



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4791/P6
MPG:wj&cde

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 16.97 (3), 16.97 (4), 16.97 (6), 16.97 (8), 16.971 (2) (Lg), 16.971
2 (13), (14), (15), and (16), 16.973 (9) and 227.01 (13) (km); *to renumber* 16.971
3 (17); *to renumber and amend* 16.97 (9); *to amend* 16.70 (4m), 16.971 (2) (d),
4 16.971 (2) (k), 16.971 (2) (Lm), 16.971 (2) (n), 16.971 (3) (a), 16.971 (3) (b), 16.972
5 (2) (b), 16.972 (2) (c), 16.972 (2) (e), 16.973 (1), 16.973 (5), 16.973 (7), 16.973 (8),
6 16.973 (10) (a), 16.973 (11) (a), 16.973 (13) (a) (intro.), 16.973 (14) (a) (intro.),
7 16.973 (16) (intro.), (a), (b) and (d), 16.979 (2) (b), 20.505 (1) (is), 20.505 (1) (kL),
8 20.505 (4) (mp), 20.505 (4) (s), 118.40 (2r) (e) 2p. a. and 196.218 (5) (a) 5.; and
9 **to create** 16.97 (2m) of the statutes; **relating to:** veterans outreach services,
10 telecommunications and information technology functions of the Department
11 of Administration, and information technology projects of the Board of Regents
12 (suggested as remedial legislation by the Department of Administration).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Administration, in consultation with the Department of Veterans Affairs, is required to administer a program to increase

outreach to veterans regarding veterans services and benefits and to provide training to DVA employees and county veterans service officers. This bill eliminates those requirements.

The bill also specifies that certain provisions regarding technology projects of executive branch agencies do not apply to the Board of Regents of the University of Wisconsin System.

The bill eliminates a requirement for DOA to adopt written policies for information technology development projects and to submit those policies for review by the Joint Legislative Audit Committee and for approval by the Joint Committee on Information Policy and Technology. The bill also eliminates duplicative language from the statutes in connection with DOA's provision of access telecommunications services to educational agencies.

Under current law, DOA is authorized to provide "supercomputer" services to state agencies, local governmental units, and private entities. The bill changes the term "supercomputer" to "mainframe" and eliminates that authorization with respect to private entities. The bill also makes other terminology changes to the statutes in connection with DOA's information technology functions.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Administration and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 16.70 (4m) of the statutes is amended to read:

2 16.70 (4m) "Information technology" ~~has the meaning given in s. 16.97 (6)~~
3 means the electronic processing, storage, and transmission of information, including
4 data processing and telecommunications.

NOTE: SECTIONS 1 to 7 and 11 to 14, 17, 19, 21, 23, and 31 update technology terminology and eliminate antiquated terms.

5 **SECTION 2.** 16.97 (2m) of the statutes is created to read:

6 16.97 (2m) "Cloud computing" means a model as described in national institute
7 of standards and technology special publication 800-145.

8 **SECTION 3.** 16.97 (3) of the statutes is repealed.

1 **SECTION 4.** 16.97 (4) of the statutes is repealed.

2 **SECTION 5.** 16.97 (6) of the statutes is repealed.

3 **SECTION 6.** 16.97 (8) of the statutes is repealed.

4 **SECTION 7.** 16.97 (9) of the statutes is renumbered 16.97 (7m) and amended to
5 read:

6 16.97 (7m) “Supercomputer Mainframe” means a special-purpose computer
7 ~~that performs in a scientific environment and that is characterized by a very high~~
8 processing speed and power.

9 **SECTION 8.** 16.971 (2) (d) of the statutes is amended to read:

10 16.971 (2) (d) Develop review and approval procedures which encourage timely
11 and cost-effective purchasing of hardware, software, cloud computing, and
12 professional services ~~acquisitions~~, and review and approve the ~~acquisition~~
13 purchasing of such items and services under those procedures.

NOTE: This SECTION provides DOA with authority to provide oversight of purchases
of cloud solutions by agencies subject to DOA information technology oversight.

14 **SECTION 9.** 16.971 (2) (k) of the statutes is amended to read:

15 16.971 (2) (k) Ensure that all ~~state data processing~~ facilities develop that are
16 owned or leased by the state and that process, transmit, or store data utilize proper
17 privacy and security procedures and safeguards.

18 **SECTION 10.** 16.971 (2) (Lg) of the statutes is repealed.

NOTE: This SECTION eliminates DOA’s duty to adopt written policies for information
technology development projects and submit them to several legislative committees for
review and approval.

