

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)

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)

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 than 36.11(5)? - like 233.04(6)
- 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 233.04(7) 1/2
 - 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. like 233.04(9)? (7g)

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 in*
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 INSERT 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 Section 134*
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? *YES*
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, ~~(to)~~ ^{plain} discover and disseminate knowledge, ~~(to)~~ ^{plain} extend
 12 knowledge and its application beyond the boundaries of its campuses, and ~~(to)~~ ^{plain} 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: