

**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR
SCOTT A. NEITZEL
SECRETARY

Office of the Secretary
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Madison, WI 53707-7864
Voice (608) 266-1741
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May 8, 2015

Matt Defour
Wisconsin State Journal
MDefour@madison.com

Dear Mr. Defour:

This is in response to your public records request for communications between the Governor's Office and the Department of Administration, as well as internal to DOA, particularly to and from budget analyst Nathan Schwanz, on the Wisconsin Idea section of the budget proposal.

Your request did not contain a limitation as to time period as required by § 19.35(1)(h), Wis. Stats. Therefore, our search covered the time period of October 1, 2014, to the date of your request. It is our understanding that by "the Wisconsin Idea section of the budget proposal," you mean statutory language containing the University of Wisconsin System mission statement. We searched the relevant records of Nathan Schwanz and Sara Hynek, the primary budget analysts who worked on the budget provisions regarding the University of Wisconsin System, as well as State Budget Director Michael Heifetz and Deputy State Budget Director Kirsten Grinde.

With this letter, we are providing records responsive to your request. We are waiving our standard \$0.25 per page photocopy fee. We have withheld or redacted the following information from the records we compiled.

We have removed drafts, notes, preliminary computations, and like materials that fall outside the definition of "record" as set forth in § 19.32(2), Wis. Stats.

Also note, some of the materials that we are withholding consist of preliminary analysis and deliberations created and exchanged by and among DOA and Governor's office employees in preparation of the Governor's budget, before the budget legislation was introduced in the legislature. By law, the Governor is responsible for the state's biennial budget, and the Department of Administration is mandated to prepare the budget under the direction of the Governor. See Wis. Stats. §§ 16.42-16.47. A candid, complete, and creative evaluation of the state's finances within DOA and within the Governor's office is inherent to the development of the Governor's executive budget. Making these internal discussions just as open to disclosure as the final version of the budget would inhibit the free exchange of ideas, opinions, proposals, and recommendations among those involved in deciding what to include in the final legislation. Disclosure of this narrow category of records—limited to discussions within DOA, within the

May 8, 2015

Page 2 of 2

Governor's office, and between the two--would discourage frank internal discussion and harm the quality of the final executive decision. Further, it would disincentivize the free exchange of emails and written documentation necessary to hone the precise language and calculations that are key to proper budget development. Without a doubt, this would significantly inhibit the efficiency and efficacy of the employees who develop the detailed language and financial calculations for the budget. In addition, disclosure would risk public confusion as a result of publishing non-final proposals, which may not ultimately have been adopted.

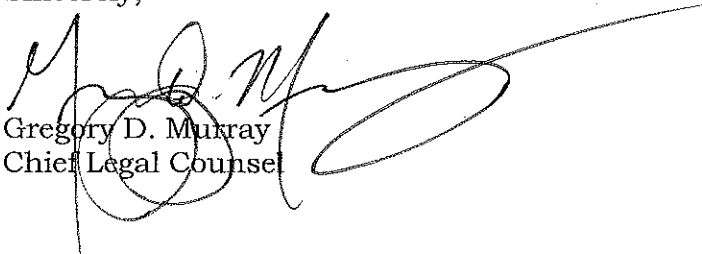
The public interests supporting confidentiality have long been nationally recognized, including in federal law. See Freedom of Information Act (FOIA), 5 USC § 552(b)(5); *Bureau of National Affairs v. U.S. Department of Justice*, 742 F.2d 1484 (D.C. Cir. 1984). Conversely, the public interest in accessing these particular records is limited. All legislation is publicly available once it is introduced, and numerous documents are produced and released to the public explaining and justifying the specifics of the executive budget. Thus, pursuant to the required balancing test, we have concluded that the public interest in protecting the quality of the executive decision-making process and maintaining the efficiency and efficacy of the budget writing process outweighs the public interest in the release of these materials.

Further, the public records law exempts from public disclosure drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working. Wis. Stats. § 19.32(2). These preliminary analyses and deliberations are "like materials" - similar to drafts, notes, and preliminary computations - prepared by individuals working for the Governor on creation of the Governor's biennial budget. Release of these preliminary materials would be contrary to the conduct of government business, running counter to § 19.32(2)'s exclusions and to the declaration of policy in § 19.31, Wis. Stats.

Note that we have not analyzed communications with representatives of UW System or the Legislative Reference Bureau under this reasoning. We are providing these communications because it is our understanding that they are already publicly available.

We are required to inform you that to the extent this response amounts to a partial denial of a written request for records, it is subject to review by mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a District Attorney.

Sincerely,



Gregory D. Murray
Chief Legal Counsel

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Tuesday, December 16, 2014 3:05 PM
To: Hynek, Sara - DOA
Subject: RE: Statutory Language Drafting Request - BB0311

I think I have enough vacation and sick time to make it until Feb...

Nathan

From: Hynek, Sara - DOA
Sent: Tuesday, December 16, 2014 2:57 PM
To: Schwanz, Nathan E - DOA
Subject: FW: Statutory Language Drafting Request - BB0311

Now, quick, duck/hide under your desk/don't answer phone.

From: nathan.schwanz@wisconsin.gov [mailto:nathan.schwanz@wisconsin.gov]
Sent: Tuesday, December 16, 2014 2:45 PM
To: Hanaman, Cathlene - LEGIS
Cc: Hynek, Sara - DOA; Schwanz, Nathan E - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0311

Biennial Budget: 2015-17

Topic: UW Authority

Tracking Code: BB0311

SBO Team: EWD

SBO Analyst: Schwanz, Nathan
Phone: 608-266-2843
E-mail: nathan.schwanz@wisconsin.gov

Agency Acronym: UW

Agency Number: 285

Priority: High

Intent:

Make the UW System an authority.

The first attachment is an outline of what the UW Authority should look like.

The second attachment is a list of statutorily required reports currently required of the UW. The list states whether the report should be kept or removed from statutes.

Attachments: True

Please send completed drafts to SBOSfatlanguage@webapps.wi.gov

Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Tuesday, December 16, 2014 3:05 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Statutory Language Drafting Request - BB0311

Request denied. I'll give you the rest of today to hide.

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Attachments: True

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Tuesday, December 30, 2014 4:19 PM
To: Kunkel, Mark - LEGIS
Cc: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS; Gary, Aaron - LEGIS
Subject: RE: Questions regarding UW
Attachments: Mission, purpose, powers and responsibilities FM.docx

Mark,

Attached is some guidance on the mission, powers and responsibilities for the UW authority. I hope it provides some additional guidance on those sections. If not, or if you have any questions about it, please let me know.

I am working on putting together some more guidance for the remainder of ch. 36 and will send it to you when I have it finished and cleaned up:

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Monday, December 29, 2014 4:56 PM
To: Schwanz, Nathan E - DOA
Cc: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS; Gary, Aaron - LEGIS
Subject: RE: Questions regarding UW

One issue would be the treatment of UW employees. Currently, we are creating an authority and transferring the employees to the authority. Is that going to be okay?

More generally, we will need guidance on how to deal with the powers and duties of the UW specified in ch. 36. You've given me some guidance on ss. 36.09 to 36.21, but we will need clarification on what to do with the rest of ch. 36.

As for other questions, I'm sure we'll have plenty, but they will depend on what you ultimately decide to do. However, if we think of anything else this week, we'll get in touch.

--Mark

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, December 29, 2014 1:58 PM
To: Kunkel, Mark
Subject: Questions regarding UW

Hi Mark,

We have a meeting next week with the Gov's office and some staff from the UW. Do you have any questions or topics we should bring up to get direction on? If so, could you send them to me by Friday. I know it's short notice; we just found out today. If you don't have anything for us to bring up, that's fine. Thanks.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office

36.01 Statement of purpose and mission. (1) ~~The legislature finds it in the public interest to provide~~There is created a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; ~~which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.~~

(2) The mission of the system is to develop human resources to meet the state's workforce needs, to discover and disseminate knowledge, ~~to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and human sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.~~

Responsibilities (36.09)

- The Board of Regents (1)
 - Retain
 - Primary governance over the system (a).
 - Requiring missions for each institution (b).
 - Establish or discontinue educational programs (c).
 - Establish policies to ensure programs are compatible with missions (d).
 - Requires the distribution of funds to institutions (h).
 - Add:
 - The make-up of the Board (TBD).
 - Ability to develop and implement a personnel structure and other employment policies.
 - Contract for legal services.
 - Establish an annual budget and monitor the fiscal management.
 - Procure liability insurance.
 - Enter into a lease agreement with the state for the use of facilities and property owned by the state.
 - Will require the lease payments to be the amount of outstanding debt service from bonds issued for the facilities and property owned by the state.
 - State will have ownership of any improvements made.
 - Initial agreement and subsequent changes will need JCF approval.
 - Provide the Secretary of DOA with financial and statistical information requested by the Secretary.
 - Remove:
 - Requirement to work with WEDC to accomplish certain tasks for economic development programs (am).
 - Requirement to appoint the various officers of the system (e).
 - Allows the delegation of authorities to chancellors (f).

- Prohibits the creation of graduate, professional or post-baccalaureate colleges or schools without the legislature's approval (gm).
- Adopt policies to account for GPR and other revenues (hm).
- Work with OSER to classify positions (i).
- Establish salaries for unclassified staff and other personnel matters (j).
- Correct pay inequities based on gender and race (k).
- Limits ability to sell and lease property (L).
- Definitions and roles of the President (2), the Chancellors (3), Faculty (4), Academic Staff (4m) and Students (5).

Powers of the Board (36.11)

- Keep:
 - Ability to hold and manage property (1).
 - Ability to promulgate rules under ch. 227 will be removed.
 - Will be exempt from seeking the Building Commission and DOA's approvals for capital projects and leases.
 - Establish admission requirements and standards (3).
 - Application fee requirements will be removed.
 - Seek injunctive relief (4).
 - May procure liability and other insurance (5).
 - May confer degrees (7).
 - Allows for the expenditure of funds from the University fund (10).
 - Enter agreements with the UWHCA (28, 28m and 29).
- Add:
 - The Board will have any power necessary to carry out its mission and purpose.
 - May adopt bylaws and policies and procedures.
 - Sue and be sued.
 - Negotiate and enter leases.
 - Accept gifts, grants, bequests, loans and financial assistance.
 - Procure insurance on its debt.
 - Employ anyone they see fit and fix their compensation and benefits.
 - Appoint advisory committees.
 - Enter into procurement contracts as necessary.
 - Issue bonds.
 - Seek financing from WHEFA.
 - Construct or improve facilities on state-owned land without Building Commission review.
 - Acquire, design, construct or improve any facility not on state-owned land.
 - Buy, sell and lease real estate.
- Remove:
 - Police authority (2).
 - Will be included in s. 175.42 with Marquette University.
 - May establish financial aid programs (6).
 - May make parking and related rules, levy parking fees and must develop a transportation plan (8, 8e, and 8m).
 - May acquire property through eminent domain (9).
 - Allows for the investment of surplus funds from an appropriation that no longer exists (11).

- May participate in a book sharing agreement with other universities (12).
- Requires auxiliary reserves accumulated prior to the merger to be used for their original purpose (13).
- Allows for tax deferred annuities and participation in the American football coaches retirement trust (15 and 15m).
- Establishes rules for sabbatical leave (17).
- Permits membership in the Midwest Technology Development Institute (18).
- May provide services to K-12 school districts (19).
- Prohibits the use of controlled substances at campuses (21).
- Requires an orientation program and information to be provided on sexual assault and harassment (22).
- Requires DOA to provide two staff for the Board (23).
- Requires the Board to have 2 FTE dedicated to compliance with environmental laws (23m).
- Requires the retention of administrative documents (24).
- Requires the promotion of the training of health professionals (25).
- Places building projects under the review of the Building Commission (26).
- Prohibits aid being given to anyone who does not register for the Selective Service (27).
- Establishes reports for economic development assistance programs (29r).
- Must cooperatively research preschool through postsecondary programs (31).
- Must create a nursing program at UWSP (32).
- Creates report on management and staff positions systemwide (33).
- Must create an aquaculture demonstration facility (36).
- Must conduct research on K-12 school safety (36m).
- Must offers programs to educate local government officials on local planning (37).
- Establishes the Gaylord Nelson Chair of Integrated Environmental Studies (39).
- Establishing a Center for Cooperatives at UW Madison (40).
- Requires joint programming between UWGB and the Oneida Tribe (43).
- Requires UW Milwaukee to conduct an economic development study of the Fond du Lac Ave corridor in Milwaukee (46).
- Requires UW Madison to report to DOA on utility charges (48).
- Prohibits GPR from being used for automobile allowances (51).
- Requires the establishment of bidding procedures and policies and other building requirements (53 and 53m).
- Establishes another employee report (54).
- Requires the review of certain contracts (55).
- Requires GPR to be distributed to institutions as block grants (57).
- Create new sections for:
 - Sets the date for the commencement of the fall semester (16).
 - Provides for immediate re-enrollment for members of the armed forces (47).
 - Give priority registration to service members (47m).
 - Prohibits GPR being given to institutions that prohibits ROTC from operating on its campus (50).
 - Requires membership dues be paid to the Midwestern Higher Education Compact (52).
 - Establishes criteria to follow when accepting classified research (55m).
 - Remove requirement for consulting the faculty.
 - Requires the establishment of travel policies (56).

Reardon, Patricia A - DOA

From: David Miller <dmiller@uwsa.edu>
Sent: Tuesday, January 20, 2015 6:58 PM
To: Heifetz, Michael G - DOA; Hynek, Sara - DOA
Cc: James Villa; John Yingling
Subject: LRB-0971/P2 Comments
Attachments: UW System Administration Comments on BB0311 -DRAFT (2).docx

Michael and Sara,

Thank you for providing draft language contained in LRB-0971/P2

Please find attached a table of requested changes to the draft. For certain sections of the draft legislation, the intent is unclear to us and we have noted those in the form of questions.

We have not commented on the draft legislation in areas in which we are not requesting a change.

