

SENATE BILL 55

1 15.157 (3) DWELLING CODE COUNCIL. There is created in the department of
2 commerce, a dwelling code council, consisting of ~~17~~ 18 members appointed for
3 staggered 3-year terms. Four members shall be representatives of building trade
4 labor organizations; 4 members shall be certified building inspectors employed by
5 local units of government; 2 members shall be representatives of building contractors
6 actively engaged in on-site construction of one- and 2-family housing; 2 members
7 shall be representatives of manufacturers or installers of manufactured one- and
8 2-family housing; one member shall be an architect, engineer or designer actively
9 engaged in the design or evaluation of one- and 2-family housing; 2 members shall
10 represent the construction material supply industry; one member shall represent
11 remodeling contractors actively engaged in the remodeling of one-family and
12 2-family housing; and 2 members shall represent the public, one of whom shall
13 represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of
14 the department designated by the secretary of commerce shall serve as nonvoting
15 secretary of the council. The council shall meet at least twice a year. Eleven members
16 of the council shall constitute a quorum. For the purpose of conducting business a
17 majority vote of the council is required.

18 *~~0645/3.1~~* **SECTION 171.** 15.157 (8) (intro.) of the statutes is amended to read:

19 15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
20 department of commerce a rural health development council consisting of ~~11~~ 12
21 members nominated by the governor, and with the advice and consent of the senate
22 appointed, for 5-year terms, and the secretaries of commerce and health and family
23 services, or their designees. The appointed members shall include all of the
24 following:

25 *~~0645/3.2~~* **SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

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1 15.157 (8) (g) A physician licensed under ch. 448, a dentist licensed under ch.
2 447, and a nurse licensed under ch. 441, ~~both~~ all of whom practice in a rural area,
3 and a representative of public health services.

4 *–0665/1.1* **SECTION 173.** 15.157 (11) of the statutes is repealed.

5 *–0515/4.1* **SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11)
6 and amended to read:

7 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.

8 There is created an adolescent pregnancy prevention and pregnancy services board
9 which is attached to the department of ~~health and family services~~ administration
10 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
11 (intro.), one member shall be the executive director of the women’s council under s.
12 16.01, who shall be a nonvoting member and shall serve permanently as chairperson
13 of the board. Six members shall be state employees who are appointed for
14 membership by the women’s council and shall be nonvoting members. The
15 remaining 6 members shall be appointed for 3–year terms, shall represent an equal
16 balance of points of view on pregnancy prevention and pregnancy services and shall
17 be persons who are nominated for membership by statewide organizations that
18 together represent an equal balance of points of view on pregnancy prevention and
19 pregnancy services.

20 *–1857/5.13* **SECTION 175.** 15.21 of the statutes is created to read:

21 **15.21 Department of electronic government; creation.** There is created
22 a department of electronic government under the direction and supervision of the
23 secretary of electronic government, who shall be known as the “chief information
24 officer.”

25 *–1857/5.14* **SECTION 176.** 15.215 of the statutes is created to read:

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1 **15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT**
2 BOARD. There is created an information technology management board which is
3 attached to the department of electronic government under s. 15.03. The board shall
4 consist of the governor, the chief information officer, the secretary of administration,
5 2 heads of departments or independent agencies appointed to serve at the pleasure
6 of the governor, and 2 other members appointed to serve for 4-year terms.

7 *~~1834/2.1~~* **SECTION 177.** 15.223 (3) of the statutes is repealed.

8 *~~1891/4.18~~* **SECTION 178.** 15.225 (2) of the statutes is renumbered 15.227 (2)
9 and amended to read:

10 15.227 (2) **WISCONSIN CONSERVATION CORPS ~~BOARD~~ COUNCIL.** (a) *Creation.* There
11 is created a ~~Wisconsin conservation corps board~~ which is attached to in the
12 department of workforce development ~~under s. 15.03~~ a Wisconsin conservation corps
13 council.

14 (b) *Membership.* The Wisconsin conservation corps ~~board~~ council consists of 7
15 members appointed by the governor from various areas of the state in a manner
16 designed to provide regional, environmental, and agricultural representation. One
17 member of the ~~board~~ council shall be a member or employee of a local workforce
18 development board established under 29 USC 2832.

19 (c) *Liaison representatives.* The secretary of agriculture, trade and consumer
20 protection, the secretary of health and family services, the secretary of workforce
21 development, the secretary of natural resources, and the chancellor of the University
22 of Wisconsin–Extension, or a designee of such a secretary or the chancellor, shall
23 serve as liaison representatives to the Wisconsin conservation corps ~~board~~, council
24 and provide information to and assist the ~~board~~ council. The liaison representatives

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1 are not ~~heard~~ council members and may not vote on any ~~heard~~ council decision or
2 ~~action~~ recommendation.

3 (d) *Terms.* Members of the Wisconsin conservation corps ~~heard~~ council shall
4 serve staggered 6-year terms.

****NOTE: This is reconciled s. 15.227 (2). This SECTION has been affected by drafts
with the following LRB numbers: -1891/3 and -0675/3.

5 ***-1834/2.2* SECTION 179.** 15.225 (3) (b) 6. of the statutes is amended to read:
6 15.225 (3) (b) 6. ~~The An~~ administrator of ~~the a~~ division of ~~workforce excellence~~
7 in the department of workforce development, designated by the governor.

8 ***-1335/7.8* SECTION 180.** 15.345 (5) of the statutes is amended to read:

9 15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
10 department of natural resources a Fox River management commission consisting of
11 7 members. The commission shall cease to exist on the day after the date on which
12 the state and the Fox River Navigational System Authority enter into the lease
13 agreement specified in s. 237.06.

14 ***-2295/2.1* SECTION 181.** 15.347 (3) of the statutes is created to read:

15 15.347 (3) GREEN TIER COUNCIL. There is created in the department of natural
16 resources a green tier council consisting of 15 members. The governor shall appoint
17 members representing environmental organizations, businesses, and local
18 governmental units and members that do not represent any of these entities.

19 ***-1859/1.1* SECTION 182.** 15.373 (2) of the statutes is amended to read:

20 15.373 (2) DIVISION FOR LIBRARIES, TECHNOLOGY, AND COMMUNITY LEARNING. There
21 is created in the department of public instruction a division for libraries, technology,
22 and community learning.

23 ***-1670/1.1* SECTION 183.** 15.407 (2) (a) of the statutes is amended to read:

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1 15.407 (2) (a) The vice chancellor for ~~health-sciences~~ medical affairs of the
2 University of Wisconsin–Madison or the vice chancellor’s designee.

3 *–0985/8.5* SECTION 184. 15.57 of the statutes is renumbered 15.57 (1).

4 *–0985/8.6* SECTION 185. 15.57 (2m) of the statutes is created to read:

5 15.57 (2m) If the secretary of administration determines that the federal
6 communications commission has approved the transfer of all broadcasting licenses
7 held by the educational communications board to the broadcasting corporation
8 defined in s. 39.81 (2), this section does not apply on and after the effective date of
9 the last license transferred as determined by the secretary of administration under
10 s. 39.87 (2) (a).

11 *–1463/1.1* SECTION 186. 15.707 (3) of the statutes is repealed.

12 *–1667/1.1* SECTION 187. 15.915 (2) (a) of the statutes is amended to read:

13 15.915 (2) (a) The ~~president~~ chancellor of the University of Wisconsin–System
14 Wisconsin–Madison, the secretary of health and family services, the secretary of
15 natural resources and the secretary of agriculture, trade and consumer protection,
16 or their designees.

17 *–0985/8.7* SECTION 188. 15.98 of the statutes is created to read:

18 **15.98 Public broadcasting transitional board; creation.** (1) In this
19 section, “friends group” has the meaning given in s. 39.81 (5).

20 (2) There is created a public broadcasting transitional board consisting of the
21 following members:

22 (a) The secretary of administration or his or her designee.

23 (b) The president of the University of Wisconsin System or his or her designee.

24 (c) The state superintendent of public instruction or his or her designee.

25 (d) The director of the technical college system or his or her designee.

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1 (e) The president of the Wisconsin Association of Independent Colleges and
2 Universities or his or her designee.

3 (f) One member of each house of the legislature from the political party with
4 the most members in that house, appointed as are members of standing committees.

5 (g) Two members appointed by the governor who belong to the Wisconsin Public
6 Radio Association, for 3-year terms.

7 (h) One member appointed by the governor who belongs to a friends group
8 organized to raise funds for television station WHA, for a 3-year term.

9 (i) One member appointed by the governor who resides in this state outside the
10 viewing area of television station WHA, for a 3-year term.

11 (j) One member appointed by the governor who is a representative of public
12 elementary and secondary school administrators, for a 3-year term.

13 (k) Eight members appointed by the governor who are employed in the private
14 sector, for 3-year terms.

15 (3) The appointment of the members specified in sub. (2) (g) to (k) is subject to
16 senate confirmation.

17 (4) This section does not apply beginning on the first day of the 36th month
18 commencing after the effective date of this subsection ... [revisor inserts date].

19 *-1335/7.9* **SECTION 189.** 16.002 (2) of the statutes is amended to read:

20 16.002 (2) “Departments” means constitutional offices, departments and
21 independent agencies and includes all societies, associations and other agencies of
22 state government for which appropriations are made by law, but not including
23 authorities created in chs. 231, 232, 233, 234, and 237.

****NOTE: This reconciles the treatment of s. 16.002 (2) in LRB-1335 by deleting
the cross-reference to ch. 235 because ch. 235 is repealed by LRB-1462.

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1 ***-1335/7.10*** **SECTION 190.** 16.004 (4) of the statutes is amended to read:

2 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under chs. 231, 233 and, 234, and 237, and may examine
5 their books and accounts and any other matter which in the secretary's judgment
6 should be examined and may interrogate the agency's employees publicly or
7 privately relative thereto.

8 ***-1335/7.11*** **SECTION 191.** 16.004 (5) of the statutes is amended to read:

9 16.004 (5) **AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
10 authorities created under chs. 231, 233 and, 234, and 237, and their officers and
11 employees, shall cooperate with the secretary and shall comply with every request
12 of the secretary relating to his or her functions.

13 ***-1335/7.12*** **SECTION 192.** 16.004 (12) (a) of the statutes is amended to read:

14 16.004 (12) (a) In this subsection, "state agency" means an association,
15 authority, board, department, commission, independent agency, institution, office,
16 society or other body in state government created or authorized to be created by the
17 constitution or any law, including the legislature, the office of the governor and the
18 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority
19 and the Fox River Navigational System Authority.

20 ***-1728/1.1*** **SECTION 193.** 16.004 (14) of the statutes is renumbered 38.04 (19)
21 and amended to read:

22 38.04 (19) ~~GRANTS TO TECHNICAL COLLEGES~~ CAPACITY BUILDING PROGRAM. From
23 the appropriation under s. ~~20.505 (4) (e)~~ 20.292 (1) (cm), the ~~secretary board~~ shall
24 award grants to ~~technical college~~ district boards to develop or expand programs in
25 occupational areas in which there is a high demand for workers, and to make capital

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1 expenditures that are necessary for such development or expansion, as determined
2 by the secretary.

3 ***-1335/7.13* SECTION 194.** 16.008 (2) of the statutes is amended to read:

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

21 ***-1634/P6.9* SECTION 195.** 16.023 (1) (f) of the statutes is repealed.

22 ***-1634/P6.10* SECTION 196.** 16.023 (1) (fm) of the statutes is created to read:

23 16.023 (1) (fm) Establish a land information working group that is composed
24 of the state cartographer, a representative of the University of Wisconsin System

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1 who has expertise in land information issues and any other land information experts
2 designated by the council's chairperson, to conduct all of the following functions:

3 1. Study and recommend land information standards to the council and the
4 department.

5 2. Advise the council and the department on a Wisconsin land information
6 system.

7 3. Advise the council and the department on coordination of state and local land
8 information.

9 4. Review county land records modernization plans and make
10 recommendations on approval to the council and the department.

11 ***-1634/P6.11* SECTION 197.** 16.023 (1) (m) of the statutes is repealed.

12 ***-1634/P6.12* SECTION 198.** 16.023 (1) (n) of the statutes is created to read:
13 16.023 (1) (n) Review land information grant applications that are made under
14 s. 16.967 (7) and make recommendations on approval to the department.

15 ***-1634/P6.13* SECTION 199.** 16.023 (1) (o) of the statutes is created to read:
16 16.023 (1) (o) Review proposed expenditures to be made to finance planning
17 activities related to the transportation elements of comprehensive plans under s.
18 16.9651 (2) and make recommendations on approval to the department.

19 ***-1634/P6.14* SECTION 200.** 16.023 (2) of the statutes is amended to read:
20 16.023 (2) In conjunction with the working group established under sub. (1) (L)
21 1., the council shall, not later than one year after October 14, 1997, develop
22 evaluation criteria for its functions under sub. (1). The council shall complete a
23 report that contains an evaluation of its functions and activities not later than
24 September 1, 2002, and shall submit the report to the chief clerk of each house of the
25 legislature, for distribution to the legislature under s. 13.172 (2), and to the governor.

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1 The report shall also include a recommendation as to whether the council should
2 ~~continue in existence past its sunset date specified in s. 15.107 (16) (e) and, if so, a~~
3 ~~recommendation as to whether any structural modifications should be made to the~~
4 council's functions or to the state's land use programs.

5 ***-1634/P6.15* SECTION 201.** 16.023 (3) of the statutes is repealed.

6 ***-1335/7.14* SECTION 202.** 16.045 (1) (a) of the statutes is amended to read:

7 16.045 (1) (a) "Agency" means an office, department, independent agency,
8 institution of higher education, association, society or other body in state
9 government created or authorized to be created by the constitution or any law, which
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, but not including an authority created in ch. 231, 232, 233, 234, or ~~235~~ 237.

****NOTE: This is reconciled s. 16.045 (1) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1335 and -1462.

12 ***-2059/3.1* SECTION 203.** 16.07 of the statutes is created to read:

13 **16.07 State and local governmental policy coordination; mediation.**

14 (1) In this section:

15 (a) "Agency" has the meaning given in s. 16.70 (1).

16 (b) "Local governmental unit" has the meaning given in s. 22.01 (7).

17 (2) The department shall, to the extent possible, coordinate state policies
18 governing the relationship between the state and local governmental units and shall
19 attempt to make those policies as uniform as practicable.

20 (3) The department may attempt to mediate disputes between local
21 governmental units and agencies to the extent feasible.

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1 (4) The secretary shall appoint a state–local government coordinator outside
2 the classified service to carry out the department’s responsibilities under this
3 section.

****NOTE: This is reconciled s. 16.07 (1) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB–1857/4 and LRB–2059/2.

4 *–1891/4.19* **SECTION 204.** 16.22 (title) of the statutes is renumbered 106.22
5 (title).

6 *–1891/4.20* **SECTION 205.** 16.22 (1) of the statutes is renumbered 106.22 (1).

7 *–1891/4.21* **SECTION 206.** 16.22 (2) (intro.) of the statutes is renumbered
8 106.22 (2) (intro.).

9 *–1891/4.22* **SECTION 207.** 16.22 (2) (a) of the statutes is renumbered 106.22
10 (2) (a).

11 *–1891/4.23* **SECTION 208.** 16.22 (2) (b) of the statutes is renumbered 106.22
12 (2) (b).

13 *–1891/4.24* **SECTION 209.** 16.22 (2) (c) of the statutes is renumbered 106.22
14 (2) (c).

15 *–1891/4.25* **SECTION 210.** 16.22 (2) (d) of the statutes is renumbered 106.22
16 (2) (d).

17 *–1891/4.26* **SECTION 211.** 16.22 (2) (e) of the statutes is renumbered 106.22
18 (2) (e).

19 *–1891/4.27* **SECTION 212.** 16.22 (2) (f) of the statutes is renumbered 106.22
20 (2) (f).

21 *–1891/4.28* **SECTION 213.** 16.22 (2) (g) of the statutes is renumbered 106.22
22 (2) (g).

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1 ***-1891/4.29*** **SECTION 214.** 16.22 (2) (h) of the statutes is renumbered 106.22
2 (2) (h) and amended to read:

3 106.22 (2) (h) From the appropriations under s. ~~20.505 (4) (j) and (p)~~ 20.445 (6)
4 (j) and (m), award grants to persons providing national service programs, giving
5 priority to the greatest extent practicable to persons providing youth corps programs.

6 ***-1891/4.30*** **SECTION 215.** 16.22 (2) (i) of the statutes is renumbered 106.22
7 (2) (i).

8 ***-1891/4.31*** **SECTION 216.** 16.22 (2) (j) of the statutes is renumbered 106.22
9 (2) (j).

10 ***-1891/4.32*** **SECTION 217.** 16.22 (2) (k) of the statutes is renumbered 106.22
11 (2) (k).

12 ***-1891/4.33*** **SECTION 218.** 16.22 (2) (L) of the statutes is renumbered 106.22
13 (2) (L).

14 ***-1891/4.34*** **SECTION 219.** 16.22 (3) of the statutes is renumbered 106.22 (3).

15 ***-0985/8.8*** **SECTION 220.** 16.251 of the statutes is created to read:

16 **16.251 Emergency weather warning system. (1)** In this section,
17 “broadcasting corporation” has the meaning given in s. 39.81 (2).

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

24 ***-0985/8.9*** **SECTION 221.** 16.26 of the statutes is created to read:

25 **16.26 Public broadcasting assets. (1)** In this section:

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1 (a) “Broadcasting corporation” has the meaning given under s. 39.81 (2).

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

6 (2) If the secretary determines that the federal communications commission
7 has approved the transfer of all broadcasting licenses held by the educational
8 communications board to the broadcasting corporation, the secretary shall negotiate
9 and enter into an agreement to lease, sell, or otherwise transfer any shared asset
10 used by the educational communications board to the broadcasting corporation. In
11 addition, the secretary shall negotiate and enter into an agreement with the
12 broadcasting corporation regarding the payment of any outstanding debt service of
13 the educational communications board related to public broadcasting.

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

23 *–1552/5.6* SECTION 222. 16.339 (2) (a) of the statutes is amended to read:

24 16.339 (2) (a) From the appropriation under s. 20.505 (7) (~~dm~~) (fm), the
25 department may award a grant to an eligible applicant for the purpose of providing

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1 transitional housing and associated supportive services to homeless individuals and
2 families if the conditions under par. (b) are satisfied. The department shall ensure
3 that the funds for the grants are reasonably balanced among geographic areas of the
4 state, consistent with the quality of applications submitted.

5 ***-1552/5.7* SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

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

13 ***-1552/5.8* SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to
14 read:

15 16.352 (2) (b) (intro.) The department shall allocate funds from the
16 appropriations under s. 20.505 (7) (fm) and ~~(gm)~~ (h) for temporary shelter for
17 homeless individuals and families as follows:

18 ***-1552/5.9* SECTION 225.** 16.385 (3) (e) 1. of the statutes is amended to read:

19 16.385 (3) (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7)
20 ~~(km)~~ (kg), 15% of the moneys received under 42 USC 8621 to 8629 in each federal
21 fiscal year under the priority of maintaining funding for the geographical areas on
22 July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for
23 the weatherization assistance program administered by the department under s.
24 16.39.

25 ***-1552/5.10* SECTION 226.** 16.40 (14) of the statutes is amended to read:

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1 16.40 (14) COMMITTEES. Perform administrative services required to properly
2 account for the finances of committees created by law or executive order. The
3 governor may authorize each committee to make expenditures from the
4 appropriation under s. 20.505 ~~(3)~~ (a) (4) (ba) not exceeding \$2,000 per fiscal year. The
5 governor shall report such authorized expenditures to the joint committee on finance
6 at the next quarterly meeting of the committee. If the governor desires to authorize
7 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall
8 submit to the joint committee on finance for its approval a complete budget for all
9 expenditures made or to be made by the committee. The budget may cover a period
10 encompassing more than one fiscal year or biennium during the governor's term of
11 office. If the joint committee on finance approves a budget authorizing expenditures
12 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
13 the expenditures to be made within the limits of the appropriation under s. 20.505
14 ~~(3)~~ (a) (4) (ba) in accordance with the approved budget during the period covered by
15 the budget. If after the joint committee on finance approves a budget for such a
16 committee the governor desires to authorize expenditures in excess of the authorized
17 expenditures under the approved budget, the governor shall submit a modified
18 budget for the committee to the joint committee on finance. If the joint committee
19 on finance approves a modified budget, the governor may authorize additional
20 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~
21 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
22 modified budget.

23 ***-1552/5.11*** **SECTION 227.** 16.40 (17) of the statutes is amended to read:

24 16.40 (17) INTERSTATE BODIES. Perform administrative services required to
25 properly account for dues and related expenses for state participation in national or

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1 regional interstate governmental bodies specified in s. 20.505 ~~(3)~~ (a) (4) (ba) or
2 determined by the governor.

3 ***-1335/7.15* SECTION 228.** 16.41 (4) of the statutes is amended to read:

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

6 ***-1127/1.1* SECTION 229.** 16.417 of the statutes is repealed.

7 ***-1857/5.15* SECTION 230.** 16.43 of the statutes is amended to read:

8 **16.43 Budget compiled.** The secretary shall compile and submit to the
9 governor or the governor–elect and to each person elected to serve in the legislature
10 during the next biennium, not later than November 20 of each even–numbered year,
11 a compilation giving all of the data required by s. 16.46 to be included in the state
12 budget report, except the recommendations of the governor and the explanation
13 thereof. The secretary shall not include in the compilation any provision for the
14 development or implementation of an information technology development project
15 for an executive branch agency that is not consistent with the strategic plan of the
16 agency, as approved under s. 22.13.

17 ***-1717/5.2* SECTION 231.** 16.46 (5m) of the statutes is created to read:

18 16.46 (5m) A statement of estimated general purpose revenue receipts and
19 expenditures in the biennium following the succeeding biennium based on
20 recommendations in the budget bill or bills. The statement shall contain all of the
21 following:

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

23 1. The amount of moneys projected to be deposited in the general fund during
24 the fiscal year that are designated as “Revenues and Transfers” in the summary in
25 s. 20.005 (1), as published in the biennial budget bill or bills, less the amount

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1 designated as the “Opening Balance” in the summary, and adjusted by any one-time
2 deposit of revenues in the general fund.

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

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

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

13 a. General equalization school aids.

14 b. Appropriations to the department of corrections.

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

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

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

20 2. For the purpose of making the calculation under subd. 1., the secretary shall
21 assume that the increase in general purpose revenue spending between the
22 succeeding biennium and the bicnnium following the succeeding biennium for each
23 of the items identified in subd. 1. a. to 1. e. is the same as that between the current
24 biennium and the succeeding biennium for these items, as proposed in the biennial
25 budget bill or bills.

SENATE BILL 55**SECTION 231**

1 (d) An estimate of the difference between the amount of tax revenues that will
2 be deposited in the general fund in the biennium following the succeeding biennium
3 and the amount of tax revenues that are deposited in the general fund in the
4 succeeding biennium. For the purpose of making this calculation, the secretary
5 shall:

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

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

12 3. Adjust the estimate of the amount of tax revenues that are deposited in the
13 general fund in the biennium following the succeeding biennium by any provision in
14 the biennial budget bill or bills that would affect the amount of tax revenues that are
15 deposited in the general fund in the biennium.

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

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

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

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1 2. The secretary shall present this comparison in the format used for the
2 statement of the condition of the general fund in the statement prepared under s.
3 20.005 (1).

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

7 ***-1717/5.3*** **SECTION 232.** 16.46 (9) of the statutes is created to read:

8 16.46 (9) A comparison of the state's budgetary surplus or deficit according to
9 generally accepted accounting principles, as reported in any audited financial report
10 prepared by the department for the most recent fiscal year, and the estimated change
11 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
12 For the purpose of this calculation, the secretary shall increase or decrease the
13 surplus or deficit by the amount designated as "Gross Balances" that appears in the
14 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
15 budget bill or bills.

16 ***-1063/6.2*** **SECTION 233.** 16.46 (10) of the statutes is created to read:

17 16.46 (10) The determination of the department under s. 13.40 (4).

18 ***-0886/3.2*** **SECTION 234.** 16.50 (1) (b) of the statutes is amended to read:

19 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
20 (2) (ac) and ~~(q)~~, 20.835, and 20.865 (4).

21 ***-1857/5.16*** **SECTION 235.** 16.50 (3) of the statutes is amended to read:

22 16.50 (3) **LIMITATION ON INCREASE OF FORCE AND SALARIES.** No department, except
23 the legislature or the courts, may increase the pay of any employee, expend money
24 or incur any obligation except in accordance with the estimate that is submitted to
25 the secretary as provided in sub. (1) and approved by the secretary or the governor.

SENATE BILL 55**SECTION 235**

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

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

6 ***-1256/5.1* SECTION 236.** 16.50 (7) (b) of the statutes is amended to read:

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

15 ***-1734/3.1* SECTION 237.** 16.501 (1) of the statutes is amended to read:

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

23 ***-1734/3.2* SECTION 238.** 16.501 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 238**

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

8 ***-1857/5.17*** **SECTION 239.** 16.505 (1) (intro.) of the statutes is amended to
9 read:

10 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) ~~and~~, (2n), and (2p),
11 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
12 created or abolished unless authorized by one of the following:

 ****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.

13 ***-1857/5.18*** **SECTION 240.** 16.505 (2e) of the statutes is created to read:

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

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

SENATE BILL 55**SECTION 240**

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

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

24 3. Promptly following the completion of each calendar quarter, the chief
25 information officer shall report to the secretary the number of position changes made

SENATE BILL 55**SECTION 240**

1 by the chief information officer during the preceding calendar quarter, itemized for
2 each executive branch agency and funding source and, if applicable, the specific
3 appropriations from which funding for any position was provided or from which
4 funding for any position was deleted.

5 ***-1774/1.1* SECTION 241.** 16.505 (2m) of the statutes is amended to read:

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

14 ***-1773/3.3* SECTION 242.** 16.505 (2p) of the statutes is created to read:

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

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

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1 ***-0475/3.1*** SECTION 243. 16.51 (7) of the statutes is amended to read:

2 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
3 JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and
4 audit claims, duly certified and approved by the department of corrections, from the
5 county clerk of any county in behalf of the county, which are presented for payment
6 to reimburse the county for certain expenses incurred or paid by it in reference to all
7 matters growing out of actions and proceedings involving prisoners in state prisons,
8 ~~as defined~~ listed in s. 302.01, or juveniles in secured correctional facilities, as defined
9 in s. 938.02 (15m), including prisoners or juveniles transferred to a mental health
10 institute for observation or treatment, when the proceedings are commenced in
11 counties in which the prisons or secured correctional facilities are located by a
12 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter
13 involving the prisoner's status as a prisoner or the juvenile's status as a resident of
14 a secured correctional facility and for certain expenses incurred or paid by it in
15 reference to holding those juveniles in secure custody while those actions or
16 proceedings are pending. Expenses shall only include the amounts that were
17 necessarily incurred and actually paid and shall be no more than the legitimate cost
18 would be to any other county had the offense or crime occurred therein.

19 ***-1857/5.19*** SECTION 244. 16.517 of the statutes is amended to read:

20 **16.517 Adjustments of program revenue positions and funding levels.**

21 No later than 30 days after the effective date of each biennial budget act, the
22 department shall provide to the joint committee on finance a report indicating any
23 initial modifications that are necessary to the appropriation levels established under
24 that act for program revenue and program revenue-service appropriations as
25 defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions

SENATE BILL 55**SECTION 244**

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

20 *~~1256/5.2~~* **SECTION 245.** 16.518 of the statutes is created to read:

21 **16.518 Transfers to the budget stabilization fund and the tax relief**
22 **fund. (1)** In this section, "summary" means the amount shown in the summary in
23 s. 20.005 (1), as published in the biennial budget act or acts.

24 **(2)** Annually, the secretary shall calculate the difference between the amount
25 of moneys projected to be deposited in the general fund during the fiscal year that

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1 are designated as “Taxes” in the summary and the amount of such moneys actually
2 deposited in the general fund during the fiscal year.

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

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

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

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

21 ***-1528/8.1* SECTION 246.** 16.519 of the statutes is created to read:

22 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

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

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

4 (3) If the state has not received in fiscal year 2001–02 at least \$12,006,400
5 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
6 sold the state’s right to receive any of the payments under the tobacco settlement
7 agreement, the secretary shall transfer from the general fund to the tobacco control
8 fund an amount equal to \$12,006,400 less any payments received under the tobacco
9 settlement agreement and deposited in the tobacco control fund in that fiscal year.

10 (4) If the state has not received in fiscal year 2002–03 at least \$21,169,200
11 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
12 sold the state’s right to receive any of the payments under the tobacco settlement
13 agreement, the secretary shall transfer from the general fund to the tobacco control
14 fund an amount equal to \$21,169,200 less any payments received under the tobacco
15 settlement agreement and deposited in the tobacco control fund in that fiscal year.

16 *–1857/5.20* **SECTION 247.** 16.52 (intro.) (except 16.52 (title)) of the statutes
17 is repealed.

18 *–1857/5.21* **SECTION 248.** 16.52 (1), (2) and (3) of the statutes are amended
19 to read:

20 16.52 (1) ~~KEEP SEPARATE ACCOUNTS~~ ACCOUNTS OF MONEYS AND FUNDS. ~~Keep The~~
21 department shall keep in its office separate accounts of the revenues and funds of the
22 state, and of all moneys and funds received or held by the state, and also of all
23 encumbrances, expenditures, disbursements and investments thereof, showing the
24 particulars of every encumbrance, expenditure, disbursement and investment.

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

13 (3) ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
14 keep separate accounts of all appropriations authorizing expenditures from the state
15 treasury, which accounts shall show the amounts appropriated, the amounts
16 allotted, the amounts encumbered, the amounts expended, the allotments
17 unencumbered and the unallotted balance of each appropriation.

18 *~~1335/7.16~~* SECTION 249. 16.52 (7) of the statutes is amended to read:

19 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
20 which is authorized to maintain a contingent fund under s. 20.920 may establish a
21 petty cash account from its contingent fund. The procedure for operation and
22 maintenance of petty cash accounts and the character of expenditures therefrom
23 shall be prescribed by the secretary. In this subsection, “agency” means an office,
24 department, independent agency, institution of higher education, association,
25 society or other body in state government created or authorized to be created by the

SENATE BILL 55**SECTION 249**

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

4 ***-0886/3.3* SECTION 250.** 16.52 (10) of the statutes is amended to read:

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

9 ***-1857/5.22* SECTION 251.** 16.52 (12) of the statutes is amended to read:

10 16.52 (12) DATE FOR INTERFUND TRANSFERS. Whenever it is provided by law for
11 a transfer of moneys to be made from one fund to another fund and no date is specified
12 for the transfer to be made, the department shall determine a date on which the
13 transfer shall be made or provide for partial transfers to be made on different dates,
14 and transfer the moneys in accordance with its determination.

15 ***-1857/5.23* SECTION 252.** 16.52 (13) of the statutes is created to read:

16 16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS
17 TRANSFERS. The department shall execute transfers between appropriation accounts
18 authorized under s. 22.09 (4) upon the direction of the chief information officer.

19 ***-1335/7.17* SECTION 253.** 16.528 (1) (a) of the statutes is amended to read:

20 16.528 (1) (a) “Agency” means an office, department, independent agency,
21 institution of higher education, association, society or other body in state
22 government created or authorized to be created by the constitution or any law, which
23 is entitled to expend moneys appropriated by law, including the legislature and the
24 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

25 ***-1335/7.18* SECTION 254.** 16.53 (2) of the statutes is amended to read:

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1 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
2 invoice, the agency shall notify the sender of the invoice within 10 working days after
3 it receives the invoice of the reason it is improperly completed. In this subsection,
4 “agency” means an office, department, independent agency, institution of higher
5 education, association, society or other body in state government created or
6 authorized to be created by the constitution or any law, which is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, but not
8 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

9 *~~1839/1.1~~* SECTION 255. 16.53 (14) of the statutes is created to read:

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

16 *~~1335/7.19~~* SECTION 256. 16.54 (9) (a) 1. of the statutes is amended to read:

17 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
18 institution of higher education, association, society or other body in state
19 government created or authorized to be created by the constitution or any law, which
20 is entitled to expend moneys appropriated by law, including the legislature and the
21 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

22 *~~0179/3.1~~* SECTION 257. 16.54 (13) of the statutes is created to read:

23 16.54 (13) (a) If the state receives any interest payments from the federal
24 government relating to the timing of transfers of federal grant funds for programs
25 that are funded with moneys from the general fund and that are covered in an

SENATE BILL 55**SECTION 257**

1 agreement between the federal department of the treasury and the state under the
2 federal Cash Management Improvement Act of 1990, as amended, the payments,
3 less applicable administrative costs, shall be deposited in the general fund as general
4 purpose revenue — earned.

5 (b) If the state is required to pay any interest payments to the federal
6 government relating to the timing of transfers of federal grant funds for programs
7 that are funded with moneys from the general fund and that are covered in an
8 agreement between the federal department of the treasury and the state under the
9 federal Cash Management Improvement Act of 1990, as amended, the secretary
10 shall notify the cochairpersons of the joint committee on finance, in writing, that the
11 state is required to pay an interest payment. The notice shall contain an accounting
12 of the amount of interest that the state is required to pay.

13 ***-1554/1.1* SECTION 258.** 16.545 (9) of the statutes is amended to read:

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

22 ***-1857/5.24* SECTION 259.** 16.61 (2) (af) of the statutes is amended to read:

23 16.61 (2) (af) "Form" has the meaning specified in s. 16.97 22.01 (5p).

24 ***-1857/5.25* SECTION 260.** 16.61 (3n) of the statutes is amended to read:

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1 16.61 **(3n)** EXEMPT FORMS. The board may not receive or investigate complaints
2 about the forms specified in s. ~~16.971~~ 22.03 (2m).

3 ***-1536/3.1*** SECTION 261. 16.61 (7) (d) of the statutes is created to read:

4 16.61 (7) (d) This subsection does not apply to public records governed by s.
5 137.20.

6 ***-1536/3.2*** SECTION 262. 16.611 (2) (e) of the statutes is created to read:

7 16.611 (2) (e) This subsection does not apply to public records governed by s.
8 137.20.

9 ***-1536/3.3*** SECTION 263. 16.612 (2) (c) of the statutes is created to read:

10 16.612 (2) (c) This subsection does not apply to documents or public records
11 governed by s. 137.20.

12 ***-1555/2.1*** SECTION 264. 16.62 (2) of the statutes is amended to read:

13 16.62 (2) The department may establish user charges for records storage and
14 retrieval services, with any moneys collected to be credited to the appropriation
15 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
16 encourage efficient utilization of the services.

17 ***-1555/2.2*** SECTION 265. 16.62 (3) of the statutes is amended to read:

18 16.62 (3) The department may establish user fees for the services of the public
19 records board. Any moneys collected shall be credited to the appropriation account
20 under s. 20.505 (1) ~~(kd)~~ (kb).

21 ***-1528/8.2*** SECTION 266. 16.63 of the statutes is created to read:

22 **16.63 Sale of state's rights to tobacco settlement agreement payments.**

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

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

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1 (b) “Tobacco settlement agreement” means the Attorneys General Master
2 Tobacco Settlement Agreement of November 23, 1998.

3 (c) “Tobacco settlement revenues” means the right to receive settlement
4 payments arising from or pursuant to the tobacco settlement agreement and all
5 direct or indirect proceeds of that right.

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

8 (3) The secretary may organize one or more nonstock corporations under ch.
9 181 or limited liability companies under ch. 183 for any purpose related to the sale
10 of the state’s right to receive any of the payments under the tobacco settlement
11 agreement and may take any action necessary to facilitate and complete the sale.

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

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

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

21 2. The required financing statement shall include a description of collateral
22 that describes the collateral as general intangibles consisting of the right to receive
23 settlement payments arising from or pursuant to the tobacco settlement agreement
24 and all proceeds of that right. The required financing statement may include any

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1 additional description of collateral that is legally sufficient under the laws of this
2 state.

3 3. The tobacco settlement revenues are general intangibles for purposes of ch.
4 409.

5 4. A security interest perfected under this paragraph is enforceable against the
6 debtor, any assignee or grantee, and all third parties, including creditors under any
7 lien obtained by judicial proceedings, subject only to the rights of any third parties
8 holding security interests in the tobacco settlement revenues previously perfected
9 under this paragraph. Unless the applicable security agreement provides otherwise,
10 a perfected security interest in the tobacco settlement revenues is a continuously
11 perfected security interest in all tobacco settlement revenues existing on the date of
12 the agreement or arising after the date of the agreement. A security interest
13 perfected under this paragraph has priority over any other lien created by operation
14 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

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

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

21 1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge
22 of or secured transaction relating to, the seller's right, title, and interest in, to, and
23 under the tobacco settlement revenues, if the documents governing the transaction
24 expressly state that the transaction is a sale or other absolute transfer. After such
25 a transaction, the tobacco settlement revenues are not subject to any claims of the

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1 seller or the seller's creditors, other than creditors holding a prior security interest
2 in the tobacco settlement revenues perfected under par. (b).

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

6 a. Commingling of amounts arising with respect to the tobacco settlement
7 revenues with other amounts.

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

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

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

14 e. Whether the seller is responsible for collecting payments due under the
15 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
16 revenues or retains legal title to the tobacco settlement revenues for the purpose of
17 these collection activities.

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

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

22 4. Nothing in this subsection precludes consideration of the factors listed in
23 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
24 tax purposes. The characterization of the sale, assignment, or transfer as an

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1 absolute transfer under subd. 1. may not be considered in determining whether the
2 sale, assignment, or transfer is a sale for tax purposes.

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

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

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

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

11 (8m) If the recovery of a money judgment against the state is necessary to give
12 the plaintiff in an action under sub. (8) complete relief, a claim for the money
13 damages may be joined with the claim commenced under sub. (8).

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

19 *-1335/7.20* **SECTION 267.** 16.70 (2) of the statutes is amended to read:

20 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 ~~or~~ 234, or
21 237.

22 *-1857/5.26* **SECTION 268.** 16.70 (4m) of the statutes is created to read:

23 16.70 (4m) "Information technology" has the meaning given in s. 22.01 (6).

24 *-1857/5.27* **SECTION 269.** 16.70 (15) of the statutes is created to read:

25 16.70 (15) "Telecommunications" has the meaning given in s. 22.01 (10).

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1 ***-1823/3.1*** SECTION 270. 16.701 of the statutes is renumbered 16.701 (1).

2 ***-1823/3.2*** SECTION 271. 16.701 (2) of the statutes is created to read:

3 16.701 (2) The department may permit prospective vendors to provide product
4 or service information through the service established under sub. (1). The
5 department may prescribe fees or establish fees through a competitive process for the
6 use of the service under this subsection.

7 ***-1823/3.3*** SECTION 272. 16.7015 of the statutes is amended to read:

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

22 ***-1857/5.28*** SECTION 273. 16.71 (1) of the statutes is amended to read:

23 16.71 (1) Except as otherwise required under this section and s. 16.78 or as
24 authorized in s. 16.74, the department shall purchase and may delegate to special
25 designated agents the authority to purchase all necessary materials, supplies,

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1 equipment, all other permanent personal property and miscellaneous capital, and
2 contractual services and all other expense of a consumable nature for all agencies.
3 In making any delegation, the department shall require the agent to adhere to all
4 requirements imposed upon the department in making purchases under this
5 subchapter. All materials, services and other things and expense furnished to any
6 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
7 of the agency to which furnished.

8 ***-1857/5.29* SECTION 274.** 16.71 (1m) of the statutes is created to read:

9 16.71 (1m) The department shall not delegate to any executive branch agency
10 the authority to enter into any contract for materials, supplies, equipment, or
11 contractual services relating to information technology or telecommunications prior
12 to review and approval of the contract by the chief information officer. No executive
13 branch agency may enter into any such contract without review and approval of the
14 contract by the chief information officer.

15 ***-1857/5.30* SECTION 275.** 16.71 (2m) of the statutes is created to read:

16 16.71 (2m) The department of administration shall delegate authority to make
17 all purchases for the department of electronic government to the department of
18 electronic government. This delegation may not be withdrawn, but the department
19 of electronic government may elect to make any purchase through the department
20 of administration.

21 ***-1857/5.31* SECTION 276.** 16.71 (4) of the statutes is amended to read:

22 16.71 (4) The With the approval of the department of electronic government,
23 the department of administration shall delegate authority to the technology for
24 educational achievement in Wisconsin board to make purchases of educational

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1 technology equipment for use by school districts, cooperative educational service
2 agencies and public educational institutions in this state, upon request of the board.

3 ***-1823/3.4* SECTION 277.** 16.71 (6) of the statutes is created to read:

4 16.71 (6) The department may assess any agency or municipality to which it
5 provides services under this subchapter for the cost of the services provided to the
6 agency or municipality. The department may also identify savings that the
7 department determines to have been realized by an agency to which it provides
8 services under this subchapter and may assess the agency for not more than the
9 amount of the savings identified by the department.

10 ***-1857/5.32* SECTION 278.** 16.72 (2) (a) of the statutes is amended to read:

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

23 ***-1857/5.33* SECTION 279.** 16.72 (2) (b) of the statutes is amended to read:

24 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
25 565.25 (2) (a) 4., the department shall prepare or review specifications for all

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1 materials, supplies, equipment, other permanent personal property and contractual
2 services not purchased under standard specifications. Such “nonstandard
3 specifications” may be generic or performance specifications, or both, prepared to
4 describe in detail the article which the state desires to purchase either by its physical
5 properties or programmatic utility. When appropriate for such nonstandard items
6 or services, trade names may be used to identify what the state requires, but
7 wherever possible 2 or more trade names shall be designated and the trade name of
8 any Wisconsin producer, distributor or supplier shall appear first.

9 ***-1857/5.34* SECTION 280.** 16.72 (2) (d) of the statutes is amended to read:

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

15 ***-1857/5.35* SECTION 281.** 16.72 (4) (a) of the statutes is amended to read:

16 16.72 (4) (a) Except as provided in ~~s.~~ ss. 16.71 and 16.74 or as otherwise
17 provided in this subchapter and the rules promulgated under s. 16.74 and this
18 subchapter, all supplies, materials, equipment and contractual services shall be
19 purchased for and furnished to any agency only upon requisition to the department.
20 The department shall prescribe the form, contents, number and disposition of
21 requisitions and shall promulgate rules as to time and manner of submitting such
22 requisitions for processing. No agency or officer may engage any person to perform
23 contractual services without the specific prior approval of the department for each
24 such engagement. Purchases of supplies, materials, equipment or contractual
25 services by the department of electronic government, the legislature, the courts or

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1 legislative service or judicial branch agencies do not require approval under this
2 paragraph.

3 ***-1857/5.36* SECTION 282.** 16.72 (8) of the statutes is amended to read:

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

10 ***-1706/5.1* SECTION 283.** 16.735 of the statutes is created to read:

11 **16.735 Multistate purchasing of prescription drugs. (1)** In this section,
12 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
13 included in the drugs specified under s. 49.46 (2) (b) 6. h.

14 **(2)** The department and the department of health and family services shall
15 together work to develop, in conjunction with states other than this state and with
16 associations, a multistate purchasing group for the direct negotiation with
17 prescription drug manufacturers of rebates that are, in part, modeled on the rebate
18 agreement specified under 42 USC 1396r–8 and that result, on average, in larger
19 rebate amounts than those achievable under the rebate agreement specified under
20 42 USC 1396r–8.

21 ***-1706/5.2* SECTION 284.** 16.736 of the statutes is created to read:

22 **16.736 Prescription drug discount program. (1)** In this section,
23 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
24 included in the drugs specified under s. 49.46 (2) (b) 6. h.

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

5 *~~0166/4.1~~* **SECTION 285.** 16.75 (1) (a) 1. of the statutes is amended to read:

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

15 *~~1823/3.5~~* **SECTION 286.** 16.75 (1) (a) 3. of the statutes is amended to read:

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

25 *~~1823/3.6~~* **SECTION 287.** 16.75 (1) (b) of the statutes is amended to read:

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

15 *~~1823/3.7~~* **SECTION 288.** 16.75 (1) (cm) of the statutes is created to read:

16 16.75 (1) (cm) If bids are solicited by auction, the award may be made in
17 accordance with simplified competitive procedures established by the department
18 for such transactions.

19 *~~1823/3.8~~* **SECTION 289.** 16.75 (2) (a) of the statutes is amended to read:

20 16.75 (2) (a) When the department of administration believes that it is to the
21 best interests of the state to purchase certain patented or proprietary articles, other
22 than printing and stationery, it may purchase said articles without the usual
23 statutory procedure. ~~All~~ but all equipment shall be purchased from the lowest and
24 best bidder as determined by the bids and a comparison of the any detailed
25 specifications submitted with the bids, and after due advertisement ~~as hereinbefore~~

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1 provided notice, whenever notice is required under this section. Where the low bid
2 or bids are rejected, a complete written record shall be compiled and filed, giving the
3 reasons in full for such action.

4 ***-1823/3.9* SECTION 290.** 16.75 (2m) (b) of the statutes is amended to read:

5 16.75 (2m) (b) When the estimated cost exceeds \$25,000, the department shall
6 ~~publish a class 2 notice under ch. ch 985 inviting~~ may invite competitive sealed
7 proposals by publishing a class 2 notice under ch. 985 or by posting notice on the
8 Internet at a site determined or approved by the department. The advertisement
9 notice shall describe the materials, supplies, equipment, or service contractual
10 services to be purchased, the intent to ~~solicit~~ make the procurement by solicitation
11 of proposals rather than by solicitation of bids, any requirement for surety and the
12 date the proposals will be opened, which shall be at least 7 days after the date of the
13 last insertion of the notice or at least 7 days after the date of posting on the Internet.

14 ***-1857/5.37* SECTION 291.** 16.75 (3t) (a) of the statutes is amended to read:

15 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~16.97~~
16 22.01 (5p).

17 ***-1857/5.38* SECTION 292.** 16.75 (3t) (c) (intro.) of the statutes is amended to
18 read:

19 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
20 to the department of administration a current list of all materials, supplies,
21 equipment or contractual services, excluding commodities, that are supplied by
22 prison industries, as created under s. 303.01. The department of administration
23 shall distribute the list to all designated purchasing agents under s. 16.71 (1). ~~Prior~~
24 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
25 sealed proposals with respect to the purchase of any materials, supplies, equipment

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

11 *~~1857/5.39~~* **SECTION 293.** 16.75 (6) (am) 1. of the statutes is repealed.

12 *~~1857/5.40~~* **SECTION 294.** 16.75 (6) (am) 2. of the statutes is renumbered
13 16.75 (6) (am) and amended to read:

14 16.75 (6) (am) Subsections (1) and (3t) do not apply to ~~major procurements by~~
15 the department of electronic government. Annually not later than October 1, the
16 department of electronic government shall report to the department of
17 administration, in the form specified by the secretary, concerning all procurements
18 by the department of electronic government during the preceding fiscal year that
19 were not made in accordance with the requirements of subs. (1) and (3t).

20 *~~1823/3.10~~* **SECTION 295.** 16.75 (6) (c) of the statutes is amended to read:

21 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
22 to do so, he or she may, with the approval of the governor, waive the requirements
23 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
24 services, other than printing and stationery, from a private source other than a
25 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the

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

9 ***-1857/5.41* SECTION 296.** 16.751 (1) of the statutes is repealed.

10 ***-1857/5.42* SECTION 297.** 16.751 (2) of the statutes is renumbered 16.751 and
11 amended to read:

12 **16.751 Information technology purchases by investment board.** The
13 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
14 to procurements authorized to be made by the investment board under s. 16.78 (1)
15 for information technology purposes.

16 ***-1857/5.43* SECTION 298.** 16.752 (12) (i) of the statutes is amended to read:

17 16.752 (12) (i) Paragraph (a) does not apply to ~~major~~ procurements, as defined
18 in s. 16.75 (6) (am) by the department of electronic government.

19 ***-1335/7.21* SECTION 299.** 16.765 (1) of the statutes is amended to read:

20 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
22 Center Sports and Entertainment Corporation shall include in all contracts executed
23 by them a provision obligating the contractor not to discriminate against any
24 employee or applicant for employment because of age, race, religion, color, handicap,
25 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual

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1 orientation as defined in s. 111.32 (13m) or national origin and, except with respect
2 to sexual orientation, obligating the contractor to take affirmative action to ensure
3 equal employment opportunities.

4 ***-1335/7.22* SECTION 300.** 16.765 (2) of the statutes is amended to read:

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

20 ***-1335/7.23* SECTION 301.** 16.765 (4) of the statutes is amended to read:

21 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
23 Center Sports and Entertainment Corporation shall take appropriate action to
24 revise the standard government contract forms under this section.

25 ***-1335/7.24* SECTION 302.** 16.765 (5) of the statutes is amended to read:

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1 16.765 (5) The head of each contracting agency and the boards of directors of
2 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
3 Navigational System Authority, and the Bradley Center Sports and Entertainment
4 Corporation shall be primarily responsible for obtaining compliance by any
5 contractor with the nondiscrimination and affirmative action provisions prescribed
6 by this section, according to procedures recommended by the department. The
7 department shall make recommendations to the contracting agencies and the boards
8 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
9 River Navigational System Authority, and the Bradley Center Sports and
10 Entertainment Corporation for improving and making more effective the
11 nondiscrimination and affirmative action provisions of contracts. The department
12 shall promulgate such rules as may be necessary for the performance of its functions
13 under this section.

14 *~~1335/7.25~~* **SECTION 303.** 16.765 (6) of the statutes is amended to read:

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

22 *~~1335/7.26~~* **SECTION 304.** 16.765 (7) (intro.) of the statutes is amended to
23 read:

24 16.765 (7) (intro.) When a violation of this section has been determined by the
25 department, the contracting agency, the University of Wisconsin Hospitals and