19 **SECTION 11.** 16.971 (2) (Lm) of the statutes is amended to read:

20 16.971 (2) (Lm) No later than 60 days after enactment of each biennial budget
21 act, require each executive branch agency, other than the board of regents of the
22 University of Wisconsin System, that receives funding under that act for an

1 information technology development project to file with the department an
2 amendment to its strategic plan for the utilization of information technology under
3 par. (L). The amendment shall identify each information technology development
4 project for which funding is provided under that act and shall specify, in a form
5 prescribed by the department, the ~~benefits that the agency expects to realize from~~
6 ~~undertaking~~ deliverables for the project.

7 **SECTION 12.** 16.971 (2) (n) of the statutes is amended to read:

8 16.971 (2) (n) ~~Maintain an information technology resource center to provide~~
9 Provide appropriate technical assistance ~~and training~~ to small agencies.

10 **SECTION 13.** 16.971 (3) (a) of the statutes is amended to read:

11 16.971 (3) (a) The department shall notify the joint committee on finance in
12 writing of the proposed acquisition purchase of any information technology resource
13 that the department considers major or that is likely to result in a substantive
14 change of service, and that was not considered in the regular budgeting process and
15 is to be financed from general purpose revenues or corresponding revenues in a
16 segregated fund. If the cochairpersons of the committee do not notify the department
17 that the committee has scheduled a meeting for the purpose of reviewing the
18 proposed acquisition purchase within 14 working days after the date of the
19 department's notification, the department may approve ~~acquisition of~~ purchasing
20 the resource. If, within 14 working days after the date of the department's
21 notification, the cochairpersons of the committee notify the department that the
22 committee has scheduled a meeting for the purpose of reviewing the proposed
23 ~~acquisition purchase~~, the department shall not approve ~~acquisition of~~ purchasing
24 the resource unless the ~~acquisition purchase~~ purchase is approved by the committee.

25 **SECTION 14.** 16.971 (3) (b) of the statutes is amended to read:

1 16.971 (3) (b) The department shall promptly notify the joint committee on
2 finance in writing of the proposed ~~acquisition~~ purchase of any information
3 technology resource that the department considers major or that is likely to result
4 in a substantive change in service, and that was not considered in the regular
5 budgeting process and is to be financed from program revenues or corresponding
6 revenues from program receipts in a segregated fund.

7 **SECTION 15.** 16.971 (13), (14), (15), and (16) of the statutes are repealed.

NOTE: This SECTION eliminates duplicative language.

8 **SECTION 16.** 16.971 (17) of the statutes is renumbered 16.993 (5m).

9 **SECTION 17.** 16.972 (2) (b) of the statutes is amended to read:

10 16.972 (2) (b) Except as provided in par. (a), provide such ~~computer~~ information
11 technology services and telecommunications services to local governmental units
12 and the broadcasting corporation and provide such telecommunications services to
13 qualified private schools, tribal schools, postsecondary institutions, museums, and
14 zoos, as the department considers to be appropriate and as the department can
15 efficiently and economically provide. The department may exercise this power only
16 if in doing so it maintains the services it provides at least at the same levels that it
17 provides prior to exercising this power and it does not increase the rates chargeable
18 to users served prior to exercise of this power as a result of exercising this power. The
19 department may charge local governmental units, the broadcasting corporation, and
20 qualified private schools, tribal schools, postsecondary institutions, museums, and
21 zoos, for services provided to them under this paragraph in accordance with a
22 methodology determined by the department. Use of telecommunications services by
23 a qualified private school, tribal school, or postsecondary institution shall be subject
24 to the same terms and conditions that apply to a municipality using the same

1 services. The department shall prescribe eligibility requirements for qualified
2 museums and zoos to receive telecommunications services under this paragraph.

3 **SECTION 18.** 16.972 (2) (c) of the statutes is amended to read:

4 16.972 (2) (c) Provide such ~~supercomputer~~ mainframe services to agencies, and
5 local governmental units ~~and entities in the private sector~~ as the department
6 considers to be appropriate and as the department can efficiently and economically
7 provide. The department may exercise this power only if in doing so it maintains the
8 services it provides at least at the same levels that it provides prior to exercising this
9 power and it does not increase the rates chargeable to users served prior to exercise
10 of this power as a result of exercising this power. The department may charge
11 agencies, and local governmental units ~~and entities in the private sector~~ for services
12 provided to them under this paragraph in accordance with a methodology
13 determined by the department.

NOTE: This SECTION updates terminology and eliminates DOA's authority to
provide mainframe services to private entities.

14 **SECTION 19.** 16.972 (2) (e) of the statutes is amended to read:

15 16.972 (2) (e) Provide technical services to agencies in ~~making~~ hardware
16 ~~acquisitions~~ purchasing to be used for ~~computer~~ information technology services.

17 **SECTION 20.** 16.973 (1) of the statutes is amended to read:

18 16.973 (1) Provide or contract with ~~a public or private~~ an entity to provide
19 ~~computer~~ information technology services to agencies. The department may charge
20 agencies for services provided to them under this subsection in accordance with a
21 methodology determined by the department.

22 **SECTION 21.** 16.973 (5) of the statutes is amended to read:

1 16.973 (5) ~~Utilize all feasible technical means to ensure~~ Ensure the security
2 of all electronic information submitted to the department for processing by agencies,
3 local governmental units and entities in the private sector transmitted, processed,
4 or stored through information technology services managed by the department.

5 **SECTION 22.** 16.973 (7) of the statutes is amended to read:

6 16.973 (7) Prescribe and revise as necessary performance measures to ensure
7 ~~financial controls and accountability, optimal personnel utilization, and customer~~
8 ~~satisfaction~~ for all information technology functions in the executive branch outside
9 of the University of Wisconsin System and annually, no later than March 31, report
10 to the joint committee on information policy and technology concerning the
11 performance measures utilized by the department and the actual performance of the
12 department and the executive branch agencies measured against the performance
13 measures then in effect.

NOTE: This SECTION eliminates specific performance categories for information technology functions that DOA must prescribe, providing the agency with more flexibility to determine performance categories.

14 **SECTION 23.** 16.973 (8) of the statutes is amended to read:

15 16.973 (8) Offer the opportunity to local governmental units to voluntarily
16 obtain ~~computer or supercomputer~~ information technology services from the
17 department ~~when those services are provided under s. 16.972 (2) (b) or (e), and to~~
18 voluntarily participate in any master contract established by the department under
19 s. 16.972 (2) (h) ~~or in the use of any informational system or device provided by the~~
20 ~~department under s. 16.974 (3).~~

21 **SECTION 24.** 16.973 (9) of the statutes is repealed.

NOTE: This SECTION eliminates a requirement for DOA to administer a program to increase outreach to veterans about veterans services and benefits and provide training to employees of DMA and county veterans service officers. SECTION 32 makes associated changes to an appropriation.

1 **SECTION 25.** 16.973 (10) (a) of the statutes is amended to read:

2 16.973 (10) (a) A definition of and methodology for identifying large, high-risk
3 information technology projects of executive branch agencies other than the board
4 of regents of the University of Wisconsin System.

NOTE: SECTIONS 25 to 29 provide that certain provisions regarding technology projects of executive branch agencies do not apply to the UW System.

5 **SECTION 26.** 16.973 (11) (a) of the statutes is amended to read:

6 16.973 (11) (a) A requirement that each executive branch agency other than
7 the board of regents of the University of Wisconsin System review commercially
8 available information technology products prior to initiating work on a customized
9 information technology development project to determine whether any commercially
10 available product could meet the information technology needs of the agency.

11 **SECTION 27.** 16.973 (13) (a) (intro.) of the statutes is amended to read:

12 16.973 (13) (a) (intro.) Except as provided in par. (b), include in each contract
13 with a vendor of information technology that involves a large, high-risk information
14 technology project under sub. (10) or that has a projected cost greater than
15 \$1,000,000, and require each executive branch agency other than the board of
16 regents of the University of Wisconsin System authorized under s. 16.71 (1m) to
17 enter into a contract for materials, supplies, equipment, or contractual services
18 relating to information technology to include in each contract with a vendor of
19 information technology that involves a large, high-risk information technology
20 project under sub. (10) or that has a projected cost greater than \$1,000,000 a
21 stipulation requiring the vendor to submit to the department for approval any order
22 or amendment that would change the scope of the contract and have the effect of
23 increasing the contract price. The stipulation shall authorize the department to

1 review the original contract and the order or amendment to determine all of the
2 following and, if necessary, to negotiate with the vendor regarding any change to the
3 original contract price:

4 **SECTION 28.** 16.973 (14) (a) (intro.) of the statutes is amended to read:

5 16.973 (14) (a) (intro.) Require each executive branch agency, other than the
6 Board of Regents of the University of Wisconsin ~~system~~ System, that has entered into
7 an open-ended contract for ~~the development of an~~ information technology project to
8 submit to the department quarterly reports documenting the amount expended on
9 the information technology ~~development~~ project. In this subsection, “open-ended
10 contract” means a contract for information technology that includes one or both of
11 the following:

