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Making of "/P1"

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14.76 (1m), 15.165 (3) (a) 8., 15.347 (4) (f), 15.377 (8) (c) 8m., 15.67 (1) (a) 1m., 15.94 (2v), 19.42 (13) (bm), 20.280, 36.54 (2) (a) 3., chapter 37, 37.60, 37.61, 37.62, 39.50 (1m), 40.02 (54) (hm), 70.11 (38r), 118.40 (2r) (b) 1. g., 893.82 (2) (d) 4. and 895.46 (10) of the statutes; **relating to:** creating the University of Wisconsin and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 1.12 (1) (b) of the statutes is amended to read:

1.12 **(1)** (b) "State agency" means an office, department, agency, institution of higher education, the legislature, a legislative service agency, the courts, a judicial branch agency, an association, society, or other body in state government that is created or authorized to be created by the constitution or by law, for which appropriations are made by law, excluding the Health Insurance Risk–Sharing Plan Authority~~, and the University of Wisconsin.~~

****NOTE: The above exclude the University of Wisconsin from the state energy policy requirements that apply to state agencies under s. 1.12. do not exclude.

SECTION 2. 13.106 (1) (intro.) of the statutes is amended to read:

13.106 **(1)** (intro.) The Medical College of Wisconsin and the University of ~~Wisconsin–Madison Medical~~ Wisconsin School of Medicine and Public Health shall biennially report to the governor and the joint committee on finance on the:

SECTION 3. 13.106 (2) of the statutes is amended to read:

1 13.106 **(2)** The Medical College of Wisconsin and the University of
2 ~~Wisconsin–Madison Medical~~ Wisconsin School of Medicine and Public Health shall
3 submit a biennial report containing financial summaries for the college and school
4 to the governor and the joint committee on finance, in a consistent format and
5 methodology to be developed in consultation with the medical education review
6 committee under s. 39.16.

7 **SECTION 4.** 13.106 (3) (intro.) of the statutes is amended to read:

8 13.106 **(3)** (intro.) By October 15 of each even–numbered year, the Medical
9 College of Wisconsin and the University of ~~Wisconsin–Madison Medical~~ Wisconsin
10 School of Medicine and Public Health shall submit a report to the governor and to
11 the chief clerk of each house of the legislature for distribution to the legislature under
12 s. 13.172 (2) that provides information on all of the following:

13 **SECTION 5.** 13.172 (1) of the statutes is amended to read:

14 13.172 **(1)** In this section, "agency" means an office, department, agency,
15 institution of higher education, association, society, or other body in state
16 government created or authorized to be created by the constitution or any law, that
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
19 ch. 37, 52, 231, 233, 234, or 279.

****NOTE: Section 13.172 specifies the manner for state agencies to provide reports to the legislature that are required by other statutes. The above applies s. 13.172 to the UW.

20 **SECTION 6.** 13.40 (3) (i) 4. of the statutes is created to read:

21 13.40 **(3)** (i) 4. The Board of Trustees of the University of Wisconsin.

****NOTE: It's unnecessary to include the UW in 13.40 (3m), because the provision is obsolete.

22 **SECTION 7.** 13.48 (2) (d) of the statutes is repealed. → please see updated spreadsheet for new s. 13.48 provisions.

1 **SECTION 42.** 15.96 (1) (e) of the statutes is amended to read:

2 15.96 **(1)** (e) A chairperson of a department at the University of
3 ~~Wisconsin–Madison Medical~~ Wisconsin School of Medicine and Public Health,
4 appointed by the chancellor of the University of ~~Wisconsin–Madison~~ Wisconsin.

5 **SECTION 43.** 15.96 (1) (f) of the statutes is amended to read:

6 15.96 **(1)** (f) A faculty member of a University of ~~Wisconsin–Madison~~ Wisconsin
7 health professions school, other than the University of ~~Wisconsin–Madison Medical~~
8 Wisconsin School of Medicine and Public Health, appointed by the chancellor of the
9 University of ~~Wisconsin–Madison~~ Wisconsin.

10 **SECTION 44.** 16.002 (2) of the statutes is amended to read:

11 16.002 **(2)** "Departments" means constitutional offices, departments, and
12 independent agencies and includes all societies, associations, and other agencies of
13 state government for which appropriations are made by law, but not including
14 authorities created in subch. II of ch. 114 or subch. III of ch. 149 ~~and~~ or in ~~chs.~~ ch. 37,
15 52, 231, 232, 233, 234, 235, 237, ~~and~~ or 279.

****NOTE: The above exempts the UW from the following:

-- Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ... prescribe the procedures for departments to allocate and charge, the central services costs of [DOA] or of individual departments to selected federal grants or contracts." ok.

-- Section 16.53 (1) (ca), which requires all departments to "diligently review and supervise the travel expenditures of their employees" and allows them to promulgate rules governing such expenditures that are consistent with uniform guidelines established under s. 20.916 (8). ok.

-- Section 16.54 (10), which requires all departments, before acceptance of any federal grant on behalf of the state which will or may involve the provision of auditing services by the legislative audit bureau, to provide written notification to the state auditor. ok.

-- Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system. ok.

QUESTION: is UW an independent agency to which above and below apply?

-- Section 16.31 (d) 4., which requires the public record board to furnish state departments with copies of its final plan for preserving essential public records. ok.

-- Section 16.61 (13) (a), which, in setting forth the duties of the historical society, provides that "the records of all central departments, offices, establishments and agencies shall remain in the main archives in the capital city under the society's immediate jurisdiction." However, note that s. 16.61 (13) (a) also provides that the "permanent preservation of records of the University of Wisconsin System may be accomplished under [s. 16.61 (13) (b)]," which allows the public records board to "designate an archival depository at each university as defined in s. 36.05 (13) which shall meet standards for university archival depositories established by the board with the advice of the board of regents and the historical society or their respective designated representatives. The board may transfer to the appropriate university archival depository all original records and reproductions the board deems worthy of permanent preservation." opt in.

-- Section 16.85 (1), which requires DOA to "take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87, performed by, or for, the state, or any department, board, institution, commission, or officer of the state, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except the engineering, architectural, and construction work of the department of transportation and the engineering service performed by the department of commerce, department of revenue, public service commission, department of health services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning, of the physical properties of the state." we can only be out of this section when building w/ non-state funds per agreem.

Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed." same as above.

1 **SECTION 45.** 16.004 (4) of the statutes is amended to read:

2 16.004 **(4)** FREEDOM OF ACCESS. The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
5 chs. 37, 52, 231, 233, 234, 237, and 279, and may examine their books and accounts
6 and any other matter that in the secretary's judgment should be examined and may
7 interrogate the agency's employees publicly or privately relative thereto.

8 **SECTION 46.** 16.004 (5) of the statutes is amended to read:

9 16.004 **(5)** AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
10 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.

1 37, 52, 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate
2 with the secretary and shall comply with every request of the secretary relating to
3 his or her functions.

4 **SECTION 47.** 16.004 (12) (a) of the statutes is amended to read:

5 16.004 **(12)** (a) In this subsection, "state agency" means an association,
6 authority, board, department, commission, independent agency, institution, office,
7 society, or other body in state government created or authorized to be created by the
8 constitution or any law, including the legislature, the office of the governor, and the
9 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
10 the University of Wisconsin, the Wisconsin Aerospace Authority, the Health
11 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation
12 Authority, the Wisconsin Quality Home Care Authority, and the Fox River
13 Navigational System Authority.

****NOTE: The above excludes the UW from rules that DOA must promulgate that govern surveillance by a state agency of the state agency's employees.

****NOTE: We did not include the UW in s. 16.008 (2) (payment for extraordinary police service). Please let us know whether you want to make changes to s. 16.008 (2) which provides, in part: "The state shall pay for extraordinary police services provided directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of a state officer or agency responsible for the operation and preservation of such facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for extraordinary police services provided to facilities of the authority described in s. 70.11 (38). .... Municipalities or counties that provide extraordinary police services to state facilities may submit claims to the claims board for actual additional costs related to wage and disability payments, pensions and worker's compensation payments, damage to equipment and clothing, replacement of expendable supplies, medical and transportation expense, and other necessary expenses. .... The board shall obtain a review of the claim and recommendations from the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5), and (6)." opt in

****NOTE: We did not affect the definition of "agency" for purposes of the women's council under s. 16.01. Note that s. 16.01 (1) defines agency to include an institution of higher education, but does not define "institution of higher education." Arguably, the UW is an institution of higher education and thus an "agency" for purposes of the women's council Is that okay? ok.

14 **SECTION 48.** 16.045 (1) (a) of the statutes is amended to read:

16.045 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279.

****NOTE: The above exempts the UW from DOA's authority over agency use of gasohol, alternative fuels, and hybrid–electric vehicles.

SECTION 49. 16.15 (1) (ab) of the statutes is amended to read:

16.15 **(1)** (ab) "Authority" has the meaning given under s. 16.70 (2), but excludes the University of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Health Insurance Risk–Sharing Plan Authority.

we need to verify that no changes are necessary to 16.401(1) regarding appropriated funds.

****NOTE: The above exempts the UW from DOA's resource recovery and recycling program that applies to agencies and authorities.

SECTION 50. 16.41 (4) of the statutes is amended to read:

16.41 **(4)** In this section, "authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 37, 52, 231, 233, 234, 237, or 279.

****NOTE: Section 16.41 allows DOA to require authorities to furnish certain financial information to DOA and allows DOA access to an authority's financial accounts. The above specifies that DOA can exercise such power over the UW.

SECTION 51. 16.417 (1) (a) of the statutes is amended to read:

16.417 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority or the body created under subch. III of ch. 149 or under ch. 37.