We would appreciate the opportunity to discuss the proposed changes if that would be helpful.

Thank you, David

David L. Miller
Senior Vice President for Administration & Fiscal Affairs
University of Wisconsin System Administration
1756 Van Hise Hall
1220 Linden Drive
Madison, WI 53706-1525
608.262.4048
<http://www.uwsa.edu/srvpadm/>

UW System Administration Comments on LRB-0971/P2, Version 2,
1/20/2015

Section #	Line #	Proposed Revision	Comments/Questions
13.101 (6)(a)	p.3, line 1	Delete UWS from requirement. Keep language as in 0971/p1	
13.48 (4)	p.4, line 24	Provide Gift & Grant project authority to BoR & maintain current \$500,000 exemption	
13.48 (6)	p. 5, line 17	UWS should obtain an exemption for projects funded by PR, Cash, Gifts and Grants from the State Building Commission	
13.48 (7)	p. 5, line 22	UWS should obtain an exemption for projects funded by PR, Cash, Gifts and Grants from the State Building Commission	
13.48(10)(c)	p.6, line 19	Leave in statute if BOA review for gift & grant funded projects still applies.	
13.62(2)	p. 9, line 12	Do not insert chp. 36 into this subsection. Remove reference from lrb 0971/p2	Chancellors & System President are currently exempt from lobbying regulations and UWS would like to maintain this exemption.
13.94 (1)	pp. 10, line 5-9	Remove lines p. 10, 5-9 of this section	Authority has own audit function for programmatic purposes
13.94 (4) (a) 1	p. 10, line 22-23	Remove words "and politic".	Consistency with proposed later amendment in Chp. 36.01 to describe authority as "public body corporate." Preservation of sovereign immunity.
16.417(1)(b) and	p.18, line 25 --	Keep exemption retaining dual	Removes the exemption in current law from

Section #	Line #	Proposed Revision	Comments/Questions
16.417(2)(f)2	p.19, line 3	employment capabilities OR make the prohibition not applicable to chp. 36.	dual employment restrictions. Repeal of exemption would leave us at the status quo.
16.53 (1)(d)(4)	p. 22, line 6-10	UWS needs to retain garnishment provisions as per existing law. Retain current language or recreate.	
16.54(8r) [x-ref 25.50 (3m) <i>et al.</i>	p. 23, line 17-18, p. 71, line 23	In addition, provide cash management language that retains management of Funds 128 & 228 & Trust Funds with Board of Regents.	
16.64 (1) (a) & 16.64 (2)(a)	p. 25, line 16 – p. 26, line 9	Repeal 16.64, (1) (a) & (2) (a)	These provisions should be repealed as they refer to an outmoded tuition & expense plan
16.85(12)	p. 38 line 21 – p. 39, line 11	Maintain current law. UWS should obtain an exemption from para (12) for projects funded by PR, Cash, Gifts and Grants. Delete p. 39, Lines 1-5 as it would not be necessary if Authority is provided exemption in this paragraph Delete added language, p. 39, 9-11 as it would be less than current law provides	Current language would not provide UWS more flexibility, indeed it would create further limitations on the authority's ability to effectively and efficiently operate. Language in Draft 2 would be less than current law provides (full BoR authority for projects under \$500,000)
19.42 (13)(cm)	p. 51, line 20-21	Remove separate reference to UW-Colleges and UW-Extension. They are included as part of UWS Authority. Include language necessary to clarify intent, if	

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19.84(5)	Not included in draft 2	<p>needed.</p> <p>Repeal & Recreate. Below, please find suggested language to clarify applicability of open meetings components.</p> <p>"The board shall provide in its operating policies for access to the board by the public, students and employees, and board meetings shall be open in accordance with subch. V of chp. 19. In addition to the s. 19.85 exemptions, the board may convene in closed session to deliberate concerning the conduct of specified public business whenever, in the board's opinion, budgetary or strategic reasons require a closed session. All records of such meetings and of all proceedings of the board shall be open to inspection in accordance with subch. II of ch. 19. Section 19.36(7) shall not apply to positions appointed by the board."</p>	<p>Place in separate section in new chp. 36. Open meetings component is provide board flexibility to discuss strategic & budgetary operations in a confidential manner.</p> <p>Exempt Board from 5 finalists rule</p>
20.235(1)(ke)	Not included in draft 2	Repeal provision	Obsolete provision
20.285(1)(q) – (tm)	p.56, lines 1, 4-11	Maintain existing law	University would like to retain these funds for continued operation of services
20.285 (1)(U) & (w)	-	Repeal Trust fund income and operations provisions.	
20.866 (2)(s)	p. 62, line 22	Maintain current law	UWS needs to maintain access to all approved

Section #	Line #	Proposed Revision	Comments/Questions
20.866 (2)(t)	p. 63, line 5	Maintain current law	GPR & other bonding in this biennium.
25.17(1)(zm)	p.70, lines 1-4	Retain existing law exemption; currently removed on p. 70, lines 3-4	UWS needs to maintain access to all approved GPR & other bonding in this biennium.
25.50(3m)	p.71, lines 19-23	Add language to end of paragraph that reads "except for revenue from auxiliary operations contained in Funds 128 & 228"	Clarification needed that retains autonomy of UW Trust Funds. Does use of word "authority" in this section accomplish this continued exemption from SWIB?
36.01 (1)	p. 75, line 2-15	Proposed language for this section is outlined below: 36.01 (1) The legislature finds it in the public interest to provide. There is created a state system of higher education provided by the authority, to be known as the University of Wisconsin System; which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes	Retains cash management ability of UW System Authority Suggest keeping existing language mostly intact. The Legislature has been credited with crafting careful and wonderfully descriptive language to create the System. The language is frequently quoted. If the purpose of the System is largely unchanged, this language should remain unchanged, as well.

Section #	Line #	Proposed Revision	Comments/Questions
		<p>effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources. The principal office and one university of the system shall be located at or near the seat of state government as provided for in <u>article X, section 6 of the state constitution.</u></p>	
36.01(2)	p. 75, line 17-25	<p>Proposed language for this section is below:</p> <p>The mission of the system is to develop human resources to meet the state's workforce needs, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural, and humane sensitivities, scientific, professional and technological expertise, and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public</p>	<p>The mission of the System is integral to the System's operation and is frequently cited. The existing language goes to the character and uniqueness of the state's great University System.</p>

Section #	Line #	Proposed Revision	Comments/Questions
		service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.	
36.02 (1) (a)	p. 76, line 4, 19-20	Delete words "and politic" on line 4 to be consistent with proposed amendment earlier.	Sovereign immunity preservation
	p. 76, line 12- p. 77, line 2	New language for point 4 in this subsection: Two students appointed by the governor for 2-year terms. The students shall be enrolled at least half-time and in good academic standing at institutions within the University of Wisconsin System who are and shall be residents of this state... The term of the undergraduate student member who is at least 24 years old shall expire on May 1 of every even-numbered year, and the term of the other student shall expire on May 1 of every odd-numbered year...	Term limits for students need to be added. Also, since the "even-numbered" language was moved from Chapter 15, the end date of the other student could be addressed here, as well.

Section #	Line #	Proposed Revision	Comments/Questions
36.02 (5)	p. 77, line 12-17	<p>New proposed language for this subsection:</p> <p>(5) The members of the board shall annually elect a chairperson and may elect other officers as they consider appropriate <u>required by the board's bylaws. Eleven voting members of the board constitute a quorum for the purpose of conducting the business and exercising the powers of the authority, notwithstanding the existence of any vacancy. The board may take action upon a vote of a majority of the members present, unless the bylaws of the authority require a larger number.</u></p>	<p>The board's bylaws already define a quorum to be more than half the members, and this has worked well. This level of operational detail is readily addressed in the bylaws and need not be specified in statute.</p>
36.05(6)	P. 78, line 13	<p>Reinstate updated language referencing university staff, as noted below:</p> <p><u>"Classified University staff" means employees who contribute in a broad array of positions in support of the University's mission and who are not all employees of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and or student hourly help.</u></p>	<p>Definitional update</p>

Section #	Line #	Proposed Revision	Comments/Questions
36.05(8)	p. 78, line 18	Strike language after the word "institution" on line 17	
36.05 (9)	p. 78, line 25	Add back in reference to UW Colleges	Re-insert UW Colleges as they are not an "organizational equivalent" in this particular circumstance.
36.11 (1g)	p. 80, line 16-17	Remove references to night course	Outdated provisions
36.11 (1r)	p. 80, line 21-23	Line 20-21 – Add in "president of system" and "chancellor for each institution"	Key component of Board responsibilities and should not be delegated.
36.11 (1w) (a) et al.	p. 82, line 17-19	<p>Proposed language follows:</p> <p>36.11 (1w) (a) The board may promulgate rules under ch. 227 adopt policies to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person who violates policies adopted in accordance with this paragraph may be fined not more than \$500 or imprisoned not more than 90 days or both. Any person who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned</p>	The Board needs to retain forfeiture powers for enforcement purposes on university-controlled property.

Section #	Line #	Proposed Revision	Comments/Questions
		not more than 90 days or both	
36.11 (1) (d)	p. 84, line 11	<p>This section should be reinstated with the following language:</p> <p>All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with s. 59.25(3)(f) and (j). All forfeitures, including forfeitures of posted bail if any, imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.</p>	UWS needs to retain its forfeiture powers for enforcement purposes on university-controlled property
36.11 (1) (c)	p. 83, line 18 – p. 84, line 3	<p>Proposed language for this section below.</p> <p>36.11(1w) (c) The board may promulgate rules under ch. 227 adopt policies for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of</p>	UWS needs to retain its forfeiture powers for enforcement purposes on university-controlled property

Section #	Line #	Proposed Revision	Comments/Questions
		<p>such action. Forfeitures shall not exceed \$500. with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. Forfeitures shall not exceed \$500.</p>	
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		<p>local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on such property.</p> <p>(b) The board may employ police for the institutions and chiefs to head such police, or contract for police, all of whom shall be deemed peace officers under s. 939.22(22) under the supervision and control of the appropriate chancellor or the chancellor's designees.</p> <p>Such police officers shall meet the minimum standards established for other police officers by the law enforcement standards board or a comparable agency. Such police shall</p>	

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		preserve the peace on all property described under par. (a), enforce all rules promulgated under this chapter and all other laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as is deemed necessary.	
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36.65 (2) (a), (2)(g)	p. 100, line 8-12	Repeal. UW System can recreate with upcoming dashboard measures	Performance requirements should be repealed. Board of Regent directed to dashboard measures.
39.47, 39.47 (1), 39.47 (2), 39.47 (2g), 39.47 (2m), 39.47 (3)	p. 102, line 25 – 105, line 19	Remove requirements and references to reciprocity agreements. Delete all associated provisions	UWS Board of Regents shall set tuition policy.
70.119 (1) – 70.119 (7) (a)	p. 118, line 13 – p. 120, line 22	Maintain existing law in this area	
101.14((4)(b)3.a., b., c., d.	p. 130, line 15 – p. 131, line 14	Outdated provisions and should be repealed.	UW Authority payment for all services would result in a \$6.4 million annual impact upon budget on top of loss of funds from other sources.
111.81 (7)(ar) – 111.935	p. 132, line 15 – p. 138, line 7	Clarification needed as to potential consequences.	The references to fire sprinklers and other building-related requirements are outdated. UWSA removal from SELRA and its impact needs clarification and further discussion.
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255.15 (3)(b) 11	p. 154, line 9	sections that would contradict this. Reinstate existing provision	Removes appropriation for tobacco research and intervention center at the University of Wisconsin-Madison & looking at smoking cessation programming. Discretionary grant from Dept. of Health Services. Funding needed to continue programming.
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Sec. 9148 (1) (b) & (d)	p. 165, line 21-22; p. 166, line 9-12	Strike "as determined by the secretary of administration" from both provisions	UW System Authority are best positioned to determine inclusion of assets & liabilities and tangible personal property.
CREATE 893.82	Not in Draft 2	Need to add language re: definition of	Retain protection of state \$250,000 damage cap

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GENERAL DELETION		Delete the term "and procedures" where it appears after various provisions where the Board of Regents is issuing "policies and procedures" for certain matters.	

Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Tuesday, January 20, 2015 7:51 PM
To: Schwanz, Nathan E - DOA
Subject: FW: LRB-0971/P2 Comments
Attachments: UW System Administration Comments on BB0311 -DRAFT (2).docx

Follow Up Flag: Follow up
Flag Status: Completed

From: David Miller <dmiller@uwsa.edu>
Sent: Tuesday, January 20, 2015 6:58 PM
To: Heifetz, Michael G - DOA; Hynek, Sara - DOA
Cc: James Villa; John Yingling
Subject: LRB-0971/P2 Comments

Michael and Sara,

Thank you for providing draft language contained in LRB-0971/P2

Please find attached a table of requested changes to the draft. For certain sections of the draft legislation, the intent is unclear to us and we have noted those in the form of questions.

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We would appreciate the opportunity to discuss the proposed changes if that would be helpful.

