department.

3 ***-1857/5.32* SECTION 280.** 16.72 (2) (a) of the statutes is amended to read:

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

16 ***-1857/5.33* SECTION 281.** 16.72 (2) (b) of the statutes is amended to read:

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

1 wherever possible 2 or more trade names shall be designated and the trade name of
2 any Wisconsin producer, distributor or supplier shall appear first.

3 ***-1857/5.34* SECTION 282.** 16.72 (2) (d) of the statutes is amended to read:

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

9 ***-1857/5.35* SECTION 283.** 16.72 (4) (a) of the statutes is amended to read:

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

22 ***-1857/5.36* SECTION 284.** 16.72 (8) of the statutes is amended to read:

23 16.72 (8) ~~The division of information technology services of the department~~
24 may purchase educational technology materials, supplies, equipment or contractual
25 services from orders placed with the department by the technology for educational

1 achievement in Wisconsin board on behalf of school districts, cooperative educational
2 service agencies, technical college districts and the board of regents of the University
3 of Wisconsin System.

4 ***-1706/5.1* SECTION 285.** 16.735 of the statutes is created to read:

5 **16.735 Multistate purchasing of prescription drugs.** (1) In this section,
6 "prescription drug" means a prescription drug, as defined in s. 450.01 (20), that is
7 included in the drugs specified under s. 49.46 (2) (b) 6. h.

8 (2) The department and the department of health and family services shall
9 together work to develop, in conjunction with states other than this state and with
10 associations, a multistate purchasing group for the direct negotiation with
11 prescription drug manufacturers of rebates that are, in part, modeled on the rebate
12 agreement specified under 42 USC 1396r-8 and that result, on average, in larger
13 rebate amounts than those achievable under the rebate agreement specified under
14 42 USC 1396r-8.

15 ***-1706/5.2* SECTION 286.** 16.736 of the statutes is created to read:

16 **16.736 Prescription drug discount program.** (1) In this section,
17 "prescription drug" means a prescription drug, as defined in s. 450.01 (20), that is
18 included in the drugs specified under s. 49.46 (2) (b) 6. h.

19 (2) The department of administration shall contract with a private entity to
20 administer a discount program for purchase of prescription drugs by persons of any
21 age or income who pay to the entity nominal fees. Requirements of ss. 16.75 (3t) (c)
22 and 16.752 (12) (a) do not apply to this subsection.

23 ***-0166/4.1* SECTION 287.** 16.75 (1) (a) 1. of the statutes is amended to read:

24 **16.75 (1) (a) 1.** All orders awarded or contracts made by the department for all
25 materials, supplies, equipment, and contractual services to be provided to any

1 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
2 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
3 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into
4 consideration life cycle cost estimates under sub. (1m), when appropriate, the
5 location of the agency, the quantities of the articles to be supplied, their conformity
6 with the specifications, and the purposes for which they are required and the date
7 of delivery.

8 ***-1823/3.5* SECTION 288.** 16.75 (1) (a) 3. of the statutes is amended to read:

9 16.75 (1) (a) 3. Bids may be received only in accordance with such specifications
10 as are adopted by the department as provided in this subsection. Any or all bids may
11 be rejected. Each Whenever sealed bids are invited, each bid, with the name of the
12 bidder, shall be entered on a record, and each record with the successful bid indicated
13 shall, after the award or letting of the contract, be opened to public inspection. Where
14 a low bid is rejected, a complete written record shall be compiled and filed, giving the
15 reason in full for such action. Any waiver of sealed, advertised bids as provided in
16 sub. (2m) or (6) shall be entered on a record kept by the department and open to public
17 inspection.

18 ***-1823/3.6* SECTION 289.** 16.75 (1) (b) of the statutes is amended to read:

19 16.75 (1) (b) When the estimated cost exceeds \$25,000, the department shall
20 invite bids to be submitted. The department shall either solicit sealed bids to be
21 opened publicly at a specified date and time, or shall solicit bidding by auction to be
22 conducted electronically at a specified date and time. Whenever bids are invited, due
23 notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids
24 or posted on the Internet at a site determined or approved by the department. The
25 bid opening or auction shall not be opened until occur at least 7 days from after the

1 date of the last day of publication insertion of the notice or at least 7 days after the
2 date of posting on the Internet. The official advertisement notice shall specify
3 whether sealed bids are invited or bids will be accepted by auction, and shall give a
4 clear description of the materials, supplies, equipment, or service contractual
5 services to be purchased, the amount of the any bond, share draft, check, or other
6 draft to be submitted as surety with the bid or prior to the auction, and the date of
7 and time that the public opening or the auction will be held.

8 *~~1823/3.7~~* SECTION 290. 16.75 (1) (cm) of the statutes is created to read:

9 16.75 (1) (cm) If bids are solicited by auction, the award may be made in
10 accordance with simplified competitive procedures established by the department
11 for such transactions.

12 *~~1823/3.8~~* SECTION 291. 16.75 (2) (a) of the statutes is amended to read:

13 16.75 (2) (a) When the department of administration believes that it is to the
14 best interests of the state to purchase certain patented or proprietary articles, other
15 than printing and stationery, it may purchase said articles without the usual
16 statutory procedure. ~~All but all~~ equipment shall be purchased from the lowest and
17 best bidder as determined by the bids and a comparison of ~~the~~ any detailed
18 specifications submitted with the bids, and after due advertisement ~~as hereinbefore~~
19 provided notice, whenever notice is required under this section. Where the low bid
20 or bids are rejected, a complete written record shall be compiled and filed, giving the
21 reasons in full for such action.

22 *~~1823/3.9~~* SECTION 292. 16.75 (2m) (b) of the statutes is amended to read:

23 16.75 (2m) (b) When the estimated cost exceeds \$25,000, the department ~~shall~~
24 ~~publish a class 2 notice under ch. ch 985 inviting~~ may invite competitive sealed
25 proposals by publishing a class 2 notice under ch. 985 or by posting notice on the

1 Internet at a site determined or approved by the department. The advertisement
2 notice shall describe the materials, supplies, equipment, or service contractual
3 services to be purchased, the intent to solicit make the procurement by solicitation
4 of proposals rather than by solicitation of bids, any requirement for surety and the
5 date the proposals will be opened, which shall be at least 7 days after the date of the
6 last insertion of the notice or at least 7 days after the date of posting on the Internet.