12 **SECTION 29.** 16.973 (16) (intro.), (a), (b) and (d) of the statutes are amended to
13 read:

14 16.973 (16) (intro.) No later than March 1 and September 1 of each year, submit
15 to the joint committee on information policy and technology a report that documents
16 for each executive branch agency other than the board of regents of the University
17 of Wisconsin System information technology project with an actual or projected cost
18 greater than \$1,000,000 or that the department of administration has identified as
19 a large, high-risk information technology project under sub. (10) (a) all of the
20 following:

21 (a) Original and updated project ~~cost projections~~ costs.

22 (b) Original and updated completion dates for the project and ~~any~~ each stage
23 of the project.

24 (d) A copy of any contract entered into by the department or the executive
25 branch agency for the project and not provided in a previous report.

1 **SECTION 30.** 16.979 (2) (b) of the statutes is amended to read:

2 16.979 (2) (b) Develop policy, standards and technical and procedural
3 guidelines to ensure a coordinated and cost-effective approach to
4 telecommunications system acquisition purchasing and utilization.

5 **SECTION 31.** 20.505 (1) (is) of the statutes is amended to read:

6 20.505 (1) (is) *Information technology and communications services; nonstate*
7 *entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
8 and 16.997 (2) (d) and (2g) (a) 3., to provide computer, telecommunications, electronic
9 communications, and ~~supercomputer~~ mainframe services, but not enterprise
10 resource planning system services under s. 16.971 (2) (cf), to state authorities, units
11 of the federal government, local governmental units, tribal schools, and entities in
12 the private sector, the amounts in the schedule.

13 **SECTION 32.** 20.505 (1) (kL) of the statutes is amended to read:

14 20.505 (1) (kL) *Printing, mail, communication, document sales, and*
15 *information technology services; state agencies; ~~veterans services.~~* The amounts in the
16 schedule to provide document sales, printing, mail processing, electronic
17 communications, information technology development, management, and
18 processing services, but not enterprise resource planning system services under s.
19 16.971 (2) (cf), to state agencies ~~and veterans services under s. 16.973 (9).~~ All moneys
20 received for the provision of document sales services and services under ss. 16.971,
21 16.972, 16.973, 16.974 (3), and 16.997 (2) (d), other than moneys received and
22 disbursed under par. (ip) and s. 20.225 (1) (kb), shall be credited to this appropriation
23 account.

24 **SECTION 33.** 20.505 (4) (mp) of the statutes is amended to read:

1 20.505 (4) (mp) *Federal e-rate aid*. All federal moneys received under 47 USC
2 254 for the provision of educational telecommunications access eligible services to
3 educational agencies under s. 16.997 to pay administrative expenses relating to the
4 receipt and disbursement of those federal moneys, to reimburse pars. (es) and (et) as
5 provided in s. 16.995 (3m), and, to the extent that sufficient moneys for the provision
6 of that access are available after payment of those expenses and that reimbursement,
7 to make payments to telecommunications providers that under contracts under s.
8 ~~16.971 (13), (14), (15), or (16)~~ 16.993 (5) provide that access to educational agencies
9 that are eligible for a rate discount for telecommunications services under 47 USC
10 254; and all federal moneys received under 47 USC 254 for the provision of ~~additional~~
11 ~~educational telecommunications~~ eligible services access to educational agencies
12 under s. 16.998 to reduce the rates charged those educational agencies for those
13 services as provided in s. 16.998.

NOTE: SECTIONS 33 to 36 change cross-references and language to account for
changes and deletions made elsewhere in the draft.

14 **SECTION 34.** 20.505 (4) (s) of the statutes is amended to read:

15 20.505 (4) (s) *Telecommunications access for educational agencies;*
16 *infrastructure grants*. Biennially, from the universal service fund, the amounts in
17 the schedule to make payments to telecommunications providers under contracts
18 under s. ~~16.971 (13), (14), and (15)~~ 16.993 (5) to the extent that the amounts due are
19 not paid from the appropriation under sub. (1) (is), ~~and to make payments to~~
20 ~~telecommunications providers under contracts under s. 16.971 (16) to the extent that~~
21 ~~the amounts due are not paid from the appropriation under sub. (1) and (kL), and to~~
22 make information technology infrastructure grants under s. 16.9945.

23 **SECTION 35.** 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

