

Senate Bill 17

Date published:
August 15, 1967

CHAPTER 106, LAWS OF 1967

AN ACT to repeal 15.92, 16.79 (5), (6) and (7) and 16.85 (5), (9) and (11) to (14); to renumber 16.92; to renumber and amend 16.82 (4) (am), (b), (c) and (d); to amend 16.70 (4), 16.71 (1) and (3), 16.73, 16.74, 16.75 (1), 16.76 (1) and 16.82 (4) (a); and to create 16.82 (4) (b) and (c) and 16.84 of the statutes, relating to duties of the department of administration.

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

SECTION 1. 15.92 of the statutes is repealed.

SECTION 2. 16.70 (4) of the statutes is amended to read:

16.70 (4) ~~The words "Contractual services" include gas, electricity, steam, telephone, telegraph, freight, express, drayage, towels, drinking water, postage, printing, binding, and similar~~ includes all materials and services, and any ~~contract~~ construction work involving less than \$1,000 \$2,500 for construction work to be done for, or furnished to the state or any agency thereof.

SECTION 3. 16.71 (1) and (3) of the statutes are amended to read:

16.71 (1) All necessary materials, supplies, ~~paper, coal, fuel, stationery, apparatus, furniture,~~ equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all state offices. All such materials, services and other things and expense furnished to any such office shall be charged to the proper appropriations of the offices to whom furnished, as provided in s. 20.125.

(3) All ~~mimeograph stencil duplicating, multigraph~~ offset printing and similar work.

SECTION 4. 16.73 and 16.74 of the statutes are amended to read:

16.73 All materials, ~~supplies, apparatus, equipment~~ and other things

services required to be furnished by the department of administration which are manufactured or produced at the state prison or at any of the other public institutions of the state shall be purchased by the said department of administration from said prison or institution institutions when such products or services conform to the specifications prepared by the department.

16.74 Except as otherwise provided in ss. 16.71 to 16.82 and in the rules adopted pursuant thereto, all supplies, materials, equipment and contractual services shall be purchased for and furnished to any office only upon requisition to the department of administration. The department of administration shall prescribe the form, contents, number and disposition of requisitions and shall prescribe rules as to time and manner of submitting such requisitions for processing. It shall also provide rules for the ~~transfer of declaration as surplus of supplies, materials and equipment in any department to another which may have need therefor agency and for the transfer to other agencies or for the disposal by private or public sale of supplies, materials and equipment.~~ In either case due credit shall be given to the ~~department~~ agency releasing same.

SECTION 5. 16.75 (1) of the statutes is amended to read:

16.75 (1) All materials, supplies, equipment and contractual services except as otherwise provided in subs. (3) and (7), when the estimated cost exceeds \$3,000, shall be purchased from the lowest responsible bidder. All orders awarded or contracts made by the department of administration shall be awarded to the lowest responsible bidder, taking into consideration the location of the institution or agency, the ~~qualities~~ quantities of the articles to be supplied, their conformity with the specifications, the purposes for which they are required and the date of delivery, but preference shall always be given to materials, supplies and provisions of Wisconsin producers, distributors, suppliers and retailers. Bids shall be received only in accordance with such standard specifications as ~~may be~~ are adopted by the department of administration in the ~~manner~~ as provided in this subsection. Any or all bids may be rejected. Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Due notice inviting proposals shall be published as a class 2 notice, under ch. 985, and the bids shall not be opened until at least 7 days from the last day of publication. The official advertisement shall give a clear description of the article to be purchased, the amount of the bond or check to be submitted as surety with the bid and the date of public opening.

SECTION 6. 16.76 (1) of the statutes is amended to read:

16.76 (1) All contracts for materials, supplies, equipment and contractual ~~service~~ services shall run to the state of Wisconsin, and shall be signed by the director or persons authorized by the department. All contracts shall contain a clause providing for arbitration of disputes between the state and the contractor regarding quality and quantity.

SECTION 7. 16.79 (5), (6) and (7) of the statutes are repealed.

SECTION 8. 16.82 (4) (a) of the statutes is amended to read:

16.82 (4) (a) May ~~reproduce~~ produce or contract to have produced, printing of classes 1, 3 and 4, and excerpts from the statutes under class 2, by machines or processes known as multigraph, multicolor, multilith, mimeograph, or photo offset or by a combination of them, or by similar machines or processes. Agencies performing work under this section shall make reports as are required to the department of administration which shall compile and prepare such summary reports

as the board on government operations requests and all materials offered by state agencies for production.