****NOTE: The above exempts the UW from the dual retention/employment requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1) (b) defines "authority" to include authorities created under specified statutes. By not including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of "agency" in the above, this draft exempts the UW from s. 16.417.

address s. 16.42(1) and s. 16.313 as spread sheets sent.

1 **SECTION 52.** 16.52 (7) of the statutes is amended to read:

2 16.52 **(7)** PETTY CASH ACCOUNT. With the approval of the secretary, each agency
3 that is authorized to maintain a contingent fund under s. 20.920 may establish a
4 petty cash account from its contingent fund. The procedure for operation and
5 maintenance of petty cash accounts and the character of expenditures therefrom
6 shall be prescribed by the secretary. In this subsection, "agency" means an office,
7 department, independent agency, institution of higher education, association,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, that is entitled to expend moneys appropriated by law,
10 including the legislature and the courts, but not including an authority created in
11 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

12 **SECTION 53.** 16.528 (1) (a) of the statutes is amended to read:

13 16.528 **(1)** (a) "Agency" means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
18 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

****NOTE: The above exempts the UW from the requirements under s. 16.528 for an agency to pay interest on late payments made by the agency.

19 **SECTION 54.** 16.53 (2) of the statutes is amended to read:

20 16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed
21 invoice, the agency shall notify the sender of the invoice within 10 working days after

it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

SECTION 55. 16.54 (8g) of the statutes is amended to read:

16.54 **(8g)** Subsections (1) to (8) do not apply to federal moneys made available to the board of regents of the University of Wisconsin System or the University of Wisconsin for instruction, extension, special projects or emergency employment opportunities.

****NOTE: The above ensures that the UW maintains an exemption under current law that applies to the UW-System.

****NOTE: What changes are necessary to s. 16.54 (8r)? see attached.

****NOTE: Do we need to create a federal appropriation for the UW? we do not believe so because we can accept funds directly.

SECTION 56. 16.54 (9) (a) 1. of the statutes is amended to read:

16.54 **(9)** (a) 1. "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

****NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that apply to "moneys received by an agency from the federal government as reimbursement for indirect costs of administration of a federal grant or contract for which no specific use is mandated by the federal government."

address ss. 16.70 – 16.73 per spreadsheets.

SECTION 57. 16.765 (1) of the statutes is amended to read:

16.54(8r)

Whenever the federal government makes available moneys for instruction, extension, special projects or emergency employment opportunities, the board of regents of the University of Wisconsin System or the board of trustees of the University of Wisconsin may accept the moneys on behalf of the state. The board of regents or the board of trustees, shall in the administration of the expenditure of such moneys, comply with the requirements of the act of congress making the moneys available and with the regulations prescribed by the federal government or the federal agency administering the act, insofar as the act or regulations are consistent with state law. The board of regents or the board of trustees may submit any plan, budget, application or proposal required by the federal agency as a precondition to receipt of the moneys. The board of regents or the board of trustees may, consistent with state law, perform any act required by the act of congress or the federal agency to carry out the purpose of the act of congress. The board of regents shall deposit all moneys it receives under this paragraph in the appropriation account under s. 20.285 (1) (m).

address ss. 16.78(1) 16.847(1)(b) 16.848 per spreadsheets. JTK

1 **SECTION 64.** 16.85 (2) of the statutes is amended to read:

2 16.85 **(2)** To furnish engineering, architectural, project management, and other
3 building construction services whenever requisitions therefor are presented to the
4 department by any agency. The department may deposit moneys received from the
5 provision of these services in the account under s. 20.505 (1) (kc) or in the general
6 fund as general purpose revenue — earned. In this subsection, "agency" means an
7 office, department, independent agency, institution of higher education, association,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, which is entitled to expend moneys appropriated by law,
10 including the legislature and the courts, but not including an authority created in
11 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

see earlier note about use of state funds ?

****NOTE: The above exempts the UW from DOA's duty to furnish the above services to agencies.

address s. 16.855 per spreadsheet. JTK

12 **SECTION 65.** 16.865 (8) of the statutes is amended to read:

13 16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a
14 proportionate share of the estimated costs attributable to programs administered by
15 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
16 may charge premiums to agencies to finance costs under this subsection and pay the
17 costs from the appropriation on an actual basis. The department shall deposit all
18 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
19 Costs assessed under this subsection may include judgments, investigative and
20 adjustment fees, data processing and staff support costs, program administration
21 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
22 subsection, "agency" means an office, department, independent agency, institution
23 of higher education, association, society, or other body in state government created

1 or authorized to be created by the constitution or any law, that is entitled to expend
2 moneys appropriated by law, including the legislature ~~and~~, the courts, and the
3 University of Wisconsin but not including an authority created in subch. II of ch. 114
4 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, or 279.

****NOTE: Is it necessary to specify the UW, since "institution of higher education" is included? yes, keep it to be clear.

****NOTE: If we don't affect subch. III of ch. 19 (code of ethics for public officials and employees), how does that subchapter apply to the UW? Although "department" is defined in s. 19.42 (5) to include an authority, note that some provisions of that subchapter refer to the Board of Regents or to the board of directors of an authority. See s. 19.45 (11) (b) and (d). Please see new spreadsheet for ch. 19-36 provisions sent 2/3/11.

5 **SECTION 66.** 19.42 (13) (bm) of the statutes is created to read:

6 19.42 **(13)** (bm) The position of chancellor and vice chancellor of the University
7 of Wisconsin.

8 **SECTION 67.** 20.235 (1) (fz) of the statutes is amended to read:

9 20.235 **(1)** (fz) *Remission of fees and reimbursement for veterans and*
10 *dependents.* Biennially, the amounts in the schedule to reimburse the Board of
11 Regents of the University of Wisconsin System, the Board of Trustees of the
12 University of Wisconsin, and technical college district boards under s. 39.50 for fee
13 remissions made under ss. 36.27 (3n) (b) or (3p) (b), 37.27 (3n) (b) or (3p) (b), and 38.24
14 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27
15 (3n) (bm) or (3p) (bm), 37.27 (3n) (bm) or (3p) (bm), and 38.24 (7) (bm) or (8) (bm).

16 **SECTION 68.** 20.255 (2) (cn) of the statutes is amended to read:

17 20.255 **(2)** (cn) *Aids for school lunches and nutritional improvement.* The
18 amounts in the schedule for the payment of school lunch aids under s. 115.34 (2) and
19 for nutritional improvement under ss. 36.51, 37.51, 38.36 and 115.345.

20 **SECTION 69.** 20.280 of the statutes is created to read:

(c) The board shall, under the supervision of the dean of the College of Agricultural and Life Sciences of the University of ~~Wisconsin–Madison~~ Wisconsin, foster research and experimentation in the control of bovine brucellosis, which is also known as Bang's disease, at various points within this state that the board considers advisable. To facilitate the bovine brucellosis research and experimentation, contracts may be entered into with owners of bovine animals of various classes for the supervised control of the animals and for the purchase of animals under conditions to be specified in contracts that shall be retained for control purposes. ~~Payment under the contracts shall be made out of the appropriation in s. 20.285 20.280 (1) (a)~~.

****NOTE: Will it be necessary to revise the appropriation referenced in the last sentence? yes.

SECTION 102. 36.25 (3) (d) of the statutes is renumbered 36.25 (3).

SECTION 103. 36.25 (4) of the statutes is repealed.

****NOTE: We did not renumber s. 36.25 (4) to be s. 37.25 (4). Is that okay? yes. Note that s. 36.25 (4) states: "DUTCH ELM DISEASE STUDIES. The board shall, through the College of Agricultural and Life Sciences of the University of Wisconsin–Madison, authorize laboratory and field studies, research, and experiments to determine the cause and control of Dutch elm disease. The various departments of the state shall cooperate with the university in this program." Do not adopt as s. 37.25(4).

****NOTE: We did not affect s. 36.25 (5), which deals with WHA and WHA–TV broadcasting stations. However, note that s. 36.25 (5) (b) allows the Board of Regents to rents space on the "Madison public broadcast transmission tower." Will the Board of Regents retain ownership of that tower? Covered in Lynch email sent 2/3/11.

****NOTE: We did not affect s. 36.25 (6), which deals with the geological and natural history survey. Is that okay? No. Adopt as s. 37.25(6).

****NOTE: We did not affect s. 36.25 (7), which deals with s. 36.25 (7), which deals with soil and water conservation. Is that okay? No. Adopt as s. 37.25(7).

SECTION 104. 36.25 (8) of the statutes is repealed.

****NOTE: We do not know whether you want to transfer s. 36.25 (8) to the new UW board. If you want to transfer it, then we will renumber it to s. 37.25 (8) and amend it as necessary. yes. transfer to s. 37.25(8).

SECTION 105. 36.25 (9) of the statutes is amended to read:

36.25 **(9)** STATE SOILS LABORATORY. The board shall establish a state soils and plant analysis laboratory at the ~~in connection with the College of Agricultural and Life Sciences of the University of Wisconsin–Madison~~ Wisconsin ~~and the~~ University of Wisconsin–Extension in connection with the College of Agricultural and Life Sciences of the University of Wisconsin. The laboratory shall, at the request of the owner or occupant of any lands in the state and upon the payment of such fees as are prescribed, make field examinations and analyses of the soil and plant tissue and when possible interpret the results of such investigation and make appropriate recommendations. The board through the College of Agricultural and Life Sciences of the University of ~~Wisconsin–Madison~~ Wisconsin may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith and provide related services to individual citizens at cost. transfer to ch. 37 and delete from ch. 36

****NOTE: You instructed as to leave s. 26.25 (9) as is and create comparable provisions in s. 37.25 (9). However, in addition to the name change in the above, aren't additional changes necessary? How can the Board of Regents establish something at the new UW and cause investigations through the new UW? Don't you need to make changes based on the new relationship between the Board of Regents and the new UW board? Also, why do you want to require both the Board of Regents and the new UW board to each establish a laboratory for the above? See also s. 37.25 (9) which is created in this bill.