Thank you, David

David L. Miller
Senior Vice President for Administration & Fiscal Affairs
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1220 Linden Drive
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UW System Administration Comments on LRB-0971/P2, Version 2,
1/20/2015

Section #	Line #	Proposed Revision	Comments/Questions
13.101 (6)(a)	p.3, line 1	Delete UWS from requirements. Keep language as in 0971/p1	
13.48 (4)	p.4, line 24	Provide Gift & Grant project authority to BoR & maintain current \$500,000 exemption	
13.48 (6)	p. 5, line 17	UWS should obtain an exemption for projects funded by PR, Cash, Gifts and Grants from the State Building Commission	
13.48 (7)	p. 5, line 22	UWS should obtain an exemption for projects funded by PR, Cash, Gifts and Grants from the State Building Commission	
13.48(10)(c)	p.6, line 19	Leave in statute if DOA review for gift & grant funded projects still applies.	
13.62(2)	p.9, line 12	Do not insert chp. 36 into this subsection. Remove reference from lrb 0971/p2	Chancellors & System President are currently exempt from lobbying regulations and UWS would like to maintain this exemption.
13.94 (1)	pp. 10, line 5-9	Remove lines p. 10, 5-9 of this section	Authority has own audit function for programmatic purposes
13.94 (4) (a) 1	p. 10, line 22-23	Remove words "and politic".	Consistency with proposed later amendment in Chp. 36.01 to describe authority as "public body corporate." Preservation of sovereign immunity.
16.417(1)(b) and	p.18, line 25 -	Keep exemption retaining dual	Removes the exemption in current law from

Section #	Line #	Proposed Revision	Comments/Questions
16.417(2)(f)2	p.19, line 3	employment capabilities OR make the prohibition not applicable to chp. 36.	dual employment restrictions. Repeal of exemption would leave us at the status quo.
16.53 (1)(d)(4)	p. 22, line 6-10	UWS needs to retain garnishment provisions as per existing law. Retain current language or recreate.	
16.54(8r) [x-ref 25.50 (3m) <i>et al.</i>	p. 23, line 17-18, p. 71, line 23	In addition, provide cash management language that retains management of Funds 128 & 228 & Trust Funds with Board of Regents.	
16.64 (1) (a) & 16.64 (2)(a)	p. 25, line 16 – p. 26, line 9	Repeal 16.64, (1) (a) & (2) (a)	These provisions should be repealed as they refer to an outmoded tuition & expense plan
16.85(12)	p. 38 line 21 – p. 39, line 11	Maintain current law. UWS should obtain an exemption from para (12) for projects funded by PR, Cash, Gifts and Grants. Delete p. 39, Lines 1-5 as it would not be necessary if Authority is provided exemption in this paragraph Delete added language , p. 39, 9-11 as it would be less than current law provides	Current language would not provide UWS more flexibility, indeed it would create further limitations on the authority's ability to effectively and efficiently operate. Language in Draft 2 would be less than current law provides (full BoR authority for projects under \$500,000)
19.42 (13)(cm)	p. 51, line 20-21	Remove separate reference to UW-Colleges and UW-Extension. They are included as part of UWS Authority. Include language necessary to clarify intent, if	

Section #	Line #	Proposed Revision	Comments/Questions
19.84(5)	Not included in draft 2	<p>needed.</p> <p>Repeal & Recreate. Below, please find suggested language to clarify applicability of open meetings components:</p> <p>"The board shall provide in its operating policies for access to the board by the public, students and employees and board meetings shall be open in accordance with subch. V of chp. 19. In addition to the s. 19.85 exemptions, the board may convene in closed session to deliberate concerning the conduct of specified public business whenever, in the board's opinion, budgetary or strategic reasons require a closed session. All records of such meetings and of all proceedings of the board shall be open to inspection in accordance with subch. II of ch. 19. Section 19.36(7) shall not apply to positions appointed by the board."</p>	<p>Place in separate section in new chp. 36. Open meetings component is provide board flexibility to discuss strategic & budgetary operations in a confidential manner.</p> <p>Exempt Board from 5 finalists rule</p>
20.235(1)(ke)	Not included in draft 2	Repeal provision	Obsolete provision
20.285(1)(q) – (tm)	p.56, lines 1, 4-11	Maintain existing law	University would like to retain these funds for continued operation of services
20.285 (1)(U) & (w)	-	Repeal Trust fund income and operations provisions.	
20.866 (2)(s)	p. 62, line 22	Maintain current law	UWS needs to maintain access to all approved

Section #	Line #	Proposed Revision	Comments/Questions
20.866 (2)(t)	p. 63, line 5	Maintain current law	GPR & other bonding in this biennium.
25.17(1)(zm)	p.70, lines 1-4	Retain existing law exemption, currently removed on p. 70, lines 3-4	UWS needs to maintain access to all approved GPR & other bonding in this biennium.
25.50(3m)	p.71, lines 19-23	Add language to end of paragraph that reads "except for revenue from auxiliary operations contained in Funds 128 & 228	Clarification needed that retains autonomy of UW Trust Funds. Does use of word "authority" in this section accomplish this continued exemption from SWIB?
36.01 (1)	p. 75, line 2-15	Proposed language for this section is outlined below: <u>36.01 (1) The legislature finds it in the public interest to provide. There is created a state system of higher education provided by the authority, to be known as the University of Wisconsin System; which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes</u>	Retains cash management ability of UW System Authority Suggest keeping existing language mostly intact. The Legislature has been credited with crafting careful and wonderfully descriptive language to create the System. The language is frequently quoted. If the purpose of the System is largely unchanged, this language should remain unchanged, as well.

Section #	Line #	Proposed Revision	Comments/Questions
		<p>effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources. The principal office and one university of the system shall be located at or near the seat of state government as provided for in <u>article X, section 6 of the state constitution.</u></p>	
36.01(2)	p. 75, line 17-25	<p>Proposed language for this section is below:</p> <p>The mission of the system is to develop human resources to meet the state's workforce needs, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural, and humane sensitivities, scientific, professional and technological expertise, and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public</p>	<p>The mission of the System is integral to the System's operation and is frequently cited. The existing language goes to the character and uniqueness of the state's great University System.</p>

Section #	Line #	Proposed Revision	Comments/Questions
		service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.	
36.02 (1) (a)	p. 76, line 4, 19-20	Delete words "and politic" on line 4 to be consistent with proposed amendment earlier.	Sovereign immunity preservation
	p. 76, line 12- p. 77, line 2	New language for point 4 in this subsection: Two students appointed by the governor for 2-year terms. The students shall be enrolled at least half-time and in good academic standing at institutions within the University of Wisconsin System who are and shall be residents of this state... The term of the undergraduate student member who is at least 24 years old shall expire on May 1 of every even-numbered year, and the term of the other student shall expire on May 1 of every odd-numbered year...	Term limits for students need to be added. Also, since the "even-numbered" language was moved from Chapter 15, the end date of the other student could be addressed here, as well.

Section #	Line #	Proposed Revision	Comments/Questions
36.02 (5)	p. 77, line 12-17	<p>New proposed language for this subsection:</p> <p>(5) The members of the board shall annually elect a chairperson and may elect other officers as they consider appropriate <u>required by the board's bylaws</u>. Eleven voting members of the board constitute a quorum for the purpose of conducting the business and exercising the powers of the authority, notwithstanding the existence of any vacancy. The board may take action upon a vote of a majority of the members present, unless the bylaws of the authority require a larger number.</p>	<p>The board's bylaws already define a quorum to be more than half the members, and this has worked well. This level of operational detail is readily addressed in the bylaws and need not be specified in statute.</p>
36.05(6)	P. 78, line 13	<p>Reinstate updated language referencing university staff, as noted below:</p> <p><u>"Classified University staff" means employees who contribute in a broad array of positions in support of the University's mission and who are not all employees of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and or student hourly help.</u></p>	<p>Definitional update</p>

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36.05(8)	p. 78, line 18	Strike language after the word "institution" on line 17	
36.05 (9)	p. 78, line 25	Add back in reference to UW Colleges	Re-insert UW Colleges as they are not an "organizational equivalent" in this particular circumstance.
36.11 (1g)	p. 80, line 16-17	Remove references to night course	Outdated provisions
36.11 (1r)	p. 80, line 21-23	Line 20-21 – Add in "president of system" and "chancellor for each institution"	Key component of Board responsibilities and should not be delegated.
36.11 (1w) (a) <i>et al.</i>	p. 82, line 17-19	<p>Proposed language follows:</p> <p>36.11 (1w) (a) The board may promulgate rules under ch. 227 adopt policies to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person who violates policies adopted in accordance with this paragraph may be fined not more than \$500 or imprisoned not more than 90 days or both. Any person who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned</p>	The Board needs to retain forfeiture powers for enforcement purposes on university-controlled property.