SECTION 9. 16.82 (4) (am), (b), (c) and (d) of the statutes are renumbered 16.82 (4) (d), (e), (f) and (g), respectively, and amended to read:

16.82 (4) (d) May, during a period when a contract for any class or subclass of public printing has expired and a new contract for the following biennium has not been entered into under ch. 35, obtain public printing from private printers at prevailing commercial rates, or may produce public printing by machines or processes known as multigraph, multicolor, multilith, mimeograph or photo offset or by a combination of them or by similar machines or processes.

(e) In deciding whether to use ~~this~~ the discretion under pars. (a) and (d) to produce graphic material, the ~~director~~ department shall take into consideration the availability of machines, equipment and personnel for such work in any agency; the maintenance of a uniform workload for employees of the department of administration; the urgency of the work; and the relative cost of reproduction production by the department of administration as against the cost of outside work; the preference of the state agency ordering the work.

(f) The cost of work done under this subsection pars. (a) to (e) shall be charged to the agency ordering the work.

(g) This subsection and s. 35.015 shall be liberally construed so as to effectuate the legislature's intent to vest broad discretion in the ~~director~~ department to determine what public printing in the classes covered and what materials offered by state agencies for production shall be done by the state itself, and which by the state printer what shall be contracted. Such liberal construction shall extend to the ~~director's~~ department's determination to use the power conferred, to the determination of what work is to be included in the classes covered, and to the determination of whether a given machine or process is similar to those enumerated.

SECTION 10. 16.82 (4) (b) and (c) of the statutes are created to read:

16.82 (4) (b) Determine the form, style, quantity and method of reproduction, when not specifically prescribed by law, of all materials offered by state agencies for production. Any state agency which objects to the determination made under this paragraph may appeal the decision of the department to the governor.

(c) Agencies performing work under this section shall make reports as are required to the department which shall compile and prepare such summary reports as the board on government operations requests.

SECTION 11. 16.84 of the statutes is created to read:

16.84 DEPARTMENT OF ADMINISTRATION; PHYSICAL PLANT MANAGEMENT. The department shall:

(1) Have charge of, operate, maintain and keep in repair the state capitol building, the executive residence, the light, heat and power plant, the state office buildings and their power plants, the grounds connected therewith, and such other state properties as is designated by law.

(2) Appoint such number of security officers as is necessary to safeguard all public property placed by law in the department's charge and by such security officers to arrest, with or without warrant, any person violating any law within or around any of said properties. Nothing in this subsection limits or impairs the duty of the chief and each policeman of the police force of the municipality in which the property is located to arrest and take before the proper court or magistrate persons found in a state of intoxication or engaged in any disturbance of the peace

or violating any state law, except s. 15.90 (2), in or around any of said properties located in the municipality in which the property is located, as required by s. 62.09 (15).

(3) Appoint full-time domestic employees to work in the executive residence on a project basis.

(4) Assign space in the capitol, other than rooms reserved by either house of the legislature. In assigning officers to space in the capitol preference shall be given to those who are especially entitled by law to such space. All assignments shall be subject to the approval of the governor.

(5) Have responsibility, subject to approval of the governor, for all functions relating to the acquisition, allocation and utilization of office space by the state.

(6) Require of the several agencies of state government all information necessary for the planning and forecasting of the space needs of state government on a comprehensive long-range basis. To this end the department shall co-operate with the state building commission in order that the projected program of new construction will conform with the state's long-range building plans.

(7) Approve administrative district boundaries of the several state agencies unifying them where possible in order to facilitate the acquisition and maintenance of suitable district headquarters in the several parts of the state.

(8) Let concessions for periods not exceeding 2 years in the capitol and state office buildings, under such terms and conditions as will in its judgment be most favorable to the state, and in accordance with s. 47.09.

(9) Prepare a Wisconsin state capitol guide book containing information regarding the state capitol, its buildings and grounds, to be sold as near cost as practicable.

(10) Approve as to design, structure, composition and location and arrangements made for its care and maintenance which are satisfactory to the department all public monuments, memorials, or works of art, except such as are or become the property of the university or the state historical society, which shall be constructed by or become the property of the state by purchase, wholly or in part from state funds, or by gift or otherwise. "Work of art" means any painting, portrait, mural decoration, stained glass, statue, bas-relief, ornament, tablets, fountain or any other article or structure of a permanent character intended for decoration or commemoration. The governor, the legislature or any committee thereof may, at any time, request a report as to the recommendations of the department on any of the above matters and the department shall make such report within 30 days of the receipt of such request.

(11) Prepare, publish and enforce or have enforced rules of conduct for the several buildings for which the department has managing authority.

SECTION 12. 16.85 (5), (9) and (11) to (14) of the statutes are repealed.

SECTION 13. 16.92 of the statutes is renumbered 16.845.

Approved August 8, 1967.