7 *~~1857/5.37~~* SECTION 293. 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 *~~1857/5.38~~* SECTION 294. 16.75 (3t) (c) (intro.) of the statutes is amended to
11 read:

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

1 purchasing agent is unable to determine whether the price of prison industries is
2 comparable, it may solicit bids or competitive proposals before awarding the order
3 or contract. This paragraph does not apply to the printing of the following forms:

4 *~~1857/5.39~~* SECTION 295. 16.75 (6) (am) 1. of the statutes is repealed.

5 *~~1857/5.40~~* SECTION 296. 16.75 (6) (am) 2. of the statutes is renumbered
6 16.75 (6) (am) and amended to read:

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

13 *~~1823/3.10~~* SECTION 297. 16.75 (6) (c) of the statutes is amended to read: .

14 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
15 to do so, he or she may, with the approval of the governor, waive the requirements
16 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
17 services, other than printing and stationery, from a private source other than a
18 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the
19 purchase is expected to exceed \$25,000, the department shall first publish a class 2
20 notice under ch. 985 or post a notice on the Internet at the site determined or
21 approved by the department under sub. (1) (b) describing the materials, supplies,
22 equipment, or contractual services to be purchased, stating the intent to make the
23 purchase from a private source without soliciting bids or competitive sealed
24 proposals and stating the date on which the contract or purchase order will be

1 awarded. The date of the award shall be at least 7 days after the date of the last
2 insertion or the date of posting on the Internet.

3 *~~1857/5.41~~* SECTION 298. 16.751 (1) of the statutes is repealed.

4 *~~1857/5.42~~* SECTION 299. 16.751 (2) of the statutes is renumbered 16.751 and
5 amended to read:

6 **16.751 Information technology purchases by investment board.** The
7 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
8 to procurements authorized to be made by the investment board under s. 16.78 (1)
9 for information technology purposes.

10 *~~1857/5.43~~* SECTION 300. 16.752 (12) (i) of the statutes is amended to read:

11 JK (11) 16.752 (12) (i) Paragraph (a) does not apply to ~~major~~ procurements, ~~as defined~~
12 in s. 16.75 (6) (am) by the department of electronic government.

13 *~~1335/7.21~~* SECTION 301. 16.765 (1) of the statutes is amended to read:

14 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
15 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
16 Center Sports and Entertainment Corporation shall include in all contracts executed
17 by them a provision obligating the contractor not to discriminate against any
18 employee or applicant for employment because of age, race, religion, color, handicap,
19 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual
20 orientation as defined in s. 111.32 (13m) or national origin and, except with respect
21 to sexual orientation, obligating the contractor to take affirmative action to ensure
22 equal employment opportunities.

23 *~~1335/7.22~~* SECTION 302. 16.765 (2) of the statutes is amended to read:

24 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
25 Clinics Authority, the Fox River Navigational System Authority, and the Bradley

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

14 ***-1335/7.23* SECTION 303.** 16.765 (4) of the statutes is amended to read:

15 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
17 Center Sports and Entertainment Corporation shall take appropriate action to
18 revise the standard government contract forms under this section.

19 ***-1335/7.24* SECTION 304.** 16.765 (5) of the statutes is amended to read:

20 16.765 (5) The head of each contracting agency and the boards of directors of
21 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
22 Navigational System Authority, and the Bradley Center Sports and Entertainment
23 Corporation shall be primarily responsible for obtaining compliance by any
24 contractor with the nondiscrimination and affirmative action provisions prescribed
25 by this section, according to procedures recommended by the department. The

1 department shall make recommendations to the contracting agencies and the boards
2 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
3 River Navigational System Authority, and the Bradley Center Sports and
4 Entertainment Corporation for improving and making more effective the
5 nondiscrimination and affirmative action provisions of contracts. The department
6 shall promulgate such rules as may be necessary for the performance of its functions
7 under this section.

8 ***-1335/7.25* SECTION 305.** 16.765 (6) of the statutes is amended to read:

9 16.765 (6) The department may receive complaints of alleged violations of the
10 nondiscrimination provisions of such contracts. The department shall investigate
11 and determine whether a violation of this section has occurred. The department may
12 delegate this authority to the contracting agency, the University of Wisconsin
13 Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the
14 Bradley Center Sports and Entertainment Corporation for processing in accordance
15 with the department's procedures.

16 ***-1335/7.26* SECTION 306.** 16.765 (7) (intro.) of the statutes is amended to
17 read:

18 16.765 (7) (intro.) When a violation of this section has been determined by the
19 department, the contracting agency, the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, or the Bradley
21 Center Sports and Entertainment Corporation, the contracting agency, the
22 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
23 System Authority, or the Bradley Center Sports and Entertainment Corporation
24 shall:

25 ***-1335/7.27* SECTION 307.** 16.765 (7) (d) of the statutes is amended to read:

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1 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
2 further violations of this section and to report its corrective action to the contracting
3 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
4 Navigational System Authority, or the Bradley center sports and entertainment
5 corporation.

6 ***-1335/7.28* SECTION 308.** 16.765 (8) of the statutes is amended to read:

7 16.765 (8) If further violations of this section are committed during the term
8 of the contract, the contracting agency, the Fox River Navigational System Authority,
9 or the Bradley Center Sports and Entertainment Corporation may permit the
10 violating party to complete the contract, after complying with this section, but
11 thereafter the contracting agency, the Fox River Navigational System Authority, or
12 the Bradley Center Sports and Entertainment Corporation shall request the
13 department to place the name of the party on the ineligible list for state contracts,
14 or the contracting agency, the Fox River Navigational System Authority, or the
15 Bradley Center Sports and Entertainment Corporation may terminate the contract
16 without liability for the uncompleted portion or any materials or services purchased
17 or paid for by the contracting party for use in completing the contract.

18 ***-1857/5.44* SECTION 309.** 16.78 of the statutes is amended to read:

19 **16.78 Purchases from ~~division of information technology services~~**
20 **department of electronic government.** (1) Every executive branch agency ~~other~~
21 ~~than the board of regents of the University of Wisconsin system and an agency~~
22 ~~making purchases under s. 16.74 shall purchase all computer~~ make all purchases of
23 materials, supplies, equipment, and contractual services relating to information
24 technology or telecommunications from the ~~division of information technology~~
25 ~~services in the department of administration~~ electronic government, unless the

1 division department of electronic government requires the agency to purchase the
2 materials, supplies, equipment, or contractual services pursuant to a master
3 contract established under s. 22.05 (2) (h), or grants written authorization to the
4 agency to procure the materials, supplies, equipment, or contractual services under
5 s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual
6 services from another agency or to provide the materials, supplies, equipment, or
7 contractual services to itself. The board of regents of the University of Wisconsin
8 System may purchase computer services from the division of information technology
9 services.

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

14 *-1857/5.45* SECTION 310. 16.80 of the statutes is renumbered 22.19.

15 *-1840/1.1* SECTION 311. 16.836 of the statutes is repealed.

16 *-1335/7.29* SECTION 312. 16.838 (1) (b) of the statutes is amended to read:

17 16.838 (1) (b) "Authority" means a body created under ch. 231, 232, 233, 234,
18 or ~~235~~ 237.

***NOTE: This is reconciled s. 16.838 (1) (b). This SECTION has been affected by
drafts with the following LRB numbers: -1335 and -1462.

19 *-1555/2.3* SECTION 313. 16.84 (14) of the statutes is amended to read:

20 16.84 (14) Provide interagency mail delivery service for agencies, as defined
21 in s. 16.70 (1). The department may charge agencies for this service. Any moneys
22 collected shall be credited to the appropriation account under s. 20.505 (1) ~~(kd)~~ (kb).

23 *-1335/7.30* SECTION 314. 16.845 (1) of the statutes is amended to read:

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

19 *-1553/2.2* SECTION 315. 16.847 (1) (a) of the statutes is repealed.

20 *-1553/2.3* SECTION 316. 16.847 (2) to (7) of the statutes are repealed.

21 *-1553/2.4* SECTION 317. 16.847 (8) (a) of the statutes is renumbered 16.847

22 (8) and amended to read:

23 16.847 (8) REPAYMENT AGREEMENTS. ~~As a condition of receiving a loan under sub-~~
24 ~~(6), an agency shall enter into an agreement to repay the loan from utility expenses~~
25 ~~saved by the energy efficiency project. The agreement shall specify the annual~~

1 ~~repayment amount and the appropriation to which the loan shall be repaid.~~
2 ~~Annually, the~~ The department may annually transfer the ~~specified repayment~~
3 ~~amount from an appropriation described in the agreement to the same account in~~
4 repayments under agreements to obtain loans from the energy efficiency fund ~~from~~
5 ~~which the loan was made under s. 16.847 (6), 1999 stats., from the appropriations~~
6 specified in the agreements to the general fund. The amount of each annual
7 repayment shall equal the amount of annual savings in utility expenses realized as
8 a result of the energy efficiency project that was funded by a loan. The department
9 shall determine the amount of annual savings in utility expenses saved realized as
10 a result of an energy efficiency project.

11 *~~1553/2.5~~* SECTION 318. 16.847 (8) (b) of the statutes is repealed.

12 *~~1553/2.6~~* SECTION 319. 16.847 (9) of the statutes is repealed.

13 *~~1553/2.7~~* SECTION 320. 16.85 (1) of the statutes is amended to read:

14 16.85 (1) To take charge of and supervise all engineering or architectural
15 services or construction work as defined in s. 16.87 performed by, or for, the state, or
16 any department, board, institution, commission or officer thereof, including
17 nonprofit-sharing corporations organized for the purpose of assisting the state in the
18 construction and acquisition of new buildings or improvements and additions to
19 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
20 engineering, architectural and construction work of the department of
21 transportation, the engineering service performed by the department of commerce,
22 department of revenue, public service commission, department of health and family
23 services and other departments, boards and commissions when the service is not
24 related to the maintenance, and construction and planning of the physical properties
25 of the state, ~~and energy efficiency projects of the energy efficiency program under s.~~

1 16.847. The department shall adopt the architectural and engineering design
2 proposed by the state fair park board for any project to be constructed for the board,
3 if the design and specifications conform to applicable laws, rules, codes and
4 regulations. The department shall not authorize construction work for any state
5 office facility in the city of Madison after May 11, 1990, unless the department first
6 provides suitable space for a day care center primarily for use by children of state
7 employees.

8 ***-1335/7.31*** SECTION 321. 16.85 (2) of the statutes is amended to read:

9 16.85 (2) To furnish engineering, architectural, project management and other
10 building construction services whenever requisitions therefor are presented to the
11 department by any agency. The department may deposit moneys received from the
12 provision of these services in the account under s. 20.505 (1) (kc) or in the general
13 fund as general purpose revenue — earned. In this subsection, “agency” means an
14 office, department, independent agency, institution of higher education, association,
15 society or other body in state government created or authorized to be created by the
16 constitution or any law, which is entitled to expend moneys appropriated by law,
17 including the legislature and the courts, but not including an authority created in
18 ch. 231, 233 ~~or~~, 234, or 237.

19 ***-1549/1.1*** SECTION 322. 16.85 (15) of the statutes is amended to read:

20 16.85 (15) Provide or contract for the provision of professional engineering,
21 architectural, project management and other building construction services on
22 behalf of school districts for the installation or maintenance of electrical and
23 computer network wiring. The department shall assess fees for services provided
24 under this subsection and shall credit all revenues received to the appropriation
25 account under s. 20.505 (1) (im).

1 ***-1335/7.32*** SECTION 323. 16.85 (16) of the statutes is created to read:

2 16.85 (16) To review and approve the design and specifications of any
3 rehabilitation or repair project of the Fox River Navigational System Authority on
4 state-owned land, to approve the decision to proceed with the project, and to
5 periodically review the progress of the project during construction to assure
6 compliance with the approved design and specifications.

7 ***-1335/7.33*** SECTION 324. 16.865 (8) of the statutes is amended to read:

8 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
9 proportionate share of the estimated costs attributable to programs administered by
10 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
11 may charge premiums to agencies to finance costs under this subsection and pay the
12 costs from the appropriation on an actual basis. The department shall deposit all
13 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
14 Costs assessed under this subsection may include judgments, investigative and
15 adjustment fees, data processing and staff support costs, program administration
16 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
17 subsection, “agency” means an office, department, independent agency, institution
18 of higher education, association, society or other body in state government created
19 or authorized to be created by the constitution or any law, which is entitled to expend
20 moneys appropriated by law, including the legislature and the courts, but not
21 including an authority created in ch. 231, 232, 233, 234, or ~~235~~ 237.

 ***NOTE: This is reconciled s. 16.865 (8). This SECTION has been affected by drafts
with the following LRB numbers: -1335 and -1462.

22 ***-1695/4.1*** SECTION 325. 16.956 of the statutes is created to read:

1 **16.956 Stray voltage and electrical wiring assistance.** (1) From the
2 appropriation under s. 20.505 (1) (q), the department shall award grants to operators
3 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage
4 concerns and sources and replacing electrical wiring. A farm operator is not eligible
5 to receive a grant under this subsection unless the public utility that provides electric
6 service to the farm has conducted tests to determine the sources of stray voltage on
7 the farm.

8 (2) The department shall promulgate rules establishing criteria and
9 procedures for awarding grants under sub. (1), including procedures for assuring
10 that any work is completed in accordance with acceptable practices.

11 ***-1552/5.12* SECTION 326.** 16.957 (2) (a) (intro.) of the statutes is amended to
12 read:

13 16.957 (2) (a) *Low-income programs.* (intro.) After holding a hearing,
14 establish programs to be administered by the department for awarding grants from
15 the appropriation under s. 20.505 ~~(10)~~ (3) (r) to provide low-income assistance. In
16 each fiscal year, the amount awarded under this paragraph shall be sufficient to
17 ensure that an amount equal to 47% of the sum of the following is spent for
18 weatherization and other energy conservation services:

19 ***-1552/5.13* SECTION 327.** 16.957 (2) (b) 1. of the statutes is amended to read:

20 16.957 (2) (b) 1. Subject to subd. 2., after holding a hearing, establish programs
21 for awarding grants from the appropriation under s. 20.505 ~~(10)~~ (3) (s) for each of the
22 following:

23 a. Proposals for providing energy conservation or efficiency services. In
24 awarding grants under this subd. 1. a., the department shall give priority to
25 proposals directed at the sectors of energy conservation or efficiency markets that

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

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

11 ***-2358/4.2* *-1880/3.2* SECTION 328.** 16.963 of the statutes is created to read:

12 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
13 section, “board” means the board on education evaluation and accountability.

14 **(2) DUTIES.** The board shall do all of the following:

15 (a) Appoint an executive director outside the classified service to serve at its
16 pleasure.

17 (b) Administer the pupil assessment program under s. 118.30 and develop a
18 standardized reading test for use under s. 121.02 (1) (r).

19 (c) Arrange for an evaluation of the student achievement guarantee program
20 under s. 118.43 (7).

21 (d) Administer the school performance and educational program review
22 program under s. 115.38.

23 **(3) POWERS.** The board may conduct a longitudinal study of the Milwaukee
24 parental choice program under s. 119.23 if the board receives sufficient funds from

1 private sources to do so. If the board conducts a study, it shall report the results to
2 the legislature under s. 13.172 (2) and to the governor.

3 ***-0796/1.1* SECTION 329.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

4 ***-0796/1.2* SECTION 330.** 16.964 (2) of the statutes is amended to read:

5 16.964 (2) All persons in charge of law enforcement agencies and other criminal
6 and juvenile justice system agencies shall supply the office with the information
7 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
8 supplied by the office under sub. ~~(1)~~ (1g) (g).

9 ***-0796/1.3* SECTION 331.** 16.964 (6) (a) of the statutes is renumbered 16.964
10 (1d) and amended to read:

11 16.964 (1d) In this subsection section, "tribe" means a federally recognized
12 American Indian tribe or band in this state.

13 ***-1552/5.14* SECTION 332.** 16.964 (6) (b) of the statutes is amended to read:

14 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kq), the office
15 shall provide grants to tribes to fund tribal law enforcement operations. To be
16 eligible for a grant under this subsection, a tribe must submit an application for a
17 grant to the office that includes a proposed plan for expenditure of the grant moneys.
18 The office shall review any application and plan submitted to determine whether
19 that application and plan meet the criteria established under par. (c). The office shall
20 review the use of grant money provided under this subsection to ensure that the
21 money is used according to the approved plan.

****NOTE: This is reconciled s. 16.964 (6) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0796/P4 and -1552/3.

22 ***-0796/1.4* SECTION 333.** 16.964 (7) of the statutes is repealed and recreated
23 to read:

1 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
2 justice assistance shall provide grants for cooperative county-tribal law enforcement
3 services to counties that have one or more federally recognized American Indian
4 reservations within or partially within their boundaries or that border on one or
5 more federally recognized American Indian reservations. In order to receive aid
6 under this subsection, a county must enter into an agreement in accordance with s.
7 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish
8 a cooperative county-tribal law enforcement program. The office shall consider a
9 request for aid under this subsection from any county that meets the eligibility
10 criteria established under this paragraph and that submits to the office a proposal
11 for expenditure of grant moneys.

12 (b) The office may require that a county include the following in its proposal
13 for aid under this subsection:

14 1. A description of any cooperative county-tribal law enforcement program or
15 law enforcement service for which the county requests funding.

16 2. A description of the population and geographic area that the county proposes
17 to serve.

18 3. The county's need for funding under this subsection and the amount of
19 funding requested.

20 4. Identification of the county governmental unit that shall administer any aid
21 received under this subsection and a description of how that governmental unit shall
22 disburse any aid received under this subsection.

23 5. Any information, other than that in subs. 1. to 4., that is required by the
24 office or considered relevant by the county submitting the application.

1 (c) The office shall develop criteria and procedures for use in administering this
2 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
3 promulgated as rules under ch. 227.

4 ***-1634/P6.16* SECTION 334.** 16.965 (2) of the statutes is amended to read:

5 16.965 (2) From the ~~appropriation~~ appropriations under ~~s.~~ ss. 20.505 (1) (cm)
6 and (if), the department may provide grants to local governmental units to be used
7 to finance the cost of planning activities, including contracting for planning
8 consultant services, public planning sessions and other planning outreach and
9 educational activities, or for the purchase of computerized planning data, planning
10 software or the hardware required to utilize that data or software. The department
11 shall require any local governmental unit that receives a grant under this section to
12 finance a percentage of the cost of the product or service to be funded by the grant
13 from the resources of the local governmental unit. The department shall determine
14 the percentage of the cost to be funded by a local governmental unit based on the
15 number of applications for grants and the availability of funding to finance grants
16 for the fiscal year in which grants are to be provided. A local governmental unit that
17 desires to receive a grant under this subsection shall file an application with the
18 department. The application shall contain a complete statement of the expenditures
19 proposed to be made for the purposes of the grant. No local governmental unit is
20 eligible to receive a grant under this subsection unless the local governmental unit
21 agrees to utilize the grant to finance planning for all of the purposes specified in s.
22 ~~66.0295~~ 66.1001 (2).

23 ***-1634/P6.17* SECTION 335.** 16.965 (3) of the statutes, as affected by 1999
24 Wisconsin Act 9, section 110p, is repealed and recreated to read:

1 16.965 (3) Prior to awarding a grant to a local governmental unit under sub.
2 (2), the department shall forward a statement of the expenditures proposed to be
3 made under the grant to the Wisconsin land council for its recommendation
4 concerning approval.

5 ***-1634/P6.18*** **SECTION 336.** 16.965 (5) of the statutes, as affected by 1999
6 Wisconsin Act 9, section 110t, is repealed and recreated to read:

7 16.965 (5) The department may promulgate rules specifying the methodology
8 whereby precedence will be accorded to applications in awarding grants under sub.
9 (2).

10 ***-1832/4.1*** **SECTION 337.** 16.9651 (1) of the statutes is renumbered 16.9651
11 (1) (intro.) and amended to read:

12 16.9651 (1) (intro.) In this section, ~~“local:~~

13 (b) “Local governmental unit” means a county, city, village, town or regional
14 planning commission, or metropolitan planning organization, as defined in s. 85.243
15 (1) (c).

16 ***-1832/4.2*** **SECTION 338.** 16.9651 (1) (a) of the statutes is created to read:

17 16.9651 (1) (a) “Highway corridor” means the area up to 10 miles on either side
18 of a state trunk highway that is identified in a transportation planning process by
19 the department of transportation to need additional capacity for vehicular traffic or
20 to have possible safety or operational problems resulting from pressure for
21 development adjacent to the highway.

22 ***-1832/4.3*** **SECTION 339.** 16.9651 (2) of the statutes is renumbered 16.9651
23 (2) (intro.) and amended to read:

1 16.9651 (2) (intro.) From the appropriation under s. 20.505 (1) (z), the
2 department may provide grants to local governmental units to be used ~~to~~ for any of
3 the following:

4 (a) To finance the cost of planning activities related to the transportation
5 element, as described in s. ~~66.0295~~ 66.1001 (2) (c), of a comprehensive plan, as
6 defined in s. ~~66.0295~~ 66.1001 (1) (a), including contracting for planning consultant
7 services, public planning sessions, and other planning outreach and educational
8 activities, or for the purchase of computerized planning data, planning software, or
9 the hardware required to utilize that data or software.

10 (4) The department may require any local governmental unit that receives a
11 grant under this section to finance not more than 25% of the cost of the product or
12 service to be funded by the grant from the resources of the local governmental unit.
13 Prior to awarding a grant under this section, the department shall forward a detailed
14 statement of the expenditures to be made under the grant to the Wisconsin land
15 council for its recommendation concerning approval. The department shall also
16 forward a detailed statement of the proposed expenditures to be made under the
17 grant to the secretary of transportation and obtain his or her written approval of the
18 proposed expenditures.

****NOTE: This is reconciled s. 16.9651 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1634 and LRB-1832.

19 *~~1832/4.4~~* SECTION 340. 16.9651 (2) (b) of the statutes is created to read:

20 16.9651 (2) (b) To assist local governmental units in the integrated
21 transportation and land-use planning for highway corridors. All highway corridor
22 planning activities shall be coordinated with any adopted state, regional, or local
23 plan. Activities under this subsection may include any of the following:

- 1 1. Identifying existing zoning and land–use issues.
- 2 2. Identifying existing and planned transportation facilities and services.
- 3 3. Analyzing future transportation needs.
- 4 4. Identifying areas for future development.
- 5 5. Identifying specific strategies to ensure better coordination of future
- 6 development and transportation needs in the corridor.

7 ***-1832/4.5* SECTION 341.** 16.9651 (3) of the statutes is created to read:

8 16.9651 (3) In awarding grants under this section, the department shall give
9 priority in each fiscal year in the following order:

10 (a) To a grant for the purposes specified in sub. (2) (a) and (b).

11 (b) To a grant for the purpose specified in sub. (2) (a).

12 (c) To a grant for the purpose specified in sub. (2) (b).

13 ***-1832/4.6* SECTION 342.** 16.9651 (5) of the statutes is created to read:

14 16.9651 (5) In consultation with the department of transportation, the
15 department of administration shall promulgate rules necessary to administer this
16 section.

17 ***-1634/P6.19* SECTION 343.** 16.966 (1) and (2) of the statutes, as affected by
18 1997 Wisconsin Act 27, section 133b, are repealed and recreated to read:

19 16.966 (1) In this section, “state agency” has the meaning given for “agency”
20 under s. 16.045 (1) (a).

21 (2) The department may assess any state agency for any amount that it
22 determines to be required for the functions of the Wisconsin land council under s.
23 16.023. For this purpose, the department may assess state agencies on a premium
24 basis and pay costs incurred on an actual basis. The department shall credit all

1 moneys received from state agencies under this subsection to the appropriation
2 account under s. 20.505 (1) (kt).

3 ***-1634/P6.20*** SECTION 344. 16.966 (4) of the statutes, as affected by 1997
4 Wisconsin Act 27, section 133d, is repealed.

5 ***-1634/P6.21*** SECTION 345. 16.967 of the statutes, as affected by 1997
6 Wisconsin Act 27, section 141am, and 1999 Wisconsin Act 9, section 114n, is repealed
7 and recreated to read:

8 **16.967 Land information program. (1) DEFINITIONS.** In this section:

9 (b) "Land information" means any physical, legal, economic, or environmental
10 information or characteristics concerning land, water, groundwater, subsurface
11 resources, or air in this state. "Land information" includes information relating to
12 topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife,
13 associated natural resources, land ownership, land use, land use controls and
14 restrictions, jurisdictional boundaries, tax assessment, land value, land survey
15 records and references, geodetic control networks, aerial photographs, maps,
16 planimetric data, remote sensing data, historic and prehistoric sites, and economic
17 projections.

18 (c) "Land information system" means an orderly method of organizing and
19 managing land information and land records.

20 (d) "Land records" means maps, documents, computer files, and any other
21 information storage medium in which land information is recorded.

22 (e) "Systems integration" means land information that is housed in one
23 jurisdiction or jurisdictional subunit and is available to other jurisdictions,
24 jurisdictional subunits, public utilities, and other private sector interests.

1 **(3) DUTIES OF THE DEPARTMENT.** The department shall direct and supervise the
2 land information program and serve as the state clearinghouse for access to land
3 information. In addition, the department shall:

4 (a) Provide technical assistance and advice to state agencies and local
5 governmental units with land information responsibilities.

6 (b) Maintain and distribute an inventory of land information available for this
7 state, land records available for this state, and land information systems.

8 (c) Prepare guidelines to coordinate the modernization of land records and land
9 information systems.

10 (d) Review project applications received under sub. (7) and determine which
11 projects are approved.

12 (e) Review for approval a countywide plan for land records modernization
13 prepared under s. 59.72 (3) (b).

14 (f) Prior to the beginning of each fiscal year, provide to the Wisconsin land
15 council a statement of the department's proposed expenditures under s. 20.505 (1)
16 (ie) relating to the land information program and aids to counties for land
17 information projects for that fiscal year.

18 **(4) FUNDING REPORT.** The department shall identify and study possible program
19 revenue sources or other revenue sources for the purpose of funding the operations
20 of the department under this section, including grants to counties under sub. (7).

21 **(6) REPORTS.** By March 31, 1990, and biennially thereafter, the department of
22 agriculture, trade and consumer protection, the department of commerce, the
23 department of health and family services, the department of natural resources, the
24 department of tourism, the department of revenue, the department of
25 transportation, the board of regents of the University of Wisconsin System, the

1 public service commission, and the board of curators of the historical society shall
2 each submit to the department a plan to integrate land information to enable such
3 information to be readily translatable, retrievable, and geographically referenced for
4 use by any state, local governmental unit, or public utility, except that beginning
5 with the plan that is due on March 31, 2002, the department of revenue is not
6 required to submit a plan under this subsection.

7 (7) AID TO COUNTIES. (a) A county board that has established a county land
8 information office under s. 59.72 (3) may apply to the department on behalf of any
9 local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially
10 within the county for a grant for any of the following projects:

11 1. The design, development, and implementation of a land information system
12 that contains and integrates, at a minimum, property and ownership records with
13 boundary information, including a parcel identifier referenced to the U.S. public land
14 survey; tax and assessment information; soil surveys, if available; wetlands
15 identified by the department of natural resources; a modern geodetic reference
16 system; current zoning restrictions; and restrictive covenants.

17 2. The preparation of parcel property maps that refer boundaries to the public
18 land survey system and are suitable for use by local governmental units for accurate
19 land title boundary line or land survey line information.

20 3. The preparation of maps that include a statement documenting accuracy if
21 the maps do not refer boundaries to the public land survey system and that are
22 suitable for use by local governmental units for planning purposes.

23 4. Systems integration projects.

1 (b) Grants shall be paid from the appropriation under s. 20.505 (1) (ie). A grant
2 under this subsection may not exceed \$100,000. The department may award more
3 than one grant to a county board.

4 (8) **ADVICE; COOPERATION.** In carrying out its duties under this section, the
5 department may seek advice and assistance from the University of Wisconsin
6 System, state agencies, local governmental units, and other experts involved in
7 collecting and managing land information. State agencies shall cooperate with the
8 department in the coordination of land information collection.

9 (9) **TECHNICAL ASSISTANCE; EDUCATION.** The department may provide technical
10 assistance to counties and conduct educational seminars, courses, or conferences
11 relating to land information.

12 (10) **SOIL SURVEYS AND MAPPING.** The department may conduct soil surveys and
13 soil mapping activities.

14 ***-1634/P6.22* SECTION 346.** 16.968 of the statutes, as affected by 1997
15 Wisconsin Act 27, section 142am, is repealed and recreated to read:

16 **16.968 Groundwater survey and analysis.** The department shall allocate
17 funds for programs of groundwater survey and analysis to the department of natural
18 resources and the geological and natural history survey following review and
19 approval of a mutually agreed upon division of responsibilities concerning
20 groundwater programs between the department of natural resources and the
21 geological and natural history survey, a specific expenditure plan, and groundwater
22 data collection standards consistent with the purposes of s. 16.967. State funds
23 allocated under this section shall be used to match available federal funds prior to
24 being used for solely state-funded activities.

1 agencies make effective and efficient use of the information technology resources of
2 the state. The department shall, in cooperation with agencies, establish policies,
3 procedures and planning processes, for the administration of information technology
4 services, which executive branch agencies shall follow. The policies, procedures and
5 processes shall address the needs of agencies to carry out their functions. The
6 department shall monitor adherence to these policies, procedures and processes.

7 ***-1857/5.53* SECTION 354.** 16.971 (2) (intro.) of the statutes is renumbered
8 22.03 (2) (intro.) and amended to read:

9 22.03 (2) (intro.) The ~~division~~ department shall:

10 ***-1857/5.54* SECTION 355.** 16.971 (2) (a) of the statutes is renumbered 22.03
11 (2) (ae) and amended to read:

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

20 ***-1857/5.55* SECTION 356.** 16.971 (2) (am) to (k) of the statutes are
21 renumbered 22.03 (2) (am) to (k).

22 ***-1857/5.56* SECTION 357.** 16.971 (2) (L) to (m) of the statutes are renumbered
23 22.03 (2) (L) to (m) and amended to read:

24 22.03 (2) (L) Require each executive branch agency to adopt, ~~revise biennially,~~
25 and submit ~~for its approval, to the department, in a form specified by the department,~~

1 ~~no later than March 1 of each year, a strategic plan for the utilization of information~~
2 ~~technology to carry out the functions of the agency. As a part of each plan, the division~~
3 ~~shall require each executive branch agency to address the business needs of the~~
4 ~~agency and to identify all proposed information technology development projects~~
5 ~~that serve these business needs, the priority for undertaking such projects and the~~
6 ~~justification for each project, including the anticipated benefits of the project. Each~~
7 ~~plan shall identify any changes in the functioning of the agency under the plan. The~~
8 ~~division shall consult with the joint committee on information policy and technology~~
9 ~~in providing guidance for and scheduling of planning by executive branch agencies~~
10 in the succeeding fiscal year for review and approval under s. 22.13.

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

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

1 plan to the cochairpersons of the joint committee on information policy and
2 technology and the governor.

3 ***-1857/5.57* SECTION 358.** 16.971 (2) (n) and (2m) of the statutes are
4 renumbered 22.03 (2) (n) and (2m).

5 ***-1857/5.58* SECTION 359.** 16.971 (3) of the statutes is repealed.

6 ***-1857/5.59* SECTION 360.** 16.971 (4) and (6) of the statutes are renumbered
7 22.03 (4) and (6).

8 ***-1857/5.60* SECTION 361.** 16.971 (9) of the statutes is renumbered 22.03 (9)
9 and amended to read:

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

****NOTE: This is reconciled s. 16.971 (9) [renumbered to be s. 22.03 (9)]. This
SECTION has been affected by drafts with the following LRB numbers: LRB-1857/4 and
LRB-1915/2.

19 ***-1857/5.61* SECTION 362.** 16.971 (11) of the statutes is renumbered 22.03 (11)
20 and amended to read:

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

Sec# 16.973(1)(a) of the statutes is renumbered 22.05(1)(ag).

1 *-1857/5.62* SECTION 363. 16.973 (title) of the statutes is renumbered 22.05
2 (title) and amended to read:

3 22.05 (title) Powers of the ~~division of information technology services~~
4 department.

5 *-1857/5.63* SECTION 364. 16.973 (1) of the statutes ^{(intro.) and (b) to (d)} is renumbered 22.05 (1).

6 *-1857/5.64* SECTION 365. 16.973 (2) (intro.) and (a) to (d) of the statutes are
7 renumbered 22.05 (2) (intro.) and (a) to (d) and amended to read:

8 22.05 (2) (intro.) The ~~division of information technology services~~ department
9 may:

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

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

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

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1 that apply to a municipality using the same services. The ~~division~~ department shall
2 prescribe eligibility requirements for qualified museums and zoos to receive
3 telecommunications services under this paragraph.

****NOTE: This is reconciled s. 16.973 (2) (b) [renumbered to be s. 22.05 (2) (b)]. This
SECTION has been affected by drafts with the following LRB numbers: LRB-0985/7 and
LRB-1857/4.

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

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

22 *-1857/5.65* SECTION 366. 16.973 (2) (e) of the statutes is renumbered 22.05
23 (2) (e).

1 ***-1857/5.66*** SECTION 367. 16.974 (intro.) of the statutes is amended to read:

2 **16.974 Duties of the ~~division of information technology services~~**

3 **department.** (intro.) The ~~division of information technology services~~ department

4 shall:

5 ***-1857/5.67*** SECTION 368. 16.974 (1) of the statutes is renumbered 22.07 (1)

6 and amended to read:

7 22.07 (1) Provide or contract with a public or private entity to provide computer

8 services to agencies. The ~~division~~ department may charge agencies for services

9 provided to them under this subsection in accordance with a methodology

10 determined by the ~~secretary~~ chief information officer.

11 ***-1857/5.68*** SECTION 369. 16.974 (3) of the statutes is renumbered 22.07 (3).

12 ***-1857/5.69*** SECTION 370. 16.974 (4) to (6) of the statutes are renumbered

13 22.07 (4) to (6) and amended to read:

14 22.07 (4) Ensure responsiveness to the needs of agencies for delivery of

15 high-quality information technology processing services on an efficient and

16 economical basis, while not unduly affecting the privacy of individuals who are the

17 subjects of the information being processed by the ~~division~~ department.

18 (5) Utilize all feasible technical means to ensure the security of all information

19 submitted to the ~~division~~ department for processing by agencies, local governmental

20 units and entities in the private sector.

21 (6) With the advice of the ethics board, adopt and enforce standards of ethical

22 conduct applicable to its paid consultants which are similar to the standards

23 prescribed in subch. III of ch. 19, except that the ~~division~~ department shall not

24 require its paid consultants to file statements of economic interests.

1 ***-1857/5.70*** **SECTION 371.** 16.974 (7) (a) of the statutes is renumbered 16.974
2 (1) and amended to read:

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

 ****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.

8 ***-1857/5.71*** **SECTION 372.** 16.974 (7) (b) to (d) of the statutes are renumbered
9 16.974 (2) to (4).

10 ***-1857/5.72*** **SECTION 373.** 16.975 of the statutes is renumbered 22.11 and
11 amended to read:

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

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

3 ***-1857/5.73*** SECTION 374. 16.979 of the statutes is renumbered 16.006.

4 ***-1857/5.74*** SECTION 375. Subchapter IX (title) of chapter 16 [precedes 16.99]
5 of the statutes is repealed.

6 ***-1857/5.75*** SECTION 376. 16.99 (title) of the statutes is renumbered 22.41
7 (title).

8 ***-1857/5.76*** SECTION 377. 16.99 (1) of the statutes is repealed.

9 ***-1857/5.77*** SECTION 378. 16.99 (2) (intro.) and (a) of the statutes are
10 renumbered 22.41 (2) (intro.) and (a) and amended to read:

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

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

21 ***-1857/5.78*** SECTION 379. 16.99 (2) (b) to (e) of the statutes are renumbered
22 22.41 (2) (b) to (e).

23 ***-1857/5.79*** SECTION 380. 16.99 (2) (f) of the statutes is renumbered 22.41 (2)
24 (f) and amended 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 *-1857/5.80* SECTION 381. 16.99 (3) of the statutes is renumbered 22.41 (3).

5 *-1335/7.34* SECTION 382. 17.15 (4) of the statutes is repealed.

6 *-1335/7.35* SECTION 383. 17.27 (1r) of the statutes is repealed.

7 *-1857/5.81* SECTION 384. 19.36 (4) of the statutes is amended to read:

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

13 *-1462/3.1* SECTION 385. 19.42 (10) (m) of the statutes is repealed.

14 *-1335/7.36* SECTION 386. 19.42 (10) (o) of the statutes is created to read:

15 19.42 (10) (o) The chief executive officer and members of the board of directors
16 of the Fox River Navigational System Authority.

17 *-1462/3.2* SECTION 387. 19.42 (13) (L) of the statutes is repealed.

18 *-1335/7.37* SECTION 388. 19.42 (13) (n) of the statutes is created to read:

19 19.42 (13) (n) The chief executive officer and members of the board of directors
20 of the Fox River Navigational System Authority.

21 *-0985/8.10* SECTION 389. 19.42 (13) (p) of the statutes is created to read:

22 19.42 (13) (p) ~~The~~ ^a members of the public broadcasting transitional board.

23 *-1915/3.1* SECTION 390. 20.001 (2) (c) of the statutes is amended to read:

24 20.001 (2) (c) ~~Program revenues-service~~. "Program revenues-service", are
25 indicated by the abbreviation "PR-S" in s. 20.005, and, except as provided in s. 20.530

* - ~~185~~ *

Sec # ~~19.42(10)(p)~~
19.42(10)(p) a member of the public broadcasting transitional board
under s. 15.98(2)(e).

Handwritten notes in a vertical column on the left side of the page, including "Give PRB #", "KMG", "0985", and "194".

Handwritten note: "under s. 15.98(2)(e)" with an arrow pointing to line 22.

1 (1) (kp), consist of appropriated moneys in the general fund derived from any revenue
2 source that are transferred between or within state agencies or miscellaneous
3 appropriations. These Except as provided in s. 20.530 (1) (kp), these moneys are
4 shown as expenditures in the appropriation of the state agency or program from
5 which the moneys are transferred and are also shown as program revenue in the
6 appropriation of the agency or program to which the moneys are transferred. For any
7 program revenue-service appropriation which is limited to the amounts in the
8 schedule, no expenditure may be made exceeding the amounts in the schedule,
9 except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to the
10 account from which the appropriation is made.

11 ***-1044/2.1*** SECTION 391. 20.002 (11) (d) 7. of the statutes is amended to read:
12 20.002 (11) (d) 7. The fish and wildlife account within the conservation fund
13 ~~under s. 25.29 (3).~~

14 ***-2308/1.1*** SECTION 392. 20.003 (4) (d) of the statutes is amended to read:
15 20.003 (4) (d) For fiscal year 2002-03, ~~1.4%~~ 1.2%.

16 ***-0762/P1.1*** SECTION 393. 20.005 (1) of the statutes is repealed and recreated
17 to read:

18 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
19 the state of Wisconsin for all funds beginning on July 1, 2001, and ending on June
20 30, 2003, is summarized as follows: [See Figure 20.005 (1) following]

****NOTE: The following schedules are from the 1999 budget bill from two years ago.
They need 2001-03 versions. The 1999-01 years topping each column in all tables will
need to be changed to 2001-03 years.

1
2
3**Figure: 20.005 (1)****GENERAL FUND SUMMARY**

	1999-00	2000-01
Opening Balance, July 1	\$ 714,970,000	\$ 1,005,583,400
Revenues and Transfers		
Estimated Taxes	\$ 10,407,005,100	\$ 10,182,971,100
Transfers from the Computer Escrow Fund	64,000,000	-0-
Estimated Departmental Revenues		
Tobacco Settlement	185,031,900	148,984,800
Other	<u>254,180,800</u>	<u>183,447,300</u>
Total Available	\$ 11,625,187,800	\$ 11,520,986,600
Appropriations, Transfers and Reserves		
Gross Appropriations	\$ 10,616,351,800	\$ 11,160,657,000
Compensation Reserves	56,100,000	117,750,000
1999 Act 4	500,000	-0-
Transfers to:		
Conservation Fund	-0-	500,000
Tobacco Control Fund	2,492,000	23,500,000
Lottery Fund	37,207,000	216,689,300
Less estimated lapses	<u>-93,046,400</u>	<u>-115,926,800</u>
Total Expenditures	\$ 10,619,604,400	\$ 11,403,169,500
Balances		
Gross Balance	\$ 1,005,583,400	\$ 117,817,100
Less Required Statutory Balance	<u>-106,724,500</u>	<u>-112,784,100</u>
Net Balance, June 30	\$ 898,858,900	\$ 5,033,000

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	1999-00	2000-01
General Purpose Revenue	\$ 10,616,351,800	\$ 11,160,657,000
Federal Revenue	5,085,403,000	4,690,281,100
Program Revenue	(4,452,979,100)	(4,108,258,100)
Segregated Revenue	(632,423,900)	(582,023,000)
Program Revenue	2,650,181,600	2,722,470,700
State	(1,908,108,400)	(1,967,626,400)
Service	(742,073,200)	(754,844,300)
Segregated Revenue	2,328,268,500	2,547,710,600
State	(2,105,196,400)	(2,330,287,000)
Local	(71,673,000)	(65,570,000)
Service	<u>(151,399,100)</u>	<u>(151,853,600)</u>
GRAND TOTAL	\$ 20,680,204,900	\$ 21,121,119,400

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	1999-00	2000-01
General Purpose Revenue	\$ 56,100,000	\$ 117,750,000
Federal Revenue	15,948,200	33,474,100
Program Revenue	43,016,300	90,288,200
Segregated Revenue	<u>10,019,100</u>	<u>21,029,600</u>
TOTAL	\$ 125,083,600	\$ 262,541,900

LOTTERY FUND SUMMARY

	1999-2000	2000-01
Gross Revenue	\$ 419,223,600	\$ 427,363,200
Expenses		
Prizes	\$ 239,736,200	\$ 244,368,500
Administrative Expenses	-0-	-0-
	\$ 239,736,200	\$ 244,368,500
Net Proceeds	\$ 179,487,400	\$ 182,994,700
Total Available for Property Tax Relief		
Opening Balance	\$ 15,340,500	\$ 8,384,500
Net Proceeds	179,487,400	182,994,700
Interest Earnings	2,465,000	2,240,000
Transfer from General Fund	37,207,000	216,689,300
1998-99 Racing Revenue Balance	981,700	-0-
	\$ 235,481,600	\$ 410,308,500
Property Tax Relief	\$ 227,097,100	\$ 401,761,200
Gross Closing Balance	\$ 8,384,500	\$ 8,547,300
Reserve	\$ (8,384,500)	\$ (8,547,300)
Net Closing Balance	-0-	-0-

- 1 ***-0762/P1.2*** SECTION 394. 20.005 (2) of the statutes is repealed and recreated
2 to read:
3 20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets
4 forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b)
5 following]

****NOTE: The following schedules are from the 1999 budget bill from two years ago.
They need to be updated with the 2001-03 figures.

Figure: 20.005 (2) (a)

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
1999-01 FISCAL BIENNIUM**

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Agriculture, Trade and Consumer Protection	
Soil and water	3,575,000
Conservation reserve enhancement program	40,000,000
Building Commission	
Other public purposes	137,303,500
Housing state agencies	68,419,000
Project contingencies	7,955,200
Capital equipment acquisitions	21,058,300
Refunding building corporation debt	-1,070,000
Milwaukee Police Athletic League	1,000,000
Swiss Cultural Center	1,000,000
Clean Water Fund	
Safe drinking water loan program	14,080,000
Urban storm water loan program	4,100,000
Corrections	
Correctional facilities	102,998,800
Juvenile correctional facilities	1,285,000
Educational Communications Board	
Educational communications facilities	304,000

Source and Purpose	Amount
Health and Family Services	
Mental health and secure treatment facilities	6,993,200
Historical Society	
Heritage trust	20,000,000
Marquette University	
Dental clinic and educational facility	15,000,000
Military Affairs	
Armories and military facilities	827,100
Natural Resources	
GPR supported administrative facilities	2,586,600
SEG supported facilities	4,630,000
SEG supported administrative facilities	2,905,900
Recreational boating	112,000
Nonpoint source grants	20,400,000
Nonpoint source compliance	2,000,000
Urban nonpoint source cost sharing	15,000,000
Municipal flood control and riparian restoration	13,000,000
Transportation	
Harbor improvements	7,000,000
Rail acquisition	4,500,000
State Fair Park	
Board facilities	1,887,100
Self-amortizing facilities	16,937,100
Stewardship 2000	460,000,000