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36.11 (1) (d)	p. 84, line 11	<p>This section should be reinstated with the following language:</p> <p>All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 59.25(3)(f) and (g). All forfeitures, including forfeitures of posted bail if any, imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.</p>	UWS needs to retain its forfeiture powers for enforcement purposes on university-controlled property
36.11 (1) (c)	p. 83, line 18 – p. 84, line 3	<p>Proposed language for this section below:</p> <p>36.11(1w)(c) The board may promulgate rules under ch. 227 adopt policies for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of</p>	UWS needs to retain its forfeiture powers for enforcement purposes on university-controlled property

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Reardon, Patricia A - DOA

From: Heifetz, Michael G - DOA
Sent: Tuesday, January 20, 2015 10:40 PM
To: Hynek, Sara - DOA; Schwanz, Nathan E - DOA
Subject: RE: LRB-0971/P2 Comments

FYI. Let's discuss tomorrow.

From: David Miller [<mailto:dmiller@uwsa.edu>]
Sent: Tuesday, January 20, 2015 6:58 PM
To: Heifetz, Michael G - DOA; Hynek, Sara - DOA
Cc: James Villa; John Yingling
Subject: LRB-0971/P2 Comments

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Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 9:47 AM
To: Hynek, Sara - DOA
Subject: UW Mission

<https://twitter.com/TereseBerceau/status/562995819293720576>

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 9:48 AM
To: Schwanz, Nathan E - DOA
Subject: RE: UW Mission

It will be really interesting to see whether some of these become "errata."

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 9:47 AM
To: Hynek, Sara - DOA
Subject: UW Mission

<https://twitter.com/TereseBerceau/status/562995819293720576>

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 11:20 AM
To: Hynek, Sara - DOA
Subject: RE: UW Mission

<https://twitter.com/HerzogJS/status/563022496010866689>

I wonder who came up with that idea...

Nathan

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 9:48 AM
To: Schwanz, Nathan E - DOA
Subject: RE: UW Mission

It will be really interesting to see whether some of these become "errata."

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 9:47 AM
To: Hynek, Sara - DOA
Subject: UW Mission

<https://twitter.com/TereseBerceau/status/562995819293720576>

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 11:23 AM
To: Schwanz, Nathan E - DOA
Subject: RE: UW Mission

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To: Hynek, Sara - DOA
Subject: RE: UW Mission

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Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 11:24 AM
To: Hynek, Sara - DOA
Subject: RE: UW Mission

Yes, but then I would have to answer the phone calls from friends asking why the Gov did what he did.

Nathan

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 11:23 AM
To: Schwanz, Nathan E - DOA
Subject: RE: UW Mission

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Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Hurlburt, Waylon - GOV
Sent: Wednesday, February 04, 2015 12:53 PM
To: Schwanz, Nathan E - DOA
Subject: FW: DRAFT FW: Wisconsin Idea

Can you take a look at this? Was the new mission statement from UW?

From: Patrick, Laurel - GOV
Sent: Wednesday, February 04, 2015 12:41 PM
To: Hurlburt, Waylon - GOV
Cc: Hizmi, Elizabeth - GOV
Subject: DRAFT FW: Wisconsin Idea

Do you have any information, input or guidance on the below?

*Laurel Patrick | Press Secretary
Office of Governor Scott Walker
(o) 608-267-7303*



From: Bauer, Scott [<mailto:sbauer@ap.org>]
Sent: Wednesday, February 04, 2015 12:33 PM
To: Patrick, Laurel - GOV
Subject: Wisconsin Idea

Laurel-

I'm working on something related to Walker striking language in the budget related to the "Wisconsin Idea" from the UW's mission. Do you have any comment on why he chose to make that change?

Thanks,

Scott Bauer

AP

608-255-3679
608-658-7131 (cell)
@sbauerAP

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notify The Associated Press immediately by telephone at +1-212-621-1898
and delete this email. Thank you.
[IP_US_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 1:05 PM
To: Hurlburt, Waylon - GOV
Subject: RE: DRAFT FW: Wisconsin Idea

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Sent: Wednesday, February 04, 2015 1:20 PM
To: Schwanz, Nathan E - DOA
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http://legis.wisconsin.gov/lfb/publications/budget/2003-05-Budget/Documents/2003_07_30_2003%20ACT%2033.pdf

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Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 1:30 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Waylon's Question

Sounds good. I would note that Eric had indicated their mission should be short and to the point -- 3 or so expectations of the state, some cans and cannots, and that's it.

And why not add the last part -- you could note that it is the non-technical response. ☺

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 1:14 PM
To: Hynek, Sara - DOA
Subject: Waylon's Question

Here is what I will send him, let me know if you have changes:

The Governor is recommending revising the UW's mission and statement of purpose to reflect its change to a public authority. By making the UW a public authority, instead of dictating all the things the Board of Regents can or cannot do, the state will provide a set of guidelines or parameters for the Board of Regents to operate within. To make the UW's mission and purpose statements consistent with this change, permissive portions and statements were kept while dictatorial and repetitive portions were removed. Beyond this framework, the Board of Regents will be able to adopt any statements of purpose and mission they see fit.

Not sure if this is worth adding (kind of corny):

Furthermore, the Wisconsin Idea does not exist in the statutes or on paper alone. It exists in the hearts and minds of Wisconsinites across our great state which, in turn, drives the UW's teaching, research, outreach and public service to move Wisconsin forward. The Governor's budget preserves this and provides the framework for the UW to better continue these efforts.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 1:39 PM
To: Hurlburt, Waylon - GOV
Subject: RE: DRAFT FW: Wisconsin Idea

It did not come from the UW. ES had indicated their mission should be short and to the point – 3 or so expectations of the state, some cans and cannots, and that's it.

Here is what I drafted for MH:

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Reardon, Patricia A - DOA

From: Hurlburt, Waylon - GOV
Sent: Wednesday, February 04, 2015 1:51 PM
To: Schwanz, Nathan E - DOA
Subject: RE: DRAFT FW: Wisconsin Idea

Thanks.