SECTION 106. 36.25 (10) of the statutes is repealed.

****NOTE: We do not know whether you want to transfer s. 36.25 (10) to the new UW board. If you want to transfer it, then we will renumber it to s. 37.25 (10) and amend it as necessary. No. Do not transfer.

SECTION 107. 36.25 (11) of the statutes is renumbered 37.57 (1), and 37.57 (1) and (5) to (8), as renumbered, are amended to read:

37.57 **(1)** The board shall maintain the state laboratory of hygiene ~~shall be attached to the University of Wisconsin–Madison. The laboratory of hygiene board shall meet at least quarterly and may promulgate rules under ch. 227, approve the laboratory of hygiene budget, set fees, set priorities and make final approval of laboratory resources so that the laboratory can act in response to agencies' planned objectives and program priorities~~.

1 37.25 **(12)** (a) The board shall house, equip and maintain the psychiatric
2 research institute as a program of the University of Wisconsin–~~Madison~~ Wisconsin
3 Center for Health Sciences. The psychiatric research institute shall be a facility for
4 research, development and service to the state in the field of mental health. The
5 institute may exercise the powers granted under s. 46.044.

****NOTE: Your instructions state that we should adopt s. 36.25 (12) in s. 36.27 (12), but with a "provision transferring property back to the UW, if necessary." We're not sure what you want in such a provision. Note that, under current law, s. 36.25 (12) (b) states: "All property used by the Wisconsin Psychiatric Institute established under s. 46.044, except real property used by the institute and except property of the University of Wisconsin Hospitals and Clinics, is transferred to the board which shall hold such property for the use of the psychiatric research institute." Did you want to make changes to the foregoing? Please let us know. No.

6 **SECTION 109.** 36.25 (12m) of the statutes is renumbered 37.25 (12m).

****NOTE: We need to make sure that the new UW board appoints the state cartographer. (The Board of Regents make the appointment under s. 36.09 (1) (e).)

7 **SECTION 110.** 36.25 (13g) of the statutes is renumbered 37.25 (13g) and 37.25
8 (13g) (a), (b) (intro.), and (d), as renumbered, are amended to read:

9 37.25 **(13g)** (a) The board shall establish at the University of
10 ~~Wisconsin–Madison~~ Wisconsin the "University of Wisconsin Hospitals and Clinics".

11 (b) (intro.) The board shall maintain, control and supervise the use of the
12 University of Wisconsin Hospitals and Clinics, for the purposes of all of the following:

13 (d) This subsection applies only in the event that the on–campus facilities, as
14 defined in s. 233.01 (7), leased to the University of Wisconsin Hospitals and Clinics
15 Authority under s. ~~36.11~~ 37.11 (28), and any improvements, modifications or other
16 facilities specified in s. 233.04 (7) (c), are transferred to the board under s. 233.04 (3b)
17 (b), (7g) (b) or (7p) (b).

****NOTE: We need to makes sure that agreements between the Board of Regents and the University of Wisconsin Hospitals and Clinics Board under s. 36.25 (13g) (c) 1. are transferred to the new UW board.

****NOTE: Section 36.25 (13g) (c) 2. refers to collective bargaining units under s. 111.825 (1m). We need to check whether any changes are necessary. No. change necessary.

1 **SECTION 111.** 36.25 (13m) of the statutes is repealed.

****NOTE: We do not know whether you want to transfer s. 36.25 (13m) to the new UW board. If you want to transfer it, then we will renumber it to s. 37.25 (13m) and amend it as necessary. Delete and do not transfer to ch. 37

2 **SECTION 112.** 36.25 (13s) of the statutes is repealed.

****NOTE: We do not know whether you want to transfer s. 36.25 (13s) to the new UW board. If you want to transfer it, then we will renumber it to s. 37.25 (13s) and amend it as necessary. yes transfer to s. 37.25 (13s) w/ reference to s. 20.280 (1)(fc).

****NOTE: We did not affect s. 36.25 (14) (graduate student financial aid). Do you want comparable provisions in s. 37.25? yes transfer to s. 37.25 (14) but do not include second sentence. Also, transfer s. 36.25 (14m) to ch. 37 w/o reference to specific allocation.

3 **SECTION 113.** 36.25 (18) of the statutes is renumbered 37.25 (18) and amended

4 to read:

5 37.25 **(18)** SCHOOL OF VETERINARY MEDICINE. The board shall establish and

6 maintain a school of veterinary medicine at the University of ~~Wisconsin–Madison~~

7 Wisconsin. Existing facilities shall be used to the maximum possible extent for

8 auxiliary instructional and research support of the veterinary program.

9 **SECTION 114.** 36.25 (19) of the statutes is renumbered 37.25 (19) and 37.25 (19)

10 (a), as renumbered, is amended to read:

11 37.25 **(19)** (a) The board may establish at the University of ~~Wisconsin–Madison~~

12 Wisconsin a model school for children with disabilities, as defined in s. 115.76 (5).

13 The school shall utilize practical demonstration techniques to train teachers and

14 other support personnel under s. 115.28 (7) (c).

15 **SECTION 115.** 36.25 (21) of the statutes is renumbered 37.25 (21) and 37.25 (21)

16 (intro.), (a) and (b), as renumbered, are amended to read:

17 37.25 **(21)** SCHOOL OF LAW; PART–TIME ENROLLMENT AND NIGHT COURSES. The board

18 shall direct the School of Law to do all the following:

19 (a) Allow resident students who are admitted to law school to enroll in

20 part–time programs~~;~~.

1 (b) Allow resident students who are admitted to law school 6 years after first
2 enrolling to complete requirements for a degree~~; and~~.

3 **SECTION 116.** 36.25 (21m) of the statutes is renumbered 37.25 (21m) and
4 amended to read:

5 37.25 **(21m)** GREAT LAKES INDIAN LAW PROGRAM. The board shall establish a
6 Great Lakes Indian law program at the University of ~~Wisconsin–Madison~~ Wisconsin
7 Law School.

8 **SECTION 117.** 36.25 (23) of the statutes is renumbered 37.25 (23) and amended
9 to read:

10 37.25 **(23)** ROBERT M. LA FOLLETTE INSTITUTE OF PUBLIC AFFAIRS. There is
11 established a Robert M. La Follette institute of public affairs at the University of
12 ~~Wisconsin–Madison~~ Wisconsin. The institute shall engage in research, public
13 service and educational activities to advance the knowledge of public affairs and the
14 application of that knowledge to the needs of this state.

****NOTE: We did not affect s. 36.25 (24) (employee–owned business program). Do you want comparable language in s. 37.25? Also note that s. 36.25 (24) refers to the "University of Wisconsin small business development center." Does that center stay in the UW System? If so, perhaps the name should be changed to the UW System small business development center, so that it is not confused with the new UW.

****NOTE: We did not affect s. 36.25 (27) (integrated agriculture program). Do you want comparable language in s. 37.25? yes, transfer to s. 37.26. Can keep in ch. 36 too.

****NOTE: We did not affect s. 36.25 (28) (schools of business). Do you want comparable language in s. 37.25? If you want comparable language, note that s. 36.25 (28) refers to appropriations under s. 20.285 (1) (em) and (Ls). yes, with reference to s. 20.280 (1)(em) and (Ls). NO

****NOTE: We did not affect s. 36.25 (29m) (center for environmental education). We need to make sure the cross reference to s. 36.54 (2) in s. 36.25 (29m) (a) is okay. yes.

15 **SECTION 118.** 36.25 (30m) of the statutes is renumbered 37.25 (30m) and
16 amended to read:

1 37.25 **(30m)** AGRICULTURAL TECHNOLOGY AND FAMILY FARM PROGRAMS. The board
2 may establish agricultural technology and family farm programs in the College of
3 Agricultural and Life Sciences at the University of ~~Wisconsin–Madison~~ Wisconsin.

4 **SECTION 119.** 36.25 (34) of the statutes is renumbered 37.25 (34) and amended
5 to read:

6 37.25 **(34)** CENTER FOR URBAN LAND ECONOMICS RESEARCH. The board shall
7 establish a center for urban land economics research in the School of Business at the
8 University of ~~Wisconsin–Madison~~ University of Wisconsin to conduct research and
9 undertake educational, public outreach and grant activities related to real estate
10 and urban land economics.

11 **SECTION 120.** 36.25 (35m) of the statutes is renumbered 37.25 (35m) and
12 amended to read:

13 37.25 **(35m)** HERBARIUM. The board shall maintain an herbarium at the
14 University of ~~Wisconsin–Madison~~ Wisconsin to be known as the "Wisconsin State
15 Herbarium".

16 **SECTION 121.** 36.25 (37) of the statutes is repealed.

****NOTE: We did not create a provision in s. 37.25 comparable to s. 36.25 (37) (area health education center), which is repealed above. Please let us know if you want a comparable provision. yes, transfer to ch. 37

****NOTE: We did not affect s. 36.25 (38) (educational technology projects). Please let us know if you want a comparable provision in s. 37.25. Also, note that s. 36.25 (38) (b) (intro.) refers to an appropriation under s. 20.285 (1) (cm) and s. 36.25 (38) (b) 6. refers to paying DOA for telecommunications services provided under s. 16.972 (1). Depending on your intent, we will have to deal with those cross references. Do not add to ch. 37.

17 **SECTION 122.** 36.25 (42) of the statutes is renumbered 37.25 (42) and amended
18 to read:

37.25 **(42)** DISTINGUISHED CHAIR OF MILITARY HISTORY. The board shall establish a distinguished chair of military history at the University of ~~Wisconsin–Madison~~ Wisconsin.

****NOTE: We did not affect s. 36.25 (49) (academic fee increase grants). Do you want to create something comparable in s. 37.25? If so, how should we deal with references to appropriations under s. 20.285 (1) (a) and (kj)? Do not add to ch. 37.

SECTION 123. 36.25 (49m) of the statutes is renumbered 37.25 (49m) and 37.25 (49m) (a) 1., as renumbered, is amended to read:

37.25 **(49m)** (a) 1. "Center" means the Center on Education and Work at the University of ~~Wisconsin–Madison~~ Wisconsin.

SECTION 124. 36.25 (53) of the statutes is amended to read:

36.25 **(53)** BUSINESS PLAN COMPETITION. The board shall use the moneys appropriated under s. 20.285 (1) (eb) to support a business plan competition program existing on May 25, 2010, at institutions and college campuses other than the University of ~~Wisconsin–Madison~~ Wisconsin that makes entrepreneurial expertise available to students and that has ties to campus–based business plan contests and national organizations that foster student entrepreneurism. The board may use the moneys only if the board receives matching funds for the same purpose from private contributions.

SECTION 125. 36.29 (5) (a) of the statutes is renumbered 36.29 (5) and amended to read:

36.29 **(5)** ~~Except as provided in par. (b), the~~ The board may not acquire or make a commitment to operate any golf course not owned by the board prior to July 2, 1983, without specific authorization by the legislature.

SECTION 126. 36.29 (5) (b) of the statutes is repealed.

SECTION 127. 36.33 of the statutes is repealed. See Lynch email from 3/3/11.

1 **SECTION 128.** 36.335 of the statutes is amended to read:

2 **36.335 Sale of other land; buildings and structures.** ~~Except as provided~~ see
3 ~~in s. 36.33, if~~ If the ~~Board of Regents of the University of Wisconsin System~~ board Lynn email
4 sells any real property under its jurisdiction during the period beginning on October from
5 27, 2007, and ending on June 30, 2009, and the period beginning on July 1, 2009, the 8/3/11.
6 board shall credit the net proceeds of the sale to the appropriation account under s.
7 20.285 (1) (iz) except that if there is any outstanding public debt used to finance the
8 acquisition, construction, or improvement of any property that is sold, the board
9 shall deposit a sufficient amount of the net proceeds from the sale of the property in
10 the bond security and redemption fund under s. 18.09 to repay the principal and pay
11 the interest on the debt, and any premium due upon refunding any of the debt. If
12 the property was acquired, constructed, or improved with federal financial
13 assistance, the board shall pay to the federal government any of the net proceeds
14 required by federal law. If the property was acquired by gift or grant or acquired with
15 gift or grant funds, the board shall adhere to any restriction governing use of the
16 proceeds.

17 **SECTION 129.** 36.395 of the statutes is repealed.

18 **SECTION 130.** 36.44 (1) of the statutes is renumbered 36.44.

19 **SECTION 131.** 36.44 (2) of the statutes is repealed.

20 **SECTION 132.** 36.48 of the statutes is amended to read:

21 **36.48 Alcohol and other drug abuse prevention and intervention**
22 **programs.** The board shall appoint alcohol and other drug abuse prevention and
23 intervention program counselors for the ~~University of Wisconsin–Madison and the~~
24 University of Wisconsin–Milwaukee. The counselors shall develop alcohol and other
25 drug abuse prevention and intervention programs and train faculty, academic staff

and classified staff in the prevention of and early intervention in alcohol and other drug abuse.

SECTION 133. 36.49 (intro.) and (2) of the statutes are consolidated, renumbered 36.49 and amended to read:

36.49 Environmental ~~program grants and~~ scholarships. From the appropriation under s. 20.285 (1) (rm), the board shall annually ~~do the following: (2) Provide~~ provide annual scholarships totaling $100,000 to students enrolled in the sustainable management degree program through the University of Wisconsin–Extension.

SECTION 134. 36.49 (1) of the statutes is repealed.

SECTION 135. 36.54 (2) (a) 2. of the statutes is amended to read:

36.54 **(2)** (a) 2. "Public agency" means a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district ~~or~~, school district, or state agency or an agency ~~of this state or~~ of a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district.

SECTION 136. 36.54 (2) (a) 3. of the statutes is created to read:

36.54 **(2)** (a) 3. "State agency" includes the University of Wisconsin.

****NOTE: I created a definition for "state agency" because I assume the UW should be treated as a state agency under s. 36.54 (2) (e), which provides: "No more than one–third of the total amount awarded in grants under par. (b) in any fiscal year may be awarded to state agencies." OK.

Add s. 36.56 to ch. 37.

SECTION 137. 36.58 (title) of the statutes is renumbered 37.58 (title).

SECTION 138. 36.58 (1) of the statutes is repealed.

SECTION 139. 36.58 (2) of the statutes is renumbered 37.58 (2).

SECTION 140. 36.58 (3) of the statutes is renumbered 37.58 (3) and 37.58 (3) (c), as renumbered, is amended to read:

37.58 **(3)** (c) The veterinary diagnostic laboratory ~~board~~ may identify services that are necessary to protect human health and safety for which the veterinary diagnostic laboratory may not charge fees.

SECTION 141. 36.58 (3m) of the statutes is renumbered 37.58 (3m) and amended to read:

37.58 **(3m)** APPOINTMENT OF DIRECTOR. ~~After consultation with the veterinary diagnostic laboratory board, the~~ The chancellor ~~of the University of Wisconsin–Madison~~ shall appoint an individual who has received the degree of doctor of veterinary medicine as the director of the veterinary diagnostic laboratory.

SECTION 142. 36.58 (4) and (5) of the statutes are repealed.

SECTION 143. 36.58 (6) of the statutes ~~is~~ renumbered 37.58 (6).
Delete s. 36.59 (8).

SECTION 144. 36.60 (title) of the statutes is amended to read:

36.60 (title) ~~**Physician and dentist**~~ **Dentist loan assistance program.**

SECTION 145. 36.60 (1) (ag) of the statutes is renumbered 37.60 (1) (ag).

SECTION 146. 36.60 (1) (aj) of the statutes is renumbered 37.60 (1) (aj).

SECTION 147. 36.60 (1) (ap) of the statutes is renumbered 37.60 (1) (ap).

SECTION 148. 36.60 (1) (b) of the statutes is renumbered 37.60 (1) (b).

SECTION 149. 36.60 (1) (cm) of the statutes is renumbered 37.60 (1) (cm).

SECTION 150. 36.60 (1) (d) of the statutes is amended to read:

36.60 **(1)** (d) "Rural area" has the meaning given in s. ~~36.63~~ 37.63 (1) (c).

SECTION 151. 36.60 (2) (a) 1. of the statutes is renumbered 36.60 (2) (a) and amended to read:

36.60 **(2)** (a) ~~Except as provided in subd. 2., the~~ The board may repay, on behalf of a ~~physician or~~ dentist, up to $50,000 in educational loans obtained by the ~~physician~~

36.62 **(1)** Advise the board on matters related to the ~~physician and~~ dentist loan assistance program under s. 36.60 and the ~~health care provider~~ dental hygienist loan assistance program under s. 36.61.

SECTION 201. 36.62 (2) of the statutes is amended to read:

36.62 **(2)** Advise the board on the amount, up to $25,000, to be repaid on behalf of each ~~health care provider~~ dental hygienist who participates in the ~~health care provider~~ dental hygienist loan assistance program under s. 36.61.

SECTION 202. 36.63 of the statutes is renumbered 37.63 and 37.63 (3) and (4) (b) 1., as renumbered, are amended to read:

37.63 **(3)** Annually by December 1, the department shall submit a plan for increasing the number of physician residency programs that include a majority of training experience in a rural area to the Rural Wisconsin Health Cooperative, the Wisconsin Hospital Association, and the Wisconsin Medical Society. The plan shall include a detailed proposed budget for expending the moneys appropriated to the board under s. ~~20.285~~ 20.280 (1) (qe) and demonstrate that the moneys do not supplant existing funding. The department shall consider comments made by the organizations in formulating its final budget.

****NOTE: The instructions indicate that the requirement to submit a plan should be contingent on receiving appropriations for this purpose. How should this be accomplished, if the UW does not receive an appropriation that is specifically earmarked for such purpose? There needs to be appropriation language at s. 20.280(1)(fc). (See pg. 38 for proposed change).

****NOTE: How should we revise the reference to not supplanting "existing funding"? leave it in.

****NOTE: We retained an appropriation from the critical access hospital assessment fund.

(4) (b) 1. The number of such physician residency positions funded in whole or in part under this section or s. 36.63, 2009 stats., in the previous fiscal year.

SECTION 203. Chapter 37 of the statutes is created to read:

CHAPTER 37

UNIVERSITY OF WISCONSIN

Need statement of purpose and mission (see attached)

37.01 Definitions. In this chapter:

(1) "Authority" means the authority created in this chapter.

(2) "Board" means the board of trustees of the authority.

(3) "Board of regents" means the board of regents of the system.

add "campus" definition (and then can have references to "campus")

(4) "Chancellor" means the chief executive of the university.

(5) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in the university and such other employees as may be designated by the chancellor and faculty.

(6) "Student" means any person who is registered for study in the university for the current academic period. For the purpose of administering particular programs or functions involving students, the board shall adopt rules defining continuation or termination of student status during periods between academic periods.

(7) "System" means the University of Wisconsin System.

(8) "University" means the university operated by the board under this chapter.

37.02 University of Wisconsin: creation; organization of board of trustees. (1) (a) There is created an authority, which is a public body corporate and politic, to be known as the "University of Wisconsin." The board shall consist of the following:

1. The following members, at least ~~8~~ 7 of whom shall be university alumni, appointed by the governor for ~~2~~ 3–year terms:

a. One member of the board of regents.

b. One member who represents agricultural interests in this state.

~~c. One member who represents engineering interests in this state~~.

d. ~~Ten~~ Nine additional members.

2. The following members appointed for 3–year terms:

a. ~~One~~ Two faculty members selected by the faculty.

b. One university employee who is not a faculty member, selected by university employees who are not faculty.

c. ~~Three~~ Six university alumni selected jointly by the Wisconsin Alumni Research Foundation board,

~~d. Three university alumni selected by~~ the Wisconsin Alumni Association board, and

~~e. Three university alumni selected by~~ the University of Wisconsin Foundation board.

3. One student enrolled in the university, selected by students enrolled in the university, for a 2–year term.

4. The chancellor, who shall serve as a nonvoting member.

(b) Members appointed under par. (a) 1. d. and 2. c. ~~to e.~~ shall have management experience or posses expertise in aspects of the university's mission~~s~~, including undergraduate, graduate, and professional education, research, intellectual property, support of existing industries, new business startups, and public service.

deleted reference to "donors". Was that on purpose?

(c) Members appointed under par. (a) 1. and ~~may serve no more than 3 consecutive terms. Members appointed under par.~~ (a) 2. ~~may serve no more than 2 consecutive terms~~ are not limited in the number of terms they may serve. The member appointed under par. (a) 3. may serve no more than one term.

~~but may only serve two terms consecutively.~~

(2) A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

(3) A member of the board may not be compensated for his or her services but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of his or her duties.

(4) No cause of action of any nature may arise against and no civil liability may be imposed upon a member of the board for any act or omission in the performance of his or her powers and duties under this chapter, unless the person asserting liability proves that the act or omission constitutes willful misconduct.

(5) The members of the board shall annually elect a chairperson and may elect other officers as they consider appropriate. Thirteen 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.

(6) The board shall appoint a chancellor to serve as chief executive officer of the university. The chancellor serves at the pleasure of the board. The chancellor shall receive such compensation as the board fixes. ~~The chancellor or other person designated by resolution of the board shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority, the minute book or journal of the authority, and its official seal. The chancellor or other person may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.~~

Instead add 36.07(2) for secretary.

1 **(7)** The state treasurer shall be the treasurer of the board for those moneys
2 appropriated to the board under s. 20.280.

3 **(8)** (a) The board shall provide in its operating policies for access to the board
4 by the public, faculty, students and chancellors.

5 (b) The board meetings shall be open and all records of such meetings and of
6 all proceedings of the board shall be open to inspection in accordance with subchs.
7 II and V of ch. 19.

8 **37.03 Responsibilities. (1)** BOARD. (a) The primary responsibility for
9 governance of the authority is vested in the board, which shall operate a university
10 at or near the seat of government, and enact policies for governing the university.
The board shall assist the university in carrying out its mission and preserving and enhancing its quality and global status, and shall contribute to the official development ~~and~~ function of the university.

11 (b) The board shall determine the educational programs to be offered by the
12 university and may discontinue educational programs as it deems necessary.

13 (c) The board shall appoint a chancellor; faculty; and all other employees ~~academic staff~~; the state
14 geologist; the director of the laboratory of hygiene; the director of the psychiatric
15 institute; the state cartographer; ~~and other employees~~ and fix the salaries, the duties
16 and the term of office for each. No sectarian or partisan tests or any tests based upon without limitation
17 race, religion, national origin, or sex shall ever be allowed or exercised in the
18 appointment of the employees of the university.

19 (d) The board shall delegate to the chancellor the necessary authority for the
20 administration and operation of the university within the policies and guidelines
21 established by the board.

NO.

****NOTE: Other authorities have the power to incur debt and issue notes, bonds, and other obligations. I assume that we don't want the authority to issue notes, etc., but do we want to specify that it can incur debt? If so, is the state liable for the debt? Note that if the state is not liable, that might undercut sovereign immunity. On a related point, other authorities have the following provision in their statutes: "Neither the state nor any political subdivision of the state, nor any officer, employee, or agent of the state or a political subdivision of the state who is acting within the scope of employment or agency,

(e) add language attached here

is liable for any debt, obligation, act, or omission of the authority." We did not include such a provision in ch. 37. Do we need to include it? No.

1 **(2)** CHANCELLOR. The chancellor shall be vested with the responsibility of
2 administering board policies and be accountable and report to the board on the
3 operation and administration of the university. Subject to board policy, the
4 chancellor, in consultation with the faculty, shall be responsible for designing
5 curricula and setting degree requirements; determining academic standards and
6 establishing grading systems; defining and administering institutional standards
7 for faculty peer evaluation and screening candidates for appointment, promotion
8 and tenure; recommending individual merit increases; administering associated
9 auxiliary services; and administering all funds, from whatever source, allocated,
10 generated or intended for use of the university. The chancellor may designate a
11 person as provost, to act as chief executive officer of the institution in the chancellor's
12 absence.

13 **(3)** FACULTY. The faculty, subject to the responsibilities and powers of the board
14 and the chancellor, shall be vested with responsibility for the immediate governance
15 of the university and shall actively participate in university policy development. As
16 such, the faculty shall have the primary responsibility for academic and educational
17 activities and faculty personnel matters. The faculty shall have the right to
18 determine their own faculty organizational structure and to select representatives
19 to participate in university governance.

20 **(4)** ACADEMIC STAFF. Those university employees who immediately prior to the
21 effective date of this subsection .... [LRB inserts date], were ~~classified~~ designated as academic
22 staff at the University of Wisconsin–Madison, and university employees who have been hired or designated as "Academic staff" at the University of Wisconsin, subject to the responsibilities and
23 powers of the board, the chancellor, and the faculty, shall be active participants in

1 the immediate governance of and policy development for the university. Those
2 employees have the primary responsibility for the formulation and review, and shall
3 be represented in the development, of all policies and procedures concerning them,
4 including personnel matters. They shall have the right to organize themselves in a
5 manner they determine and to select their representatives to participate in
6 university governance. ~~The board may determine that the responsibilities described~~
7 ~~in this subsection are to be shared with other university employees.~~

8 **(5)** STUDENTS. The students, subject to the responsibilities and powers of the
9 board, the chancellor, and the faculty shall be active participants in the immediate
10 governance of and policy development for the university. As such, students shall
11 have primary responsibility for the formulation and review of policies concerning
12 student life, services and interests. In consultation with the chancellor and subject
13 to the final confirmation of the board, students shall have the responsibility for the
14 disposition of those student fees that constitute substantial support for campus
15 student activities. The students shall have the right to organize themselves in a
16 manner they determine and to select their representatives to participate in
17 university governance.

18 ~~**37.04 Board of regents assistance and coordination. (1)** If requested by~~
19 ~~the board, the board of regents shall provide staff or other resources to assist the~~
20 ~~board in carrying out the purposes and provisions of this chapter.~~

21 ~~**(2)** To the greatest extent practicable, the board and the board of regents shall~~
22 ~~seek to coordinate their _____ programs.~~

****NOTE: Is the above necessary? No.

23 **37.11 Powers and duties of the board. (1)** GENERALLY. The board shall have
24 all the powers necessary or convenient to carry out the purposes and provisions of

this chapter. In addition to all other powers granted the board under this chapter, the board may specifically:

(a) Adopt, amend, and repeal any bylaws, policies, and procedures for the regulation of its affairs and the conduct of its business.

(b) Have a seal and alter the seal at pleasure.

(c) Maintain an office.

~~(d) Sue and be sued.~~

****NOTE: Does par. (d) undercut the university's sovereign immunity? yes

(e) Accept gifts, grants, loans, or other contributions from private or public sources. and, where necessary and appropriate, transfer such moneys to the University of Wisconsin foundation to administer according to its terms.

(f) Establish the university's annual budget and monitor the fiscal management of the university.

(g) Execute contracts and other instruments required for the operation of the university. (1g) see attached.

(1m) PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY. (a) The board may adopt rules 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~~ university. Any person who violates any rule promulgated under this paragraph may be fined not more than $500 or imprisoned not more than 90 days or both.

(b) Except as provided in this paragraph, the board may purchase, have custody of, hold, control, possess, lease, grant easements and enjoy any lands, buildings, books, records and all other property of any nature which may be necessary and required for the purposes, objects and uses of the university authorized by law. Any lease is subject to the powers of the University of Wisconsin Hospitals and Clinics

Authority under s. 233.03 (13) and the rights of the authority under any lease agreement, as defined in s. 233.01 (6). The board shall not permit a facility that would be privately owned or operated to be constructed on state–owned land without obtaining prior approval of the building commission under s. 13.48 (12). The board may sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the best interests of the university and the state. ~~All purchases and sales of real property are subject to the approval of the building commission. The provision of all leases of real property to be occupied by the board shall be the responsibility of the department of administration under s. 16.84 (5).~~

(c) The board may adopt rules 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 university in any or all of its authorized activities 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.

(cm) The board shall promulgate rules prescribing the times, places and manner in which political literature may be distributed and political campaigning may be conducted in state–owned residence halls. No such rule may authorize any activity prohibited under s. 11.36 (3) or (4).

(d) 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.

(e) The board, with the approval of the building commission, may sell or lease state–owned residence halls to a state agency or nonstate nonprofit agency for purposes of alternate use.

(2) POLICE AUTHORITY. (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which the university is located. All ~~campus~~ university police officers shall cooperate with and be responsive to the 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 adopted 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.

(b) The board may employ police for the university 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 chancellor or the chancellor's designee~~s~~. 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 preserve the peace on all property described under par. (a), enforce all rules adopted 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.

1 **(3)** ADMISSION OF APPLICANTS. (a) The board shall establish the policies for
2 admission to the University and within these policies ~~each school~~ shall establish
3 specific requirements for admission to its courses of instruction. No sectarian or
4 partisan tests or any tests based upon race, religion, national origin of U.S. citizens
5 or sex shall ever be allowed in the admission of students thereto.

6 ~~(c)~~ b The board may establish policies for the appropriate transfer of credits with
7 other educational institutions.

8 **(4)** INJUNCTIVE RELIEF. The board may obtain injunctive relief to enforce this
9 chapter or any rules adopted under this chapter.

10 **(5)** INSURANCE. (a) The board may procure liability insurance covering the
11 members of the board, any officer, employee or such students whose activities may
12 constitute an obligation or responsibility of the university.

13 (b) The board may procure insurance to cover injuries sustained by students
14 as a result of their participation in intercollegiate athletics. The board may not use
15 general purpose revenue to pay for such insurance. With respect to any of the risks
16 to be covered by the insurance, the board may contract for the services of a claims
17 administrator and may obtain coverage by any combination of self–insurance, excess
18 or stop–loss insurance or blanket insurance.

19 **(6)** FINANCIAL AIDS. (a) The board may:

20 1. Make grants to students from funds budgeted to or controlled by the
21 university and formulate policies and promulgate rules for the grants.

22 2. Make grants equivalent in value to the payment of incidental fees to disabled
23 residents of the state who are recommended and supervised by the department of
24 workforce development under s. 47.02.

1 (b) The board may not make a grant under par. (a) to a person whose name
2 appears on the statewide support lien docket under s. 49.854 (2) (b), unless the
3 person provides to the board a payment agreement that has been approved by the
4 county child support agency under s. 59.53 (5) and that is consistent with rules
5 promulgated under s. 49.858 (2) (a).

6 **(7)** CONFER DEGREES. The board may confer such degrees and grant such
7 diplomas as are usual in universities or as it deems appropriate.

8 **(8)** PARKING RULES. (a) The board may make general policies and shall
9 authorize the chancellor to adopt rules regulating the parking of motor vehicles on
10 property under ~~his or her~~ its jurisdiction.

11 (b) The board shall establish fines for the violation of any rule adopted under
12 par. (a). The university may collect such fines together with moneys collected from
13 the sale of parking permits and other fees established under par. (a), to be used only
14 for the purpose of developing and operating parking or other transportation facilities
15 at the university and for enforcing parking rules under par. (a).

16 **(8e)** PARKING FEES. The board shall charge a parking fee for the parking of
17 motor vehicles by students, employees, and visitors at campus. The board shall
18 require the fee to be sufficient to recover the costs of the construction and
19 maintenance necessary for the parking facilities. Nothing in this paragraph
20 requires the recovery of the costs of land for parking facilities. Nothing in this
21 paragraph requires that all users of the parking facilities be charged a parking fee.

22 **(8m)** TRANSPORTATION PLANNING. The board shall work with the regional
23 planning commissions and the local authorities of the community in which the
24 university is located to evaluate the transportation needs of the ~~campus~~ university population.
25 The board shall develop a transportation plan for the university to effect energy

law and may purchase annuities for its employees pursuant to these agreements from such annuity providers, both public and private, as the board deems appropriate.

(15m) FOOTBALL COACHES PENSION PLAN. The board may deduct contributions from the salaries of football coaches employed in the system who are eligible and wish to participate in the qualified pension plan for football coaches established as the American football coaches retirement trust, and remit the deductions to the administrator of that plan, if the American football coaches retirement trust or the administrator or agent of the plan indemnifies the board and its employees against, and holds the board and its employees harmless from, all claims and demands associated with the plan.

~~**(16)** COMMENCEMENT OF FALL SEMESTER. The board shall ensure that no fall semester classes at any school, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.~~

(17) SABBATICAL LEAVE FOR INSTRUCTIONAL FACULTY. The board may grant sabbatical leave of up to one year to university faculty, in order to recognize and enhance teaching efforts and excellence, under rules and procedures adopted by the board, subject to the following conditions:

(a) Sabbatical leave may be granted only to those faculty members who have completed 6 or more years, or the equivalent, of full–time instructional service in the university.

(b) Only one sabbatical leave may be granted for each 6 years of full–time instructional service in the university with preference given to those who have been making significant contributions to teaching and have not had a leave of absence except under s. 103.10, regardless of source of funding, in the previous 4 years.

(c) Sabbatical leave shall be granted for the purposes of enhancing teaching, course and curriculum development or conducting research or any other scholarly activities related to instructional programs within the field of expertise of the faculty member taking such leave.

(d) Sabbatical leave shall be approved by appropriate faculty and administrative committees.

(e) A faculty member shall receive compensation while on sabbatical leave, but such compensation, when combined with outside compensation earned while on leave, shall not exceed the full compensation normally received from the university.

(f) The faculty member taking a sabbatical leave shall agree to return to the university for at least one year after the termination of the sabbatical or return any compensation received from the university during the sabbatical.

~~(g) Funding for the sabbatical leave program shall be provided from the existing general operations appropriation for the university.~~

****NOTE: Should par. (g) be deleted? yes

(21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE. Any student who engages in an activity, on ~~campus~~ University property or at an event sponsored by the university, that constitutes a violation of ch. 961 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a ~~system~~ university environment that is free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

1 **(22)** ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL
2 HARASSMENT. (a) The board shall do all of the following:
3 1. Incorporate in the orientation program for newly entering students oral and
4 written or electronic information on sexual assault and sexual harassment, as
5 defined in s. 111.32 (13), including information on sexual assault by acquaintances
6 of the victims and on all of the following:
7 a. The legal definitions of, and penalties for, sexual assault under ss. 940.225,
8 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and
9 harassment under s. 947.013.
10 b. Generally available national and state statistics, and ~~campus~~ university statistics as
11 compiled under par. (c) and as reported under par. (d), on sexual assaults and on
12 sexual assaults by acquaintances of the victims.
13 c. The rights of victims under ch. 950 and the services available at the
14 university and in the community to assist a student who is the victim of sexual
15 assault or sexual harassment.
16 d. Protective behaviors, including methods of recognizing and avoiding sexual
17 assault and sexual harassment and locations in the community where courses on
18 protective behaviors are provided.
19 2. Annually supply to all students enrolled in the university printed or
20 electronic material that includes all of the information under par. (a).
21 (b) Annually, the board shall submit a report to the chief clerk of each house
22 of the legislature for distribution to the appropriate standing committees under s.
23 13.172 (3). The report shall indicate the methods the university has used to comply
24 with par. (a).

(c) Any person employed at the university who witnesses a sexual assault on university property ~~campus~~ or receives a report from a student enrolled in the university that the student has been sexually assaulted shall report to the dean of students. The dean of students shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

(d) Annually, the university shall report to the office of justice assistance in the department of administration statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on university property ~~campus in~~ the previous year. The office of justice assistance shall include the statistics in appropriate crime reports published by the office.

(26) BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish a process for submission of building projects to the building commission for approval. No building project for the university ~~system~~ may be submitted by the board to the building commission unless the project is developed and approved by the board in conformity with this subsection. This subsection does not apply to building projects of the University of Wisconsin Hospitals and Clinics Authority.

****NOTE: Is this correct?

(27) CONDITION ON FINANCIAL ASSISTANCE. The board may not provide any state financial assistance under this chapter to any person during the period that the person is required to register with the selective service system under 50 USC, Appendix, sections 451 to 473 if the person has not so registered.

(28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board shall negotiate and enter into a lease agreement with the University of Wisconsin

1 prefers, shall give the student the same priority in registering for courses that the
2 student would have had if he or she had registered for courses at the beginning of the
3 registration period, and, at the student's request, do one of the following for all
4 courses from which the student had to withdraw:

5 (a) Reimburse the student all tuition and fees paid for all the courses and a
6 prorated portion of room and board payments.

7 (b) Grant the student an incomplete in all the courses and permit the student
8 to complete the courses, within 6 months after leaving state service or active service,
9 without paying additional tuition or fees.

10 **(48)** REPORT ON UTILITY CHARGES; ASSESSMENT OF CERTAIN UTILITY CHARGES. The
11 board shall report annually to the department of administration on utility charges
12 in the following fiscal year to fund principal and interest costs incurred in purchasing
13 the Walnut Street steam and chilled–water plant enumerated under 2003 Wisconsin
14 Act 33, section 9106 (1) (g) 2. and in renovating and adding an addition to the Charter
15 Street heating and cooling plant enumerated under 2009 Wisconsin Act 28, section
16 9106 (1) (g) 3., and the methodology used to calculate those charges. The board may
17 not assess the utility charges until the charges are approved by the department of
18 administration.

19 **(50)** RESERVE OFFICER TRAINING CORPS. The board may not a~~llocate general~~
20 ~~purpose revenue for the operation of any school within the university that~~ prohibit~~s~~
21 the reserve officer training corps from operating on its campus.

****NOTE: Is this correct?

22 **(51)** AUTOMOBILE ALLOWANCE. The board may not use general purpose revenue,
23 tuition, or academic fees for the chancellors' automobile allowance.

****NOTE: Subsections (1), (2), and (8) present police power issues. If the UW is not the state, it does not have governmental powers and cannot arrest or impose penalties

(fines of forfeitures) on persons who violate its rules or policies. (Also, note that its "rules" would not be promulgated under ch. 227.) See #4 in Lynch email from 2/3/11.

1 **37.12 Student discrimination prohibited. (1)** No student may be denied
2 admission to, participation in or the benefits of, or be discriminated against in any
3 service, program, course or facility of the university because of the student's race,
4 color, creed, religion, sex, national origin, disability, ancestry, age, sexual
5 orientation, pregnancy, marital status or parental status.

6 **(2)** (a) The board shall establish policies and procedures to protect students
7 from discrimination under sub. (1). The policies and procedures shall do all of the
8 following:

9 1. Provide criteria for determining whether sub. (1) has been violated.

10 2. Provide remedies and sanctions for violations of sub. (1).

11 3. Require a complainant to file a complaint with the university within 300
12 days of the alleged violation of sub. (1).

13 4. Provide periods within which the complainant and the university must act
14 for each procedural step leading to the issuance of a final decision and for appeal of
15 the final decision to the chancellor.

16 (b) The board shall establish policies and procedures for the appeal of the
17 chancellor's decision to the board.

18 **37.13 Faculty tenure and probationary appointments. (1)** DEFINITIONS.
19 In this section:

20 (a) "Probationary appointment" means an appointment by the board held by
21 a faculty member during the period which may precede a decision on a tenure
22 appointment.

1 (c) A tenure appointment may be granted to any ranked faculty member who
2 holds or will hold a half–time appointment or more. The proportion of time provided
3 for in the appointment may not be diminished nor increased without the mutual
4 consent of the faculty member and the institution subject only to sub. (5) and s. 37.21.
5 (d) A probationary appointment shall not exceed 7 consecutive academic years
6 in a full–time position. A leave of absence, sabbatical or a teacher improvement
7 assignment does not constitute a break in continuous service and shall not be
8 included in the 7–year period. The board may promulgate rules specifying additional
9 circumstances that do not constitute a break in continuous service and that shall not
10 be included in the 7–year period.
11 **(3)** RULES. The board and its several faculties shall adopt rules for tenure and
12 probationary appointments, for the review of faculty performance and for the
13 nonretention and dismissal of faculty members.
14 **(4)** CONTINUATION OF APPOINTMENT. (a) Any person who holds a tenure
15 appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on
16 July 9, 1974 shall continue to hold tenure as defined under those chapters and
17 related rules. See attached for addition to s. 37.13(4)
18 (b) Any person who holds the equivalent of a probationary appointment under
19 ch. 36, 1971 stats., and ch. 37, 1971 stats., and related rules on July 9, 1974 shall
20 continue to enjoy the contractual rights and guarantees as defined under those
21 chapters and related rules, and may elect to be considered for tenure according to the
22 procedures existing under that appointment or under sub. (2).
23 (c) Any person who is not a ranked faculty member on August 15, 1991, and who
24 is also described under subd. 1. or 2. shall be treated as a faculty member with the
25 rank of associate professor for all purposes:

1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under ch. 37, 1971 stats., prior to July 10, 1974.

2. Any person who held an unranked probationary appointment under ch. 37, 1971 stats., prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.

(5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final. ~~subject to judicial review under ch. 227.~~ The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule.

~~**(6)** LIMITATION. Tenure and probationary appointments are in a particular school. A tenure appointment is limited to the school in which the appointment is held.~~

****NOTE: Subs. (2) (b) 3. and (6) referred to "institution." In sub. (2) (b) 3. I changed the term to "university" and in sub. (6) I changed it to "school." Okay?

37.14 Wisconsin distinguished professorships. (1) The board may establish distinguished professorships under this section.

(2) The board may pay under this section the salary and fringe benefit costs of the professor holding the distinguished professorship and of any graduate assistant assigned to the professor, and the equipment, supplies and travel costs of the professor and the graduate assistants assigned to the professor.

37.15 see attached.

Notwithstanding SS. 37.13(4) and 37.15 (2) and (3),

37.21 Lapse of appointments. The board may, with appropriate notice, terminate any appointment when a financial emergency exists. No person may be employed at the university within 2 years to perform reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a reappointment. The board, after consultation with the faculty and chancellor, shall adopt procedures to be followed in the event of termination under this section.

****NOTE: If you wish to "notwithstand" specific provisions in ch. 37, let us know.

37.23 Conflict of interest. No member of the board of trustees, or other person appointed or employed in any position in the university, may at any time act as an agent for any person or organization if the act would create a conflict of interest with the terms of the person's service in the university. The board shall define conflicts of interest and adopt policies related thereto.

37.25 Special programs. (2) WISCONSIN RESIDENTS PREFERENCE IN HOUSING. Preference as to rooming, boarding and apartment facilities in the use of living units operated by any university shall, for the following school year, be given to students who are residents of this state and who apply before March 15, unless a later date is set by the board. Such preference shall be granted in accordance with categories of priority established by the board. Leases or other agreements for occupancy of such living units shall not exceed a term of one calendar year. The board may establish requirements for the execution of this subsection.

****NOTE: In the last sentence, we changes "promulgate rules" to "establish requirements." ok.

~~(3) AGRICULTURAL DEMONSTRATION STATIONS, EXPERIMENTS, DEMONSTRATIONS. (d) The board may establish such agriculturally related research and instructional~~

1 ~~programs at the university as it deems advisable so long as such programs are~~
2 ~~compatible with a single statewide integrated research and extension program.~~

****NOTE: Is it necessary to require compatibility with programs of the System under s. 36.25 (3), which has the similar language? No.

3 **(3m)** SOLID WASTE EXPERIMENT CENTERS. (a) In this subsection, "solid waste
4 disposal" has the meaning given in s. 289.01 (34).
5 (b) The board may establish one or more solid waste experiment centers for the
6 purpose of developing, demonstrating, promoting and assessing the costs and
7 environmental effects of alternatives to solid waste disposal. The board shall
8 determine the location of the solid waste experiment centers. In making the
9 determination, the board shall consider the solid waste disposal needs of the various
10 regions of the state. The board may establish, through cooperative agreements, solid
11 waste experiment centers at existing publicly owned or privately owned storage,
12 treatment or disposal facilities.
13 (c) The board shall conduct research into alternatives to solid waste disposal,
14 including the reuse and recycling of materials, composting, source separation and
15 the disposal of household hazardous wastes. The board shall also conduct research
16 into the safe disposal of solid waste that cannot be composted or recycled. Research
17 conducted under this paragraph shall include technologies suitable for application
18 to waste streams of less than 50 tons of solid waste per day and shall consider the
19 environmental effects of the technologies being researched and measures which
20 could be taken to mitigate such effects. Research conducted under this paragraph
21 shall be designed for the benefit of all public and private entities responsible for the
22 collection, storage, transportation, treatment or disposal of solid waste and all
23 persons who generate solid waste.

****NOTE: We did not reproduce s. 36.25 (3m) (d), which states: "The board shall appoint a solid waste research council under s. 15.04 (1) (c) consisting of the chancellor of each institution that has faculty with expertise in solid waste disposal or his or her designee. The council shall advise the board concerning the awarding of funds for research projects under par. (c) proposed by institutions." We're not sure whether the new UW board has authority to appoint a council under s. 15.04 (1) (c). More importantly, the council would consist of only one member, the chancellor of the UW. Therefore, the council is probably not necessary. Is that okay? yes.

(9) STATE SOILS LABORATORY. The board shall establish a state soils and plant analysis laboratory in connection with the College of Agricultural and Life Sciences of the University of Wisconsin and the University of Wisconsin–Extension. The laboratory shall, at the request of the owner or occupant of any lands in the state and upon the payment of such fees as are prescribed, make field examinations and analyses of the soil and plant tissue and when possible interpret the results of such investigation and make appropriate recommendations. The board through the College of Agricultural and Life Sciences of the University of Wisconsin may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith and provide related services to individual citizens at cost.

****NOTE: See the note following the amendment of s. 36.25 (9). See suggested changes at s. 36.25(9).

(14m) MINORITY AND DISADVANTAGED PROGRAMS. (a) The board shall allocate funds ~~under s. 20.280 (4) (a)~~ to fund programs for recruiting minority and disadvantaged students and to fund programs for minority and disadvantaged students enrolled in the system. The ~~funding under s. 20.280 (4) (a) for these programs is in addition to any other funding provided by law.~~

****NOTE: ~~We need to create an appropriation in s. 20.280 (4) (a), or revise~~ the above.

(b) Annually by April 15, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the system. ~~The~~ plan shall include allocations from the appropriation under s. 20.280 (4) (a).

→ yes create appropriation.

****NOTE: We need to create an appropriation in s. 20.280 (4) (a), or revise the above.

1 (c) Annually by April 15, the board shall submit a report to the governor and
2 to the chief clerk of each house of the legislature for distribution to the appropriate
3 standing committees under s. 13.172 (3). The report shall include all of the following:
4 1. The plan adopted under par. (b).
5 2. All financial aid distributed to students, categorized by ethnic group, class
6 level and dependency status. The report shall include information on financial need,
7 percentage of need satisfied by loan, percentage of need satisfied by grant and the
8 percentage remaining unsatisfied.
9 **(15)** MILITARY INSTRUCTION. The board may provide courses in military science
10 and tactics.
11 **(46)** MENINGOCOCCAL DISEASE AND HEPATITIS B. (a) The board shall do all of the
12 following:
13 1. Annually, provide detailed information on the risks associated with
14 meningococcal disease and hepatitis B and the availability and effectiveness of
15 vaccines against the diseases to each enrolled student, if he or she is at least 18 years
16 old, or to the student's parent or guardian, if the student is a minor.
17 2. Require a student who resides in a dormitory or residence hall, or the
18 student's parent or guardian if the student is a minor, to affirm that the student
19 received the information under subd. 1.
20 3. Require a student who resides in a dormitory or residence hall to affirm
21 whether he or she has received the vaccination against meningococcal disease and
22 to provide the date of the vaccination, if any.

1 (b) The board may remit nonresident tuition, in whole or in part, but no other
2 fees, except in special circumstances as approved by the chancellor, to worthy and
3 needy foreign students and to students who are United States citizens but whose
4 residence is not in the United States.

5 (c) In addition to the remissions of nonresident tuition under this subsection,
6 the board may, as athletic scholarships, grant full remission of fees and nonresident
7 tuition, up to the maximum number allowed by the appropriate athletic conference
8 as recommended by the chancellor.

9 (d) The board shall remit nonresident tuition and fees, in whole or part, to
10 resident and nonresident graduate students who are fellows or who are employed
11 within the system as faculty, instructional staff, or assistants with an appointment
12 equal to at least 33% of a full–time equivalent position.

****NOTE: I removed "academic" from the term "academic staff" in par. (d). OK? yes.

13 **(3m)** FEE REMISSIONS FOR SURVIVORS. (a) In this subsection:

14 1. "Correctional officer" has the meaning given in s. 102.475 (8) (a).

15 1g. "Emergency medical services technician" means an individual under s.
16 256.01 (5) or (9).

17 1m. "Fire fighter" means any person employed by this state or any political
18 subdivision of this state as a member or officer of a fire department whose duties
19 include fire fighting or fire fighting training or a member of a volunteer fire
20 department whose duties include fire fighting or fire fighting training.

21 2. "Law enforcement officer" has the meaning given in s. 165.85 (2) (c) and
22 includes a person appointed as a conservation warden under s. 23.10.

educational aids board and the board shall reimburse those students as provided in s. 39.50 (4).

(c) The higher educational aids board shall reimburse the board for all nonresident tuition, academic fees, and segregated fees remitted under par. (b) as provided in s. 39.50 (1) and (3m).

****NOTE: Please note the treatment of ss. 20.235 (1) (fz) and 39.50 (1m), (3m), and (4) associated with subs. (3n) and (3p).

(3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The board shall grant a $25 remission of nonresident tuition or academic fees to any student enrolled in the system as an undergraduate for each valid voucher issued to the student under s. 45.60 (3).

****NOTE: Please see the treatment of ss. 45.60 (3) (b) and 895.515 (1) (b) associated with this section.

(4) Subsections (1) (b) and (2) to (3r) do not apply beginning on the date the board adopts a resolution to that effect or on July ~~1, 2012~~ 2013, whichever occurs sooner.

****NOTE: "Fees" in this section refers to resident tuition and segregated fees. In sub. (3), nonresident tuition is remitted but not fees (resident tuition and segregated fees). See email from Lynch #3 dated 2/3/11.

37.29 Gifts. (1) All gifts, grants, and bequests for the benefit or advantage of the university or any of its departments or facilities or to provide any means of instruction, illustration, or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except as otherwise provided in this subsection and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases. No investment of the funds of such gifts, grants, or bequests shall knowingly be made in any company,

1 corporation, subsidiary, or affiliate that practices or condones through its actions
2 discrimination on the basis of race, religion, color, creed, or sex. This subsection does
3 not apply to a gift, grant, or bequest that the board declines to accept or that the board
4 is not authorized to accept under this section.

5 **(2)** All gifts, grants, or bequests under sub. (1) may be made to the board, the
6 chancellor, or any officer, or to any person as trustee, or may be charged upon any
7 personal representative, trustee, heir, devisee, or legatee, or made in any other
8 manner indicating an intention to create a trust, and may be made as well for the
9 benefit of the university or any of its schools, departments, or facilities to provide any
10 means of instruction, illustration, or knowledge in connection therewith, or for the
11 benefit of any students or any class or group of students whether by way of
12 scholarship, fellowship, or otherwise, or whether for the benefit of students or any
13 class or group of students in any course, subcourse, special course, postgraduate
14 course, summer school or teachers course, oratorical or debating course, laboratory,
15 shop, lectureship, drill, gymnasium or any other like division or department of study,
16 experiment, research, observation, travel, or mental or physical improvement in any
17 manner connected with the university, or to provide for the voluntary retirement of
18 any of the faculty.

19 **(3)** It shall not be necessary for a gift, grant, devise or bequest to exactly or
20 particularly describe the members of a class or group of students intended to be the
21 beneficiaries, but it shall be sufficient to describe the class or group. In such case,
22 the board shall divide, graduate or otherwise categorize the students into such
23 classes or groups as are necessary to select and determine those students belonging
24 to the class or group intended.

1 **(4)** Any grant, contract, gift, endowment, trust or segregated funds bequeathed
2 or assigned to the university or its component parts for any purpose whatsoever shall
3 not be commingled or reassigned.

4 **37.30 Sick leave.** Leave of absence with pay for university employees, owing
5 to sickness, shall be regulated by board policy, except that unused sick leave shall
6 accumulate from year to year.

7 **37.32 Student identification numbers.** The university may assign to each
8 enrolled student a unique identification number. The university shall not assign to
9 any student an identification number that is identical to or incorporates the
10 student's social security number. This section does not prohibit the university from
11 requiring a student to disclose his or her social security number, nor from using a
12 student's social security number if such use is required by a federal or state agency
13 or private organization in order for the university or the student to participate in a
14 particular program.

15 **37.335 Sale of other land; buildings and structures.** ~~The board shall~~
16 ~~credit the net proceeds of the sale of any real property under its jurisdiction to the~~
17 ~~appropriation account under s. 20.280 (1) (iz) except that if~~ There is any outstanding
18 public debt used to finance the acquisition, construction, or improvement of any
19 property that is sold, the board shall deposit a sufficient amount of the net proceeds
20 from the sale of the property in the bond security and redemption fund under s. 18.09
21 to repay the principal and pay the interest on the debt, and any premium due upon
22 refunding any of the debt. If the property was acquired, constructed, or improved
23 with federal financial assistance, the board shall pay to the federal government any
24 of the net proceeds required by federal law. If the property was acquired by gift or

1 grant or acquired with gift or grant funds, the board shall adhere to any restriction
2 governing use of the proceeds.

3 **37.34 Minority student programs. (1)** In this subsection, "minority
4 undergraduate" means an undergraduate student who is any of the following:

5 (a) A Black American.

6 (b) An American Indian.

7 (c) A Hispanic, as defined in s. 560.036 (1) (d).

8 (d) A person who is admitted to the United States after December 31, 1975, and
9 who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was
10 or is a citizen of Laos, Vietnam or Cambodia.

11 **(2)** The board shall establish a grant program for minority undergraduates
12 enrolled in the system. The board shall designate all grants under this subsection
13 as Lawton grants. The board may not make a grant under this subsection to a person
14 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
15 unless the person provides to the board a payment agreement that has been
16 approved by the county child support agency under s. 59.53 (5) and that is consistent
17 with rules promulgated under s. 49.858 (2) (a).

****NOTE: I deleted all reference to appropriations in this section. OK? yes Also, do you want to retain the designation "Lawton grants" in sub. (2)? yes.

18 **37.35 Misconduct; campus security. (1)** POWER TO SUSPEND AND EXPEL. The
19 board may delegate the power to suspend or expel students for misconduct or other
20 cause prescribed by the board. The board shall adopt policies governing student
21 conduct and procedures for the administration of violations.

22 **(2)** AUTHORITY TO RESTRICT PRESENCE OF PERSONS ON CAMPUS. The chancellor or
23 the university's chief security officer during a period of immediate danger or

1 **37.43 Accommodation of religious beliefs.** The board shall adopt policies
2 providing for the reasonable accommodation of a student's sincerely held religious
3 beliefs with regard to all examinations and other academic requirements. The rules
4 shall include all of the following:

5 **(1)** Written and timely notification of all students and instructors of the rules
6 and complaint process.

7 **(2)** A means by which a student can conveniently and confidentially notify an
8 instructor of potential conflicts.

9 **(3)** A means by which a student is permitted to make up an examination or
10 academic requirement at another time or by an alternative means without any
11 prejudicial effect.

12 **(4)** A procedure for handling and resolving complaints.

13 **37.44 License plate scholarship program. (1)** The board shall establish
14 a scholarship program funded by the fees collected under s. 341.14 (6r) (b) 4. for the
15 university. The scholarships shall be awarded by the chancellor according to criteria
16 developed by the chancellor.

17 **(2)** Notwithstanding sub. (1), the board shall use the fees collected under s.
18 341.14 (6r) (b) 4. for the university's scholarship program to provide funds for the
19 university's division of intercollegiate athletics. When the board determines that the
20 division's deficit has been eliminated, the board shall use such fees as provided under
21 sub. (1). Adopt S. 36.48 without reference to Milwaukee.

22 **37.49 Environmental program grants.** Within the limits of available funds,
23 annually the board shall award need–based grants totalling $100,000 to students
24 who are members of underrepresented groups and who are enrolled in a program

1 that program and who failed to carry out his or her obligations under that program,
2 is not eligible for loan repayment under this section.

3 **(3)** AGREEMENT. (b) The agreement shall specify that the responsibility of the
4 board to make the payments under the agreement is subject to the availability of
5 funds as determined by the board.

****NOTE: Note new language regarding "subject to the availability of funds as determined by the board."

6 **(4)** LOAN REPAYMENT. Except as provided in sub. (4m), principal and interest due
7 on loans, exclusive of any penalties, may be repaid by the board at the following rate:

8 (a) Up to 40% of the principal of the loan or $20,000, whichever is less, during
9 the first year of participation in the program under this section.

10 (b) Up to an additional 40% of the principal of the loan or $20,000, whichever
11 is less, during the 2nd year of participation in the program under this section.

12 (c) Up to an additional 20% of the principal of the loan or $10,000, whichever
13 is less, during the 3rd year of participation in the program under this section.

14 **(5)** AVAILABILITY OF FUNDS; RIGHT OF ACTION AGAINST STATE. (a) The obligation of
15 the board to make payments under an agreement entered into under sub. (3) (b) is
16 subject to the availability of funds as determined by the board.

****NOTE: Note new language regarding "subject to the availability of funds as determined by the board."

17 (b) If the cost of repaying the loans of all eligible applicants, when added to the
18 cost of loan repayments scheduled under existing agreements, exceeds the total
19 amount of available funds, as determined by the board, the board shall establish
20 priorities among the eligible applicants based upon the following considerations:

****NOTE: Note new language regarding exceeