

it. Specify that the Board may advise the chief information officer with respect to management of the information technology portfolio of state government. Allow the Board, upon petition of an executive branch agency, to review any decision of the chief information officer to transfer positions or other IT issues affecting that agency. Specify that upon review, the Board may affirm, modify or set aside the decision. Require that if the Board modifies or sets aside the decision of the chief information officer, the decision of the Board stands as the decision of the chief information officer and the decision is not subject to further review or appeal. Specify that the Board may monitor the progress in attaining goals for information technology and telecommunications development set by the chief information officer or executive branch agencies, and may make recommendations to the officer or agencies concerning appropriate means of attaining those goals.

Create a nonstatutory provision specifying that of the two public members first appointed to serve as members of the Information Technology Management Board, the Governor must designate one to serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May 1, 2005.

### **13. TEACH BOARD-RELATED MODIFICATIONS**

**Governor:** Specify that DOA may only delegate procurement authority to the Technology for Educational Achievement in Wisconsin (TEACH) Board to make purchases of educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions with the approval of the Department of Electronic Government. Require that rules promulgated by the TEACH Board, in consultation with DOA, establishing an educational telecommunications access program to provide educational agencies with access to data lines and video links, be subject to approval by the Department of Electronic Government. Specify that procurement standards and specifications, established by the TEACH Board in cooperation with DOA, related to the purchase of educational technology hardware and software by educational agencies be subject to the approval of the Department of Electronic Government. Specify that with the approval of the Department of Electronic Government, the TEACH Board may purchase or permit educational agencies to purchase or lease educational technology equipment.

### **14. MISCELLANEOUS STATUTORY PROVISIONS**

**Governor:** Change statutory references related to the information technology or telecommunication duties of the Department of Administration to the Department of Electronic Government. Change statutory references related to the information technology or telecommunication duties of the Secretary of the Department of Administration to the chief information officer. Change statutory cross references from those identifying DOA to the Department of Electronic Government.

## ELECTRONIC GOVERNMENT

Budget Summary						FTE Position Summary				
Fund	2000-01 Adjusted Base	Governor		2001-03 Change Over Base Year Doubled		2000-01	Governor		2002-03 Over 2000-01	
		2001-02	2002-03	Amount	%		2001-02	2002-03	Number	%
PR	\$0	\$132,443,800	\$132,489,700	\$264,933,500	N.A.	0.00	227.30	227.30	227.30	N.A.

### Budget Change Items

**1. DEPARTMENT OF ELECTRONIC GOVERNMENT  
CREATED**

Funding Positions		
PR	\$264,933,500	227.30

**Governor:** Create an independent state agency to be known as the Department of Electronic Government. Specify that the Department of Electronic Government is under the direction and supervision of the Secretary of Electronic Government, known as the "chief information officer." Authorize the Governor to appointment the chief information officer, with the advice and consent of the Senate, to serve at the Governor's pleasure. Provide \$132,443,800 in 2001-02 and \$132,489,700 in 2002-03 and 227.3 positions annually for the new agency. The Department of Electronic Government would be created through the transfer of current statutory authority related to information technology (IT) from DOA to the new Department, including procurement related to IT (but excluding educational technology), and through the creation of new and expanded statutory authorities under the Department of Electronic Government. Funding and positions for each of the Department of Electronic Government's appropriations transferred or created under the bill are identified in the following table. A detailed summary of the transferred and expanded authorities follows the table.

**Department of Electronic Government**  
**Summary of Funding and Position Transfers, and Total Funding**

Electronic Government Appropriation	2001-02		2002-03		Source of Funding
	Amount	Positions	Amount	Positions	
<b>General Program Operations, Services to State Agencies (s. 20.530(1)(ke))</b>					
	\$50,335,100	124.30	\$50,311,400	124.30	DOA info. technology processing
	37,102,300	29.00	37,102,300	29.00	DOA telecommunications
	21,990,000	44.00	22,059,600	44.00	DOA printing and mail services
	258,200	4.00	258,200	4.00	DOA support positions
	<u>409,800</u>	<u>3.00</u>	<u>409,800</u>	<u>3.00</u>	Create unclassified positions (new)*
Appropriation Total	\$110,095,400	204.30	\$110,141,300	204.30	
<b>General Program Operations, Services to Nonstate Entities (s. 20.530(1)(is))</b>					
	\$12,666,600	0.00	\$12,666,600	0.00	Estimated expenditures (new)*
<b>Relay Services (s. 20.530(1)(ir))</b>					
	\$5,013,500	1.00	\$5,013,500	1.00	DOA relay services
<b>Justice Information Systems (s. 20.530(1)(kp))</b>					
	\$1,602,400	19.00	\$1,602,400	19.00	DOA justice information system fee
	2,024,100	0.00	2,024,100	0.00	DOA Byrne grant
	<u>133,300</u>	<u>0.00</u>	<u>133,300</u>	<u>0.00</u>	Appropriation reestimate*
Appropriation Total	\$3,759,800	19.00	\$3,759,800	19.00	
<b>Justice Information Systems Development, Operation and Maintenance (s. 20.530(1)(kq))</b>					
	\$1,226,700	3.00	\$1,226,700	3.00	DOA penalty assessment surcharge
	<u>-318,200</u>	<u>0.00</u>	<u>-318,200</u>	<u>0.00</u>	Appropriation reestimate*
Appropriation Total	\$908,500	3.00	\$908,500	3.00	
<b>Gifts, Grants and Bequests (s. 20.530(1)(g))</b>					
	\$0	0.00	\$0	0.00	New appropriation
<b>Electronic Communications Services, Nonstate Entities (s. 20.530(1)(it))</b>					
	\$0	0.00	\$0	0.00	New appropriation
<b>Electronic Communications Services, State Agencies (s. 20.530(1)(kf))</b>					
	\$0	0.00	\$0	0.00	New appropriation
<b>Federal Aid (s. 20.530(1)(m))</b>					
	<u>\$0</u>	<u>0.00</u>	<u>\$0</u>	<u>0.00</u>	New appropriation
<b>Department Total</b>	\$132,443,800	227.30	\$132,489,700	227.30	
		221.30		221.30	Classified positions
		6.00		6.00	Unclassified positions

\*These appropriations adjustments are in addition to the amounts identified for transfer from DOA.

[Bill Sections: 100, 109 thru 111, 113, 114, 119, 135 thru 138, 162, 175, 176, 203, 230, 235, 239, 240, 244, 247, 248, 251, 252, 259, 260, 268, 269, 273 thru 276, 278 thru 282, 291 thru 294, 296 thru 298, 307, 308, 345 thru 380, 383, 390, 479, 572 thru 575, 808, 809, 812, 813, 816, 818 thru 821, 845, 854, 914, 928, 983, 989, 1026, 1027, 1029 thru 1034, 1160, 1357, 1419, 1420, 1433, 1439, 1440, 2321, 2983, 3018, 3019, 3024, 3048, 3050, 3061, 3218, 3781, 9159(2) and 9201(4)&(5)]

## 2. POWERS AND DUTIES TRANSFERRED FROM DOA

**Governor:** Transfer and modify the powers and duties of DOA associated with IT to the new Department of Electronic Government as follows:

a. *Definitions.* Transfer current law definitions used in connection with DOA's IT responsibilities. In addition, define the following terms: (a) "telecommunications" means all services and facilities capable of transmitting, switching, or receiving information in any form by wire, radio, or other electronic means; (b) "board" means the Information Technology Management Board (identified below); and (c) "information technology portfolio" means IT systems, applications, infrastructure, and information resources and human resources devoted to developing and maintaining IT systems. Delete the definition of "small agency" (an agency having fewer than 50 authorized full-time equivalent positions).

b. *Powers and Duties Transferred from DOA's Division of Technology Management.* Transfer the current duties of DOA's Division of Technology Management to the Department of Electronic Government. These duties include: (a) ensuring that an adequate level of IT services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested; (b) ensuring that executive branch agencies make effective and efficient use of the IT resources of the state; (c) in cooperation with agencies, establishing policies, procedures and planning processes for the administration of IT services, which executive branch agencies must follow; (d) monitoring adherence to policies, procedures and processes; (e) reviewing and approving, modifying or rejecting most forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms; (f) prescribing a forms management program for agencies; (g) developing and maintaining IT resource planning and budgeting techniques at all levels of state government; (h) developing and maintaining procedures to ensure IT resource planning and sharing between executive branch agencies; (i) developing review and approval procedures which encourage timely and cost-effective hardware, software and professional services acquisitions, and reviewing and approving the acquisition of such items and services under those procedures; (j) collecting, analyzing and interpreting, in cooperation with agencies, data necessary to assist the IT resource planning needs of the Governor and Legislature; (k) providing advice and assistance during budget preparation concerning IT resource plans and capabilities; (l) ensuring that management reviews of IT organizations are conducted; (m) gathering, interpreting and disseminating information on new technological developments, management techniques and IT resource capabilities and their possible effect on current and future management plans to all interested parties; (n) ensuring that a level of IT services are provided to all agencies that are equitable in regard to resource availability, cost and performance; (o) ensuring that all executive branch agencies develop and operate with clear guidelines and standards in the areas of IT systems development and that they employ good management practices and cost-benefit justifications; (p) ensuring that all state data processing facilities develop proper privacy and security procedures and safeguards; (q) maintaining an IT resource center to provide appropriate technical assistance and training to small agencies; (r) requiring each executive branch agency to adopt and submit for approval, a strategic plan for the utilization of IT to carry out the functions of the agency; (s) requiring each executive branch

agency that receives funding under a biennial budget for an IT development project to file an amendment to its strategic plan for the utilization of information technology, no later than 60 days after enactment of each biennial budget act; and (t) assisting in coordination and integration of plans of executive branch agencies relating to IT and, using these plans and the statewide long-range telecommunications plan to formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology.

Require that executive branch agency strategic plans be adopted and submitted annually by March 1, rather than biennially as under current law.

Transfer DOA's current responsibilities to the Department of Electronic Government related to: (a) computer licensing; (b) the requirement that the Revisor of Statutes approve the specifications for preparation and schedule for delivery of computer databases containing the Wisconsin Statutes; and (c) the authority, in conjunction with the Public Defender Board, the Director of State Courts, the Departments of Corrections and Justice and district attorneys, to maintain, promote and coordinate integrated justice information systems. Transfer to the new department, DOA's current ability to charge executive branch agencies for IT development and management services provided to them.

*Constitutional? No one else can do this?*

Delete the requirement that the Joint Committee on Finance be notified in writing of the proposed acquisition of any IT resource that DOA considers major or that is likely to result in a substantive change of service, and that was not considered in the regular budgeting process and is to be financed from general purpose revenues or corresponding revenues in a segregated fund. In addition, delete the current law provision that requires the Secretary of DOA to promptly notify the Joint Committee on Finance in writing of the proposed acquisition of any IT resource that DOA considers major or that is likely to result in a substantive change in service, and that was not considered in the regular budgeting process and is to be financed from program revenues or corresponding revenues from program receipts in a segregated fund.

*11 Supercomputer  
Passive review of B(b)  
of Finance or JIPT*

c. *Powers and Duties Transferred from DOA's Division of Information Technology Services.* Transfer to the new Department the current powers of DOA's Division of Information Technology Services. Under the bill, the Department would be allowed to: (a) provide telecommunications services to state agencies; (b) provide such computer services and telecommunications services to local governmental units and telecommunications services to qualified private schools, postsecondary institutions, museums and zoos as the Department of Electronic Government considers to be appropriate and can be efficiently and economically provided; (c) provide such supercomputer services to agencies, local governmental units and entities in the private sector as the Department considers to be appropriate and can be efficiently and economically provided; (d) undertake such studies, contract for the performance of such studies, and appoint such councils and committees for advisory purposes as the Department considers appropriate to ensure that plans, capital investments and operating priorities meet the needs of state government and of agencies and of local governmental units and entities in the private sector served by the Department; and (e) provide technical services to agencies in making hardware acquisitions to be used for computer services.

Under the bill, the Department would be required to: (a) provide or contract with a public or private entity to provide computer services to agencies; (b) facilitate the implementation of statewide initiatives, including development and maintenance of policies and programs to protect the privacy of individuals who are the subjects of information contained in the databases of agencies, and of technical standards and sharing of applications among agencies and any participating local governmental units or entities in the private sector; (c) ensure responsiveness to the needs of agencies for delivery of high-quality IT processing services on an efficient and economical basis, while not unduly affecting the privacy of individuals who are the subjects of the information being processed by the Department; (d) utilize all feasible technical means to ensure the security of all information submitted for processing by agencies, local governmental units and entities in the private sector; and (e) with the advice of the Ethics Board, adopt and enforce standards of ethical conduct applicable to its paid consultants which are similar to the standards prescribed for public officials.

Transfer to the new Department the current duties of DOA's Division of Information Technology Services to withhold from access under open records laws all information submitted to Department by agencies, local governmental units or entities in the private sector for the purpose of processing. Modify the provision to include information submitted by authorities, units of the federal government.

### **3. TELECOMMUNICATIONS PLANNING TRANSFERRED FROM DOA**

**Governor:** Transfer to the new Department DOA's responsibilities related to telecommunications operations and planning. Duties and powers related to telecommunications include: (a) developing and maintaining a statewide long-range telecommunications plan, which serves as a major element for budget preparation, as guidance for technical implementation and as a means of ensuring the maximum use of shared systems by agencies when this would result in operational or economic improvements or both; (b) developing policy, standards and technical and procedural guidelines to ensure a coordinated and cost-effective approach to telecommunications system acquisition and utilization; (c) maintaining a comprehensive inventory of all state-owned or leased telecommunications equipment and services; (d) monitoring overall state expenditures for telecommunications systems and preparing an annual financial report on such expenditures; (e) reviewing the operation of all telecommunications systems in Wisconsin to ensure technical sufficiency, adequacy and consistency with goals and objectives; and (f) performing the functions of agency telecommunications officer for those agencies with no designated focal point for telecommunications planning, coordination, technical review and procurement. In addition, transfer the ability to allow regionally accredited four-year nonprofit colleges and universities that are incorporated in Wisconsin or that have their regional headquarters and principal place of business in Wisconsin to participate in any telecommunications network administered by the Department.

#### 4. NEW POWERS OF THE DEPARTMENT OF ELECTRONIC GOVERNMENT

**Governor:** Create the following new powers authorizing the Department to:

a. Acquire, operate, and maintain any IT equipment or systems required by the Department to carry out its functions, and provide IT development and management services related to those systems. Specify that the Department may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided in accordance with a methodology determined by the chief information officer. Further specify that the Department may also charge any agency for such costs as a component of any of the services provided by the Department to the agency.

b. Assume direct responsibility for the planning and development of any IT system in the executive branch that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected executive branch agency. Allow the Department to charge any executive branch agency for the Department's reasonable costs incurred in carrying out its functions on behalf of that agency.

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

d. Accept gifts, grants, and bequests, to be used for the purposes for which made, consistent with applicable laws.

#### 5. GENERAL POWERS OF THE CHIEF INFORMATION OFFICER

**Governor:** Specify that the chief information officer may:

a. Enter into and enforce an agreement with any agency, any authority, any unit of the federal government, any local governmental unit, or any entity in the private sector to provide services authorized to be provided by the Department to that agency, authority, unit, or entity at a cost specified in the agreement.

b. Establish and collect assessments and charges for all authorized services provided by the Department.

c. Develop or operate and maintain any system or device facilitating internet or telephone access to information about programs of agencies, authorities, local governmental units, or entities in the private sector, or otherwise permitting the transaction of business by agencies, authorities, local governmental units, or entities in the private sector by means of electronic communication. Specify that the chief information officer may assess executive branch agencies for the costs of systems or devices that are developed, operated or maintained

in accordance with a methodology determined by the officer. Further, specify that the chief information officer may charge any agency, authority, local governmental unit, or entity in the private sector for such costs as a component of any services provided by the Department to that agency, authority, local governmental unit or entity.

d. Review and approve, approve with modifications, or disapprove any proposed contract for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications by an executive branch agency.

**6. BUDGETARY AND POSITION CONTROL AUTHORITY GRANTED TO THE CHIEF INFORMATION OFFICER**

*NO JFC oversight?*

**Governor:** Specify that the chief information officer may transfer monies from the unencumbered balance in the account of any appropriation made to any executive branch agency, other than a sum sufficient appropriation, to the Department's general program operations or electronic communications services appropriations or to any other appropriation made to an executive branch agency, without the consent of any affected executive branch agency, for the purpose of facilitating more efficient or effective funding of information technology or electronic communications services within the executive branch. Require that the transfer must be consistent with state and federal law and with any requirement imposed by the federal government as a condition to the receipt of aids. Require that if a transfer is made to or from a sum certain appropriation, the amount in the appropriations schedule for the account from which the transfer is made for the period during which the transfer is made is decreased by the amount transferred. Correspondingly, the amount in the appropriations schedule for the account to which the transfer is made for the period during which the transfer is made is increased by the amount transferred.

Require DOA to execute transfers between appropriations upon direction by the chief information officer.

*NO DOA*

Specify that the chief information officer may transfer any whole or fractional number of authorized full-time equivalent positions having responsibilities related to information technology or telecommunications functions from any executive branch (including the UW System) agency to the Department of Electronic Government or another executive branch agency, or may transfer the funding source for any positions within the appropriations made to an executive branch agency, for the purpose of carrying out the authorized functions of the Department of Electronic Government. Specify that the chief information officer may also change the funding source, in whole or in part, for any position transferred to the Department of Electronic Government or another executive branch agency.

Allow the chief information officer to rescind any previous transfer action. Require that if the funding source for any position is changed and the transfer or change in funding sources is rescinded, the funding source for that position reverts to the original funding source. Require that the number of authorized full-time equivalent positions for the Department of Electronic



Government or any other executive branch agency from which or to which positions are transferred (and the allocation among funding sources of full-time equivalent positions in the Department of Electronic Government or other executive branch agencies) be adjusted to reflect the transfer on the date on which the transfer is made.

On the effective date of any transfer of employees between executive branch agencies, specify that any incumbent in an affected position is transferred to the appropriate executive branch agency. Specify that all employees transferred have all of the rights and the same status in the executive branch agency to which they are transferred that they enjoyed in the executive branch agency in which they were employed immediately prior to the transfer. Further, specify that no transferred employee who has attained permanent status in class may be required to serve a probationary period in the position to which the employee is transferred.

Promptly following the completion of each calendar quarter, require the chief information officer to report the following information to the Secretary of DOA: (a) the number of position changes made by the chief information officer during the preceding calendar quarter, itemized by each executive branch agency and funding source; and (b) if applicable, the specific appropriations from which funding for any position was provided or from which funding for any position was deleted.

Include program revenue position modifications made by the chief information officer in the s. 16.517 report that is provided for Joint Committee on Finance approval related to adjustments of program revenue positions and funding levels not reflected in each new biennial budget act. This report is provided to the Committee 30 days after the effective date of each biennial budget.

## 7. APPROPRIATIONS STRUCTURE OF THE NEW DEPARTMENT

**Governor:** Transfer and modify the DOA appropriations related to the Divisions of Information Technology Services and Technology Management. Create four new appropriations in the Department of Electronic Government. Appropriation transfers, modifications and creations would be as follows:

a. *Information Technology Processing Services to Non-State Agencies.* Transfer DOA's continuing PR appropriation for information technology processing services to non-state agencies to the Department of Electronic Government. Modify the appropriation to create a general program operations appropriation for services to non-state entities. Specify that the appropriation receive funding not only from local governmental units and entities in the private sector but also from state authorities and units of the federal government. Further, specify that the appropriation be used not only for provision of computer services, telecommunications services and supercomputer services, but also the provision of any authorized service in accordance with an agreement and for the general program operations of the Department.

Funding for the appropriation would be generated from charges to state authorities, units of the federal government, local governmental units and entities in the private sector for the

provision of computer, telecommunications and supercomputer services and for the general program operations of the Department based on charges determined in accordance with a methodology designated by the chief information officer or in accordance with costs specified in any agreement. Under the bill, the appropriation also would receive funding from a charge to educational agencies under the TEACH Board's program for telecommunications access of not more than \$250 per month for each data line or video link that is provided to the educational agency or a charge not to exceed \$100 per month for each data line or video link that relies on a transport medium that operates at a speed of 1.544 megabits per second.

b. *Telecommunications and Data Processing Services.* Transfer DOA's annual PR appropriation for telecommunications and data processing services to the Department of Electronic Government. Delete DOA's continuing appropriation for information technology processing services for state agencies. Modify the transferred telecommunications and data processing services appropriation to create a continuing general program operations appropriation for services to state agencies. Under a continuing appropriation, the dollar amounts in the appropriations schedule are only estimates of the amount of funds that the agency expects to spend and an agency may expend as much as the accumulated revenue in the appropriation level will allow. Under an annual appropriation, an agency may expend only up to the maximum amount appropriated.

Delete current provisions specifying that the appropriation be used to provide state telecommunications services and data processing oversight and management services and telecommunications and data processing inventory items primarily to state agencies and to provide for the initial costs of establishing and operating the Division of Information Technology Services.

Specify that the transferred appropriation may receive funding from charges associated with the Department's provision of information technology processing, mail processing, printing, and telecommunications services to state agencies, other than monies received and disbursed for emergency weather warning system operations, monies received from the provision of information technology development and management services to executive branch agencies and monies transferred to the appropriation from any other appropriation as directed by the chief information officer. Specify that funding in the appropriation be used for providing the identified services and the general program operations of the Department.

The new PR continuing appropriation in the Department of Electronic Government combines: (a) DOA's continuing appropriation associated with state agency use of the state computer utility; (b) DOA's annual appropriation for state telecommunications services and data processing oversight and management services and telecommunications and data processing inventory items primarily to state agencies; and (c) publishing services and mail services functions currently performed by DOA.

c. *Justice Information Systems, Interagency Assistance.* Transfer the justice information systems, interagency assistance appropriation from DOA to the Department of Electronic Government. Delete the DOA appropriation for development and operation of automated

justice information systems, which receives \$2 of the \$9 justice information system fee. Modify the justice information systems, interagency assistance appropriation by renaming the appropriation "justice information systems." Further modify the appropriation to specify that the appropriation not only receives funding from the Office of Justice Assistance's (OJA) federal Byrne grant, but also from justice information system fee revenues. [A technical correction is needed to properly reflect receipt of Byrne federal dollars.]

Modify the definition of program revenues-service (PR-S), to exempt the justice information system appropriation in the Department of Electronic Government, from the definition of this revenue source. Under current law, PR-S appropriations consist of appropriated monies in the general fund derived from any revenue source that are transferred between or within state agencies or miscellaneous appropriations. These monies are shown as expenditures in the appropriation of the state agency or program from which the monies are transferred and are also shown as program revenue in the appropriation of the agency or program to which the monies are transferred. Under the bill, the justice information system appropriation would consist of revenues transferred from OJA (PR-S) and from the justice information systems fee deposited directly to the justice information system appropriation (PR).

Specify that the unencumbered balance in the DOA appropriation for development and operation of automated justice information systems is transferred to the justice information systems, interagency assistance appropriation. As combined, this appropriation is transferred to the Department of Electronic Government.

Delete the court operations information technology appropriation in the Director of State Courts Office which provides information technology development and management services to the court system, using monies transferred from DOA's appropriation for development and operation of automated justice information systems.

d. *Justice Information Systems Development, Operation and Maintenance.* Transfer the justice information systems development, operation and maintenance appropriation from DOA to the Department of Electronic Government. Funding in the appropriation is generated from penalty assessment surcharge revenues transferred by OJA.

e. *Information Technology Development and Management Services.* Delete DOA's appropriation for information technology development and management services.

f. *Relay Service.* Transfer the relay service appropriation from DOA to the Department of Electronic Government. Modify the appropriation to delete the phrase "and for general program operations" from the purposes for which the appropriation may be used. [According to the Legislative Reference Bureau, this reference was originally intended to finance the operation of a proposed Relay Service Board, the creation of which was partially vetoed.] Relay services allow a hearing or speech impaired person to communicate by telephone with hearing persons. Relay services utilize operators who translate between a person using a telecommunications device for the deaf (TDD) and a person who does not use a TDD.

g. *Gifts, Grants, and Bequests.* Create a continuing appropriation for all monies received from gifts, grants and bequests, to be used to carry out the purposes for which the gifts, grants or bequests are made and received.

h. *Electronic Communication Services for Nonstate Entities.* Create a continuing appropriation for all monies received from state authorities, units of the federal government, local governmental units, and entities in the private sector for electronic communications services provided to those entities by the Department of Electronic Government. Under the bill, the chief information officer may develop or operate and maintain any system or device facilitating internet or telephone access to information about programs of agencies, authorities, local governmental units, or entities in the private sector, or otherwise permitting the transaction of business by agencies, authorities, local governmental units, or entities in the private sector by means of electronic communication.

i. *Electronic Communications Services for State Agencies.* Create a continuing appropriation for all monies received from state agencies for electronic communications services provided to the agencies by the Department and for all monies transferred to the appropriation from any other appropriation as directed by the chief information officer, to be used for the purpose of providing these services. Services included under the appropriation are those to develop or operate and maintain any system or device facilitating internet or telephone access to information about programs of agencies or otherwise permitting the transaction of business by agencies by means of electronic communication.

j. *Federal Aid.* Create a continuing appropriation for all monies received from the federal government, to be used for the purposes for which received.

k. *Incurring of Financial Liability.* Modify current law to specify that the Department of Electronic Government may create liabilities and expend monies from four of its appropriations (the general program operations appropriations for state agencies and for nonstate entities and the electronic communications services appropriations for state agencies and for nonstate entities) in an additional amount not exceeding the depreciated value of the equipment for operations financed under these appropriations. As under current law, the Secretary of the Department of Administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended monies in the appropriation.

## **8. FUNDING AND POSITIONS IN THE NEW DEPARTMENT**

**Governor:** Provide funding and create positions in the Department of Electronic Government as follows:

a. *Transferred IT Appropriations from DOA.* Provide \$109,427,400 in 2001-02 and \$109,473,300 in 2002-03 and 197.3 positions annually (195.3 classified positions and 2.0 unclassified positions) in the Department of Electronic Government's general program operations services for state agencies appropriation. Funding in the appropriation would be

used to support costs of IT processing, mail processing, printing, telecommunications services, IT development and management services and general program operations of the Department. The appropriation is composed of funding and positions transferred from DOA's: (a) continuing appropriation for state agency use of the state computer utility (\$50,335,100 in 2001-02 and \$50,311,400 in 2002-03 with 123.3 classified positions and 1.0 unclassified position after standard budget adjustments and base budget reductions); (b) annual appropriation for state telecommunications services and data processing oversight and management services (\$37,102,300 and 28.0 classified position and 1.0 unclassified position annually after standard budget adjustments, base budget reductions and the transfer of 2.0 positions associated with DOA's land information program); and (c) publishing services and mail services (\$21,990,000 in 201-02 and \$22,059,600 in 2002-03 with 44.0 classified positions).

Specify that the unencumbered balances in the information technology processing services for state agencies appropriation and the information technology development and management services appropriation, immediately before the effective date of the bill are transferred to the Department of Electronic Government's general program operations services to state agencies appropriation.

In DOA, base level funding in the appropriation for state agency use of the state computer utility is \$49,859,000 with 124.0 classified position, 1.0 unclassified position and 1.0 project position. Base level funding in the state telecommunications services and data processing oversight and management services appropriation is \$37,359,600 with 33.0 classified position, 1.0 unclassified position and 1.0 project position.

b. *Create Unclassified Positions.* Provide \$409,800 and 3.0 new unclassified positions annually and convert 1.0 classified position to unclassified status in the Department's general program operations services for state agencies appropriation to establish 1.0 chief information officer position, 1.0 deputy secretary position, 1.0 executive assistant position and 1.0 division administrator position. Under the bill, an unspecified 1.0 classified position that is transferred from DOA would be eliminated to create an additional division administrator. In total, the Department of Electronic Government would have 6.0 unclassified positions, including 3.0 division administrators. Decrease the statutory number of unclassified division administrator positions in DOA to 10 from 12, and specify that the Department of Electronic Government is authorized three unclassified division administrators.

c. *Transfer Support Services Positions from DOA.* Provide \$258,200 and 4.0 positions annually in the Department's general program operations services for state agencies appropriation to fund support services positions. The 4.0 positions (1.0 financial specialist, 1.0 IT management consultant and 2.0 information services positions) would be transferred from DOA and are currently performing duties in DOA that are primarily associated the activities of the Division of Technology Management.

d. *General Program Operations, Services to Nonstate Entities.* Provide \$12,666,600 annually in expenditure authority in the continuing appropriation for general program operations services to nonstate entities. Funding in the appropriation currently in DOA is

generated primarily from charges to educational agencies associated with the TEACH Board program for telecommunications access. While the current base level funding for the DOA appropriation is \$0, the current budget authority for the appropriation is \$12,800,000 in 2000-01.

e. *Transfer Relay Service.* Provide \$5,013,500 and 1.0 position associated with the provision of telecommunications relay services. In DOA, base level funding for the relay service appropriation is \$5,011,400 and 1.0 position.

f. *Justice Information Systems.* Provide a total of \$4,668,300 and 22.0 positions annually for operations of the Bureau of Justice Information Systems (BJIS). Funding would be provided as follows: (a) \$3,759,800 and 19.0 positions annually funded from a combination of revenues from the justice information system fee and federal Byrne grant monies through OJA; and (b) \$908,500 and 3.0 positions annually funded from penalty assessment surcharge revenues. Base level funding in DOA for BJIS is: (a) \$1,355,100 and 19.0 positions funded from the justice information system fee; (b) \$2,024,100 funded from federal Byrne grant monies through OJA; and (c) \$1,208,700 and 3.0 positions funded from penalty assessment surcharge revenues.

Under the bill, standard budget adjustments totaling \$265,300 annually (\$247,300 funded from the justice information system fee and \$18,000 funded from penalty assessment surcharge revenues) are applied to BJIS prior to the transfer of the program to the Department of Electronic Government. In addition, subsequent to the transfer, expenditures funded from the combined justice information system fee and Byrne grant monies are increased by \$133,300 annually, while expenditures funded from the penalty assessment surcharge are reduced by \$318,200 annually. Under the bill, total funding for BJIS would be increased by \$80,400 annually from \$4,587,900 to \$4,668,300 in each year of the 2001-03 biennium.

## 9. INFORMATION TECHNOLOGY PROCUREMENT AUTHORITY

**Governor:** Require every executive branch agency, including the University of Wisconsin System, to make all purchases of materials, supplies, equipment and contractual services related to information technology and telecommunications from the Department of Electronic Government, unless the Department requires the agency to make the purchases under a master contract (identified below) or the Department grants written authorization to the agency: (a) delegating it authority to make the purchase; (b) allowing it to procure the materials, supplies, equipment and contractual services from another agency; or (c) allowing it to provide the materials, supplies, equipment and contractual services itself. Specify that the procurement statutes do not apply to purchases of information technology and telecommunications materials, supplies, equipment or contractual services purchased by any agency from the Department of Electronic Government.

Under current law, every agency, other than the Board of Regents of the University of Wisconsin System and the legislative and judicial branches, is required to purchase all computer services from DOA's Division of Information Technology Services, unless the Division grants written authority to the agency to procure the services, purchase the services

from another agency or provide the service itself. Under current law, the UW System is allowed to purchase computer services from DOA. Further, current law exempts any agency making a purchase of computer services from DOA's Division of Information Technology Services from the procurement statutes.

Specify that DOA may not delegate to any executive branch agency the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the head of the new Department (the chief information officer). Specify that no executive branch agency may enter into any such contract without review and approval of the contract by the chief information officer. Require that DOA delegate authority to make all purchases for the Department of Electronic Government to that Department. Specify that the delegation may not be withdrawn, but that the Department of Electronic Government may elect to make any purchase through DOA.

Specify that any procurement specification for the purchase of materials, supplies, equipment or contractual services for information technology or telecommunications are subject to the approval of the chief information officer.

Specify that the Department of Electronic Government is exempt from the following requirements: (a) all supplies, materials, equipment and contractual services be purchased for and furnished to any agency only upon requisition to DOA; (b) DOA prescribe the form, contents, number and disposition of requisitions and promulgate rules as to time and manner of submitting such requisitions for processing; and (c) no agency or officer may engage any person to perform contractual services without the specific prior approval of DOA for each such engagement. Under current law, purchases of supplies, materials, equipment or contractual services by the Legislature, the Courts or legislative service or judicial branch agencies do not require approval. Under the bill, this authority would be extended to include the Department of Electronic Government.

Specify that procurement statutes related to low bid, general bid procedures and procurement from prison industries do not apply to the Department of Electronic Government. Require that annually, not later than October 1, the Department of Electronic Government report to DOA, concerning all procurements by the Department of Electronic Government during the preceding fiscal year that were not made in accordance with low bid, general bid procedures and procurement from prison industries statutes. Specify that the Department of Electronic Government does not have to obtain materials, supplies, equipment and services from a list maintained by the State Use Board for procurements from work centers for the severely disabled.

Delete the definition of "major procurement" (a procurement by DOA for the use of the Division of Information Technology Services that is related to the functions of the division).

Transfer to the Department DOA's current authority related to purchases of computers by teachers. Under current law, DOA is required to negotiate with private vendors to facilitate the purchase of computers and other educational technology by public and private elementary and

secondary school teachers for their private use. DOA is also required to attempt to make available types of computers and other educational technology that will encourage and assist teachers in becoming knowledgeable about the technology and its uses and potential uses in education.

## 10. STRATEGIC PLANS FOR EXECUTIVE BRANCH AGENCIES

**Governor:** Annually, require that as a part of each proposed strategic plan, the Department of Electronic Government must require each executive branch agency to address the business needs of the agency and identify all proposed IT development projects that serve those business needs, the priority for undertaking such projects, and the justification for each project, including the anticipated benefits of the project. Specify that each proposed plan identify any changes in the functioning of the agency under the plan. In each even-numbered year, require that the plan include an identification of any IT development project that the agency plans to include in its biennial budget request.

Specify that each proposed strategic plan separately identify the initiatives that the executive branch agency plans to undertake from resources available to the agency at the time that the plan is submitted and initiatives that the agency proposes to undertake that would require additional resources.

Specify that following receipt of a proposed strategic plan from an executive branch agency, the chief information officer must, before June 1, notify the agency of any concerns that the chief information officer may have regarding the plan and provide the agency with his or her recommendations regarding the proposed plan. Specify that the chief information officer may also submit any concerns or recommendations regarding any proposed plan to the Information Technology Management Board (described below) for its consideration. Specify that the Board must then consider the proposed plan and provide the chief information officer with its recommendations regarding the plan. The executive branch agency may submit modifications to its proposed plan in response to any recommendations.

Require that before June 15, the chief information officer must consider any recommendations provided by the Board and must then approve or disapprove the proposed plan in whole or in part. Specify that no executive branch agency may implement a new or revised information technology development project authorized under a strategic plan until the implementation is approved by the chief information officer in accordance with procedures prescribed by the officer.

Require the Department of Electronic Government to consult with the Joint Committee on Information Policy and Technology in providing guidance for planning by executive branch agencies.

Under current law, the Secretary of DOA is required to compile and submit to the Governor or the Governor-elect and to each person elected to serve in the Legislature during the next biennium, not later than November 20 of each even-numbered year, a compilation giving



information regarding the state budget for the succeeding biennium, except for the recommendations of the Governor. Specify that the Secretary of DOA may not include in the statutorily required budget compilation any provision for the development or implementation of an IT development project for an executive branch agency that is not consistent with the approved strategic plan of the agency.

Under current law, each executive branch agency is required to adopt, revise biennially, and submit for DOA's approval, a strategic plan for the utilization of information technology to carry out the functions of the agency. As a part of each plan, the Division of Technology Management must require each executive branch agency to address the business needs of the agency and identify all proposed IT development projects that serve those business needs, the priority for undertaking such projects and the justification for each project, including the anticipated benefits of the project. Under current law, each plan must identify any changes in the functioning of the agency under the plan. Current law also specifies that the Division of Technology Management must consult with the Joint Committee on Information Policy and Technology in providing guidance for and scheduling of planning by executive branch agencies.

## 11. INFORMATION TECHNOLOGY PORTFOLIO MANAGEMENT

**Governor:** Specify that, with the assistance of executive branch agencies and the advice of the Information Technology Management Board (described below), the Department of Electronic Government manage the information technology portfolio of state government in accordance with a management structure that includes all of the following: (1) criteria for selection of information technology assets to be managed; (2) methods for monitoring and controlling information technology development projects and assets; and (3) methods to evaluate the progress of information technology development projects and the effectiveness of information technology systems, including performance measurements for the information technology portfolio.

## 12. INFORMATION TECHNOLOGY MANAGEMENT BOARD

**Governor:** Create a seven member Information Technology Management Board, attached to the Department of Electronic Government, consisting of the Governor, the chief information officer, the Secretary of DOA, two heads of departments or independent agencies appointed to serve at the pleasure of the Governor, and two other members appointed to serve four-year terms. As under current law, the public members would not be subject to confirmation by the Senate. Specify that the Governor serve as chair of the Board and the chief information officer serve as vice-chair. Require the Board to meet at least four time per year and at other times on the call of the Governor. why?

Require the Board to provide the chief information officer with its recommendations concerning any elements of the strategic plan of an executive branch agency that are referred to

it. Specify that the Board may advise the chief information officer with respect to management of the information technology portfolio of state government. Allow the Board, upon petition of an executive branch agency, to review any decision of the chief information officer to transfer positions or other IT issues affecting that agency. Specify that upon review, the Board may affirm, modify or set aside the decision. Require that if the Board modifies or sets aside the decision of the chief information officer, the decision of the Board stands as the decision of the chief information officer and the decision is not subject to further review or appeal. Specify that the Board may monitor the progress in attaining goals for information technology and telecommunications development set by the chief information officer or executive branch agencies, and may make recommendations to the officer or agencies concerning appropriate means of attaining those goals.

Create a nonstatutory provision specifying that of the two public members first appointed to serve as members of the Information Technology Management Board, the Governor must designate one to serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May 1, 2005.

### **13. TEACH BOARD-RELATED MODIFICATIONS**

**Governor:** Specify that DOA may only delegate procurement authority to the Technology for Educational Achievement in Wisconsin (TEACH) Board to make purchases of educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions with the approval of the Department of Electronic Government. Require that rules promulgated by the TEACH Board, in consultation with DOA, establishing an educational telecommunications access program to provide educational agencies with access to data lines and video links, be subject to approval by the Department of Electronic Government. Specify that procurement standards and specifications, established by the TEACH Board in cooperation with DOA, related to the purchase of educational technology hardware and software by educational agencies be subject to the approval of the Department of Electronic Government. Specify that with the approval of the Department of Electronic Government, the TEACH Board may purchase or permit educational agencies to purchase or lease educational technology equipment.

### **14. MISCELLANEOUS STATUTORY PROVISIONS**

**Governor:** Change statutory references related to the information technology or telecommunication duties of the Department of Administration to the Department of Electronic Government. Change statutory references related to the information technology or telecommunication duties of the Secretary of the Department of Administration to the chief information officer. Change statutory cross references from those identifying DOA to the Department of Electronic Government.

resources and the geological and natural history survey, a specific expenditure plan and groundwater data collection standards consistent with the purposes of s. 16.967. State funds allocated under this section shall be used to match available federal funds prior to being used for solely state-funded activities.

Note: This section is amended eff. 9-1-03 by 1997 Wis. Act 27 to read:

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

History: 1979 c. 34; 1997 a. 27.

### 16.969 Fees for certain high-voltage transmission lines. (1) In this section:

(a) "Commission" means the public service commission.  
 (b) "High-voltage transmission line" means a high-voltage transmission line, as defined in s. 196.491 (1) (f), that is designed for operation at a nominal voltage of 345 kilovolts or more.

(2) The department shall promulgate rules that require a person who is issued a certificate of public convenience and necessity by the commission under s. 196.491 (3) for a high-voltage transmission line to pay the department the following fees:

(a) An annual impact fee in an amount equal to 0.3% of the cost of the high-voltage transmission line, as determined by the commission under s. 196.491 (3) (gm).

(b) A one-time environmental impact fee in an amount equal to 5% of the cost of the high-voltage transmission line, as determined by the commission under s. 196.491 (3) (gm).

(3) (a) The department shall distribute the fees that are paid by a person under the rules promulgated under sub. (2) (a) to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

(b) The fee that is paid by a person under the rules promulgated under sub. (2) (b) shall be distributed as follows:

1. The department shall pay 50% of the fee to each county that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such county.

2. The department shall pay 50% of the fee to each town, village and city that is identified by the commission under s. 196.491 (3) (gm) in proportion to the amount of investment that is allocated by the commission under s. 196.491 (3) (gm) to each such town, village and city.

(4) A county, town, village or city that receives a distribution under sub. (3) (b) may use the distribution only for park, conservancy, wetland or other similar environmental programs.

History: 1999 a. 9.

## SUBCHAPTER VII

### INFORMATION TECHNOLOGY

#### 16.97 Definitions. In this subchapter:

- (1) "Agency" has the meaning given in s. 16.70 (1).
- (2) "Authority" has the meaning given in s. 16.70 (2).
- (3) "Computer services" means any services in which a computer is utilized other than for personal computing purposes.
- (4) "Data processing" means the delivery of information processing services.
- (5m) "Executive branch agency" has the meaning given in s. 16.70 (4).
- (5p) "Form" means any written material, by whatever means printed, generated or reproduced, with blank spaces left for the entry of additional information to be used for the purpose of pro-

viding information, collecting information or requiring action in any transaction involving this state.

(5s) "Forms management" means the system of providing forms to accomplish necessary operations efficiently and economically, including analysis and design of forms, improvement of methods of procurement, distribution and disposition of forms and improvement of methods to keep to a reasonable level the public's duty to report. "Forms management" includes the elimination of unnecessary forms and of unnecessary data collection and standardizing, consolidating and simplifying forms and related procedures.

(6) "Information technology" means the electronic processing, storage and transmission of information including data processing and telecommunications.

(7) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(8) "Personal computing" means utilizing a computer that is located at the same work station where the input or output of data is conducted.

(8m) "Public contact form" means a form generated and used by any agency in transactions between the agency and a member of the public.

(9) "Supercomputer" means a special purpose computer that performs in a scientific environment and that is characterized by a very high processing speed and power.

(10) "Telecommunications" means the electronic movement of information in any form from one point to another.

History: 1991 a. 39; 1995 a. 27 ss. 312, 314, 316, 406, 406e; 1995 a. 225.

#### 16.971 Responsibilities of department. (1) In this section:

(a) "Division" means the division of technology management of the department.

(b) "Small agency" means an agency having fewer than 50 authorized full-time equivalent positions.

(1m) The department shall ensure that an adequate level of information technology services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that executive branch agencies make effective and efficient use of the information technology resources of the state. The department shall, in cooperation with agencies, establish policies, procedures and planning processes, for the administration of information technology services, which executive branch agencies shall follow. The policies, procedures and processes shall address the needs of agencies to carry out their functions. The department shall monitor adherence to these policies, procedures and processes.

(2) The division shall:

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

(am) Make as cost effective as possible the procurement and use of forms by agencies.

(ap) Prescribe a forms management program for agencies.

(b) Develop and maintain information technology resource planning and budgeting techniques at all levels of state government.

(c) Develop and maintain procedures to ensure information technology resource planning and sharing between executive

branch agencies. The procedures shall ensure the interconnection of information technology resources of executive branch agencies, if interconnection is consistent with the strategic plans formulated under pars. (L) and (m).

(d) Develop review and approval procedures which encourage timely and cost-effective hardware, software, and professional services acquisitions, and review and approve the acquisition of such items and services under those procedures.

(e) Collect, analyze and interpret, in cooperation with agencies, that data necessary to assist the information technology resource planning needs of the governor and legislature.

(f) Provide advice and assistance during budget preparation concerning information technology resource plans and capabilities.

(g) Ensure that management reviews of information technology organizations are conducted.

(h) Gather, interpret and disseminate information on new technological developments, management techniques and information technology resource capabilities and their possible effect on current and future management plans to all interested parties.

(i) Ensure that a level of information technology services are provided to all agencies that are equitable in regard to resource availability, cost and performance.

(j) Ensure that all executive branch agencies develop and operate with clear guidelines and standards in the areas of information technology systems development and that they employ good management practices and cost-benefit justifications.

(k) Ensure that all state data processing facilities develop proper privacy and security procedures and safeguards.

(L) Require each executive branch agency to adopt, revise biennially, and submit for its approval, a strategic plan for the utilization of information technology to carry out the functions of the agency. As a part of each plan, the division shall require each executive branch agency to address the business needs of the agency and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects and the justification for each project, including the anticipated benefits of the project. Each plan shall identify any changes in the functioning of the agency under the plan. The division shall consult with the joint committee on information policy and technology in providing guidance for and scheduling of planning by executive branch agencies.

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

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

(n) Maintain an information technology resource center to provide appropriate technical assistance and training to small agencies.

(2m) The following forms are not subject to review or approval by the department:

(a) Forms that must be completed by applicants for admission to an institution of the University of Wisconsin System or by stu-

dents of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

(b) Forms the use of which is required by federal law.

(c) Forms used by teachers to evaluate a student's academic performance.

(d) Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

(e) Forms used by medical personnel in the treatment of patients.

(f) Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the University of Wisconsin System.

(g) Forms used by the department of corrections in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

(gm) Forms relating to youth corrections used by the department of health and family services in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

(h) Forms that are not public contact forms.

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

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

(4) (a) The department may license or authorize executive branch agencies to license computer programs developed by executive branch agencies to the federal government, other states and municipalities. Any agency other than an executive branch agency may license a computer program developed by that agency to the federal government, other states and municipalities.

(b) Annual license fees may be established at not more than 25% of the program development cost and shall be credited to the agency which developed the program.

(c) In this subsection:

1. "Computer programs" are the processes for the treatment and verbalization of data.

2. "Municipality" has the meaning designated in s. 66.0901 (1) (a).

(6) Notwithstanding subs. (1m) and (2), the revisor of statutes shall approve the specifications for preparation and schedule for delivery of computer databases containing the Wisconsin statutes.

(9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the division may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection,

using the moneys appropriated under s. 20.505 (1) (ja), (kp) and (kq). The division shall annually report to the legislature under s. 13.172 (2) concerning the division's efforts to improve and increase the efficiency of integration of justice information systems.

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

*History:* 1971 c. 261; Stats. 1971 s. 16.96; s. 13.93 (1) (b); Stats. 1971 s. 16.97; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 130 (3); 1979 c. 34, 221; 1981 c. 20; 1987 a. 142; 1989 a. 31; 1991 a. 39 ss. 180b, 192b; Stats. 1991 s. 16.971; 1993 a. 16; 1995 a. 27 ss. 324, 331, 408 to 423m, 9126 (19); 1995 a. 417; 1997 a. 27, 36; 1999 a. 9, 29, 32; 1999 a. 150 s. 672; 1999 a. 185, 186.

### 16.973 Powers of the division of information technology services. (1) In this section:

(a) "Qualified museum" means a nonprofit or publicly owned museum that has an educational mission.

(b) "Qualified postsecondary institution" means a regionally accredited 4-year nonprofit college or university having its regional headquarters and principal place of business in this state or a tribally controlled college located in this state.

(c) "Qualified private school" means a private school, as defined in s. 115.001 (3r), operating elementary or high school grades.

(d) "Qualified zoo" means a bona fide publicly owned zoo that has an educational mission.

(2) The division of information technology services may:

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

(b) Provide such computer services and telecommunications services to local governmental units and provide such telecommunications services to qualified private schools, postsecondary institutions, museums and zoos as the division considers to be appropriate and as the division can efficiently and economically provide. The division may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The division may charge local governmental units and qualified private schools, postsecondary institutions, museums and zoos for services provided to them under this paragraph in accordance with a methodology determined by the secretary. Use of telecommunications services by a qualified private school or postsecondary institution shall be subject to the same terms and conditions that apply to a municipality using the same services. The division shall prescribe eligibility requirements for qualified museums and zoos to receive telecommunications services under this paragraph.

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

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

(e) Provide technical services to agencies in making hardware acquisitions to be used for computer services.

*History:* 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27, 252.

### 16.974 Duties of the division of information technology services. The division of information technology services shall:

(1) Provide or contract with a public or private entity to provide computer services to agencies. The division may charge agencies for services provided to them under this subsection in accordance with a methodology determined by the secretary.

(3) Facilitate the implementation of statewide initiatives, including development and maintenance of policies and programs to protect the privacy of individuals who are the subjects of information contained in the databases of agencies, and of technical standards and sharing of applications among agencies and any participating local governmental units or entities in the private sector.

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

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

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

(7) (a) Coordinate with the technology for educational achievement in Wisconsin board to provide school districts and cooperative educational service agencies with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

(b) Subject to s. 44.73 (5), coordinate with the technology for educational achievement in Wisconsin board to provide private colleges, technical college districts, public library boards and public library systems with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

(c) Coordinate with the technology for educational achievement in Wisconsin board to provide private schools with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

(d) Coordinate with the technology for educational achievement in Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

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

**16.975 Access to information.** The division of information technology services shall withhold from access under s. 19.35 (1) all information submitted to the division by agencies, local governmental units or entities in the private sector for the purpose of processing. The division may not process such information without the consent of the agency, unit or other entity which submitted the information and may not withhold such information from the agency, unit or other entity or from any other person authorized by the agency, unit or entity to have access to the information. The agency, unit or other entity submitting the information remains the custodian of the information while it is in the custody of the division and access to such information by that agency, unit or entity or any other person shall be determined by that agency, unit or other entity and in accordance with law.

*History:* 1991 a. 39; 1995 a. 27.

DRAFT

## Recommendations by the Senate Privacy, Electronic Commerce and Financial Institutions Committee on the 2001-2003 State Budget

### Department of Electronic Government

#### Create a Privacy Officer and State Information Procedure

The Department of Electronic Government (DEG) should house a Privacy Officer, paid outside the agency, who shall monitor personal information housed within DEG. In addition, the Privacy Officer shall recommend and enforce a state information procedure for the handling of personal information maintained in state agencies. That policy should include procedures prohibiting the secondary use of data that is not specifically authorized within state or federal law, clarification that the DEG is not a custodian state open records, privacy policies for employees who handle personal information, limitations for the use of personal information without consent, and penalties for state agencies who violate the state information procedure.

#### Exemption for the University of Wisconsin System

The University of Wisconsin System already has in place a comprehensive system wide information policy and procedure that works cohesively to purchase, share information and systems, and advise on the streamlining of services. This system would be compromised significantly if the UW is included in the DEG.

#### Changes to Information Technology Management Board

Currently the Information Technology Board is made up of gubernatorial appointments, the public members do not need Senate confirmation. All public members of the Board shall be confirmed by the Senate. In addition, two members appointed by the legislature should be added to the board, the privacy officer, as well as a representative recommended by labor and a member recommended by the University of Wisconsin to serve in an advisory capacity (non-voting).

### Telemarketing

#### Laws Should Not Weaken Current Rule

The recommendation made by the Governor weaken current Department of Agriculture, Trade, and Consumer Protection (DATCP) Rules. In the least the bill should be modified to be in compliance with current stronger rules. Provisions which prohibit the blocking of caller ID by telemarketers should be modified to mirror Senate Bill 41 which was recommended by the committee and the Senate. The language is clearer and conforms with current law and rule better. In addition, the committee may consider Senate Bill 40 as an

alternative to the Governor's recommendations. Currently before the committee the proposal includes a much stronger system for managing telemarketing in Wisconsin and is recommended by DATCP.

## **Department of Financial Institutions**

### **Consumer Credit Services**

Recommendations to change reporting requirements for Consumer Credit Services from monthly to yearly should not exempt any businesses currently regulated by the department. With the explosion in alternative credit options which often cost consumers more than traditional financial institutions, we should be tightening regulation not weakening it.

### **Universal Banks and Credit Unions**

Truly an issue that should be assigned to the standing committees on Financial Institutions, this major policy proposal should not be included in the state budget. If the item remains, the issue of consumer privacy should be reconciled. Gramm Leach Bliley, the federal bill that started the Universal Bank debate, created a set of financial privacy rules. Any recommended changes that expand the powers and sharing ability of personal information by financial institutions in the state of Wisconsin, like this proposal, should to be accompanied by a state rule similar to the federal Gramm Leach Bliley privacy rule. It would be a mistake to provide parody for our financial institutions is not accompanied by parody for Wisconsin's financial consumers.

### **UETA**

The Department of Administration should work with the Department of Agriculture, Trade and Consumer Protection to incorporate changes



**Department of Electronic Government**

PRIVACY

Who will have access to the databases you manage?

Will there be a privacy policy for employees?

Will there be data sharing agreements between agencies - even outside companies?

Will there be any secondary uses of the data contained within the department?

Will databases be merged when there is no authority to merge?

You say there will not be improper handling but is there anything prohibiting the unauthorized secondary use of personal data, prohibiting unauthorized merger of lists, access by private entities?

We need to set up protections now because in five years everything could change and will if we don't set up rules now.

Will there be a someone in charge of privacy outside the agency pay but inside the agency?

Will that person have the authority to sue if data is improperly handled?

OPEN RECORDS

Question for Legislative Council - Isn't any records held by the state of Wisconsin an open record unless it is expressly closed in statute?

Are these records held at DEG expressly exempt from chapter 19?

Is there something written into the bill that DEG is not the record keeper?? Then it needs to be. We shouldn't go into this project with our eyes shut. Every file on a computer, every paper inside a desk, every note stuck on a wall and every quote placed on a web page is an open record. This needs to be corrected



## TRANSFER OF POSITIONS

Including the UW, DEG can at any time move an IT employee to another agency and another job. Doesn't this violate labor agreements and contracts?

## SERVICE TO NON STATE ENTITIES

What services are currently provided to non-state entities?

How will this be expanded, what services do you see the agency providing to non-state entities.?

Will state data be merged with non-state data? Are their adequate fire walls to protect unauthorized access.

Will DEG hold and employment records??

## NEW POWERS

DEG buys everything technical for every state agency, except the supreme court and the legislature correct? Will these purchases be in cooperation with the agencies??

What happens if the agency hates what they get and blames DEG for the crap they have to work with?

I read in the audit report that the KIDS system cost 51.5 million dollars and just last week I got an letter from a state employee stating that the system is useless, it overloads and causes delays every month. The employee wrote they often sit and wait for hours while the system fails and attempts are made to bring it back up – is DEG willing to take on cans of worms like this??

Does DEG realize with ultimate authority comes ultimate blame??

DEG may transfer any unspent IT balance from any agency – how will agency behavior react to this?

When DEG transfers people into another agency who pays for the employee?? What if someone was providing a needed service is HFS and they were transferred to Tourism - what would happen to HFS?

Shouldn't we create some sort of guidelines for transferring staff or at least an appeal process by the losing department. I think we all are smart enough to know we don't know everything - DEG may not be able to understand the project a person is doing for the UW, so they will transfer that person and leave the UW without an important resource - we should address this issue.

#### INFORMATION TECHNOLOGY MANAGEMENT BOARD

All Gubernatorial appointments -- should have legislative appointments, UW appointment and a labor appointment - this would level the field and at least provide a check and balance situation.

The appointments should all also have Senate confirmation - we like to do a good job for the people in the Senate and don't like to be bypassed.

#### TEACH Modifications

I noticed there were no libraries included in the TEACH allocation definition. I also noticed there is no approval of any grants without DEG consent - I imagine schools won't like that - again - we all know that we all don't know everything and we shouldn't try to fit everything into a small package that may not fit.

Dan Bezuwels -

① too many consultants!

Dan Schmitt -

② not monitoring - enough!

- Pressure because of lack of parties -

- In some cases - some money is being run with state staff

"essence to spend money to hire consultants and spend the actual staff + save"

→ already have existing authority - Chapter 16 -

statutory -

- has DOA not exercised its authority? yes - because agencies interrelated with authority!

options -

- consolidate with DOA →

① chapter 16 has ample control -

create a super agency -

competition is diminished -

\* - programmes to renewed from progress -

Why do DOA think they need this authority? to minimize leg.

<IO not have authority! visibility - sense of importance

\* important principles not to exercised?

will they obtain authority that exists -

① Brigg v. W. / →

② private contracts -

93 million - IT

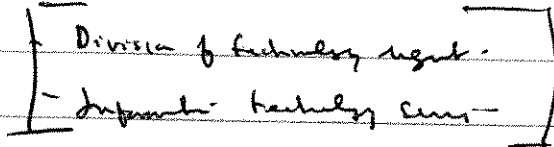
"350 million / year total goods + services"

U.W. So diffuse - involvement & inclusion

→ Review/Report for U.W. for campus - extent of continuity.

① technology <sup>mgmt.</sup> board - same power/duties -

② consider 2 divisions -



Arguments against - How do they propose to insert it's new agency?

- Separate admin. costs - human resources funds -

will OAA continue to provide

4 new points - CEO / deputy / EA - On Admin -

① need leadership -

② accountability -

hearings

- Proposed change is needed -

Why - E. Government. (

1) no new reasons for electronic govt - take reasons for govt.

2) better cooperation between state agencies -

- need to look at governance structure.

\* - Secretary's working group - / considered ~~group~~ <sup>group</sup> (with DAS)

\* How do you expect CIO to have line authority -> some authority.

→

Legislative Authority.

① when Dept. Tech. Servs - 1991 - some law. transfer - unintended  
plan had to be sent to Finance -

② trying to recreate leg. authority -

③ clashes to more points / many areas

Parse

\* DAS has so many tools - DAS - too busy -

→ CIO - make a difference

Portfolio management

Jagati - critical to in house specify IT projects -

Ed Meacham - } U-W. → - statement  
Ellen Jans - }

Studies for collaborative - collective mission -

- not interfere with Regent oversight -

\* collaborative model - system will remedy well -

ternalyte -  
trillion  
4-5 ternalyte  
9mm

- 1985 - streamlining procurement process -

↳ would not eliminate cooperatives -

Markie Schneider - why is U.W. different?

Sen. Lajtha -