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 1:39 PM
To: Hurlburt, Waylon - GOV
Subject: RE: DRAFT FW: Wisconsin Idea

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msk dccc60c6d2c3a6438f0cf467d9a4938

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 2:05 PM
To: Hynek, Sara - DOA
Subject: RE: Waylon's Question

Looks like I am not the only one who feels this way:

<https://twitter.com/RayWCross/status/563064969051512834>

Nathan

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 1:30 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Waylon's Question

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Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 3:31 PM
To: Hynek, Sara - DOA
Subject: WPR

<http://www.wpr.org/walker-budget-would-revise-uws-mission-ending-wisconsin-idea>

Make sure you read the one comment too.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 3:32 PM
To: Schwanz, Nathan E - DOA
Subject: RE: WPR

People aren't really getting the concept of an authority, are they?

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 3:31 PM
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State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Wednesday, February 04, 2015 3:33 PM
To: Hynek, Sara - DOA
Subject: RE: WPR

Kind of sad that people believe the WI idea exists on paper only too.

Nathan

From: Hynek, Sara - DOA
Sent: Wednesday, February 04, 2015 3:32 PM
To: Schwanz, Nathan E - DOA
Subject: RE: WPR

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Make sure you read the one comment too.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Reardon, Patricia A - DOA

From: dhall@wisconsinwatch.org on behalf of Dee J. Hall <deehal@gmail.com>
Sent: Thursday, February 05, 2015 10:50 AM
To: Patrick, Laurel - GOV; Schwanz, Nathan E - DOA
Subject: Fwd: [Scan] Drafting language WI IDEA
Attachments: ATT00001.txt; Drafting language WI IDEA.pdf

Dear Laurel and Nathan:

Attached are the relevant drafting notes regarding the wording changes in the "Wisconsin Idea" section. These records reflect two specific times in which DOA directed the LRB to delete language about the mission of the university system. In reviewing the relevant portions of the file, we were not able to locate any direction by DOA to restore the language.

If this is the result of a drafting error, in which portion of the drafting process did it occur? If the governor did not intend to change this mission statement, how did the error occur?

----- Forwarded message -----

From: Matt Defour <MDefour@madison.com>
Date: Thu, Feb 5, 2015 at 10:12 AM
Subject: [Scan] Drafting language WI IDEA
To: Mark Pitsch <MPitsch@madison.com>, "Dee J. Hall" <deehal@gmail.com>, Mary Spicuzza <MSpicuzza@madison.com>, "mattdefour@gmail.com" <mattdefour@gmail.com>

--
Sent with Genius Scan for iOS.
<http://bit.ly/download-genius-scan>

--
Dee J. Hall
Wisconsin State Journal
1901 Fish Hatchery Road
Madison, Wis. 53713
608-252-6132

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Tuesday, December 30, 2014 4:19 PM
To: Kunkel, Mark
Cc: Champagne, Rick; Hanaman, Cathlene; Gary, Aaron
Subject: RE: Questions regarding UW
Attachments: Mission, purpose, powers and responsibilities FM.docx

Mark,

Attached is some guidance on the mission, powers and responsibilities for the UW authority. I hope it provides some additional guidance on those sections. If not, or if you have any questions about it, please let me know.

I am working on putting together some more guidance for the remainder of ch. 36 and will send it to you when I have it finished and cleaned up.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, December 29, 2014 4:56 PM
To: Schwanz, Nathan E - DOA
Cc: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS; Gary, Aaron - LEGIS
Subject: RE: Questions regarding UW

One issue would be the treatment of UW employees. Currently, we are creating an authority and transferring the employees to the authority. Is that going to be okay?

More generally, we will need guidance on how to deal with the powers and duties of the UW specified in ch. 36. You've given me some guidance on ss. 36.09 to 36.21, but we will need clarification on what to do with the rest of ch. 36.

As for other questions, I'm sure we'll have plenty, but they will depend on what you ultimately decide to do. However, if we think of anything else this week, we'll get in touch.

--Mark

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, December 29, 2014 1:58 PM
To: Kunkel, Mark
Subject: Questions regarding UW

Hi Mark,

We have a meeting next week with the Gov's office and some staff from the UW. Do you have any questions or topics we should bring up to get direction on? If so, could you send them to me by Friday. I know it's short notice; we just found out today. If you don't have anything for us to bring up, that's fine. Thanks.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Attachment

36.01 Statement of purpose and mission. (1) The legislature finds it in the public interest to provide ~~There is~~ created a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the system is to develop human resources to meet the state's workforce needs, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and human sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

Responsibilities (36.09)

• The Board of Regents (1)

o Retain

- ✓ Primary governance over the system (a).
- ✓ Requiring missions for each institution (b).
- ✓ Establish or discontinue educational programs (c).
- ✓ Establish policies to ensure programs are compatible with missions (d).
- Requires the distribution of funds to institutions (h). → See my 36.11 (4) (5) (17)

o Add:

- The make-up of the Board (TBD). → See my 36.02 (1)
- ✓ Ability to develop and implement a personnel structure and other employment policies. → See my 36.11 (1p) - like 233.04 (2) ?
- ✓ Contract for legal services. like 233.04 (3) ? like 233.04 (5) ?
- ✓ Establish an annual budget and monitor the fiscal management.
- Procure liability insurance. → How diff from 36.11 (5) ? - like 233.04 (6)
- o Enter into a lease agreement with the state for the use of facilities and property owned by the state.
 - Will require the lease payments to be the amount of outstanding debt service from bonds issued for the facilities and property owned by the state. like 233.0
 - State will have ownership of any improvements made. (7) ?
 - Initial agreement and subsequent changes will need JCF approval. (29)
- ✓ Provide the Secretary of DOA with financial and statistical information requested by the Secretary. like 233.04 (9) ?

o Remove:

- ✓ Requirement to work with WEDC to accomplish certain tasks for economic development programs (am).
- ✓ Requirement to appoint the various officers of the system (e).
- ✓ Allows the delegation of authorities to chancellors (f).

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 12, 2015 3:16 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Preliminary Draft Questions

Hi Mark,

I have read the preliminary draft and have the following questions for you. I think some of these questions will be addressed by directions and feedback I sent you after this draft was finished.

1. Section 5: Will the UW Authority still be subject to 13.101(6)(a)? We would like it to be. *see change*
2. Section 6: Since ch. 36 is included, do we need to define "institution of higher education" in 13.172(1)? Perhaps "institution of higher education" refers to tech colleges? *not clear, but no harm in keeping it*
3. Section 18: If 13.48(20) is repealed, what will the statutes say about UWSA's ability to sell properties? The state will maintain ownership of residence halls and other properties leased to UWSA, unless the building is financed entirely with non-GPR funds. Therefore the state should retain the ability to sell residence halls or any other property used by UWSA that is owned by the state.
4. Section 33: Will the expiration date of the student member of the Board of Regents stay in 15.07(1)(cm) since we are carrying the current Board and Board structure over to the authority? *Fixed - see INSEP 70-21*
5. Section 55: UWSA will be required to cooperate with the women's council, correct? Since it is defined as an agency in 16.01(1). *YES*
6. Sections 95 and 96: Will UWSA still be exempt from requirements in 16.705 with the repeal of 16.705(1r)(d) and (e)?
7. Section 102: Will the changes to 16.72 be different to allow for a cooperative purchasing agreement (that was something I sent after the preliminary draft was finished)?
8. Section 131: Will UWSA be able to opt out of the state's worker's compensation program? *Yes - see election under*
9. Section 155: Does 16.993(7) restrict UWSA's procurement flexibilities? *Yes*
10. Section 197: UWSA should no longer receive funding for 29.598 since that statute will be removed. *see change*
11. Section 213: Does the word "authority" need to be added behind "system" on line 1 of page 56? *Section 134*
12. Section 255: 29.598(1) should be removed. *see RA of 29.598*
13. Section 267: "to extend knowledge and its application beyond the boundaries of its campuses" should be removed from lines 17 and 18 on page 69. Disseminate means to scatter or spread widely. Therefore, I don't think it is necessary to basically define disseminate with the phrase on lines 17 and 18.
14. Section 268: Does 36.02(7) contradict the board's ability to "elect other officers as they consider appropriate" in (5)? *I deleted (7) okay?*
15. Section 274: Could 36.05(6) be removed? Is there a reason to keep it? *check*
16. Section 285: Does the requirement to have public hearings to establish each institutions' mission imply that the board will have to go through this process again, even though missions are already in place? Will the creation of a new entity, UWSA, necessitate the board do this? *Yes - How deal?*
17. Section 292: Should this title be created as 36.11(1n) not 36.09(1n)? *Yes - typo*
18. Section 301: Do we need to note on line 10, after "The board", "except as provided in sub. (27m)" since the board won't be permitted to sell state-owned property?
19. Section 377: The lab of hygiene should be attached to DATCP. All of 36.25(11) should therefore be removed.
20. Section 537: Will these changes be impacted by the need to have UWSA still transfer money to the medical assistance trust fund? *see note*
21. Section 544: Do we need the reference to "promulgate a rule" since UWSA can't promulgate rules? *Yes - fixed*

That's all I have for now. Thank you again for your time and help with this.

1 ages, backgrounds and levels of income to participate in the search for knowledge
2 and individual development; ~~which stresses undergraduate teaching as its main~~
3 ~~priority; which offers selected professional graduate and research programs with~~
4 ~~emphasis on state and national needs; which fosters to foster~~ diversity of educational
5 opportunity; ~~which promotes to promote~~ service to the public; ~~which makes effective~~
6 ~~and efficient use of human and physical resources; which functions cooperatively~~
7 ~~with other educational institutions and systems; and which promotes and to promote~~
8 internal coordination and the wisest possible use of resources.

History: 1973 c. 335.

****NOTE: I required the board to provide the system, rather than to say that "there
is created a system..."

9 SECTION 254. 36.01 (2) of the statutes is amended to read:

10 36.01 (2) The mission of the system is to develop human resources to meet the
11 state's workforce needs, ^{plain} (to) discover and disseminate knowledge, ^{plain} (to) extend
12 knowledge and its application beyond the boundaries of its campuses, and ^{plain} (to) serve
13 and stimulate society by developing ~~develop~~ in students heightened intellectual,
14 cultural, and humane sensitivities, scientific, professional and technological
15 expertise, and a sense of purpose. ~~Inherent in this broad mission are methods of~~
16 ~~instruction, research, extended training and public service designed to educate~~
17 ~~people and improve the human condition. Basic to every purpose of the system is the~~
18 search for truth.

History: 1973 c. 335.

19 SECTION 255. 36.02 of the statutes is created to read:

20 36.02 University of Wisconsin System Authority creation;
21 organization. (1) (a) There is created an authority, which is a public body corporate
22 and politic, to be known as the "University of Wisconsin System Authority." The
23 Board of Regents shall consist of the following:

1 enables students of all ages, backgrounds and levels of income to participate in the
2 search for knowledge and individual development; ~~which stresses undergraduate~~
3 ~~teaching as its main priority; which offers selected professional graduate and~~
4 ~~research programs with emphasis on state and national needs; which fosters~~
5 diversity of educational opportunity; which promotes service to the public; which
6 ~~makes effective and efficient use of human and physical resources; which functions~~
7 ~~cooperatively with other educational institutions and systems; and which promotes~~
8 internal coordination and the wisest possible use of resources. The principal office
9 and one university of the system shall be located at or near the seat of state
10 government.

11 SECTION 265. 36.01 (2) of the statutes is amended to read:

12 36.01 (2) The mission of the system is to develop human resources to meet the
13 state's workforce needs, to discover and disseminate knowledge, ~~to extend~~
14 ~~knowledge and its application beyond the boundaries of its campuses and to serve~~
15 ~~and stimulate society by developing~~ develop in students heightened intellectual,
16 cultural, and humane sensitivities, scientific, professional and technological
17 expertise, and a sense of purpose. ~~Inherent in this broad mission are methods of~~
18 ~~instruction, research, extended training and public service designed to educate~~
19 ~~people and improve the human condition. Basic to every purpose of the system is the~~
20 ~~search for truth.~~

21 SECTION 266. 36.02 of the statutes is created to read:

22 36.02 University of Wisconsin System Authority creation;
23 organization. (1) (a) There is created an authority, which is a public body corporate
24 and politic, to be known as the "University of Wisconsin System Authority." The
25 Board of Regents shall consist of the following:

Reardon, Patricia A - DOA

From: Schwanz, Nathan E - DOA
Sent: Thursday, February 05, 2015 12:15 PM
To: Hynek, Sara - DOA

<http://walker.wi.gov/newsroom/press-release/governor-scott-walker-releases-statement-proposed-university-wisconsin-system>

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

2015-17 BUDGET ISSUE SUMMARY

BUDGET QUESTION – UW Authority – Mission/Purpose Statement

AGENCY – University of Wisconsin System

BUDGET PROVISIONS

- Convert the System into a public authority with increased operational and financial flexibilities which will provide \$150M in savings to the taxpayers.

RESPONSES TO BUDGET QUESTIONS

- Why were changes made to the UW's mission and purpose statements?

Response – The Governor is recommending revising the UW's mission and statement of purpose to reflect its change to a public authority. By making the UW a public authority, instead of dictating what the Board of Regents can or cannot do, the state will provide a set of guidelines or parameters for the Board of Regents to operate within. To make the UW's mission and purpose statements consistent with this change, permissive portions and statements were kept while dictatorial and repetitive portions were removed. Within this framework, the Board of Regents will be able to adopt any statements of purpose and mission they see fit.

- Why is the Wisconsin Idea removed from the statutes?

Response – The Wisconsin Idea does not exist in the statutes or on paper alone. It exists in the hearts and minds of Wisconsinites across our great state which, in turn, drives the UW's teaching, research, outreach and public service to move Wisconsin forward. The Governor's budget preserves this and provides the framework for the UW to better continue these efforts.

- What is the reason for adding language to the statement of purpose and mission?

Response – Necessary language was added to ensure continued compliance with the Wisconsin State Constitution when the UW transitions to a public authority.

- Why was the phrase, "meet the state's workforce needs" added to the mission?

Response – One of the core functions of the UW is to produce talent for Wisconsin's workforce. This addition formalizes workforce development as a part of the UW's mission and one of its many contributions to the state.

ANALYST: Nathan Schwanz -- 266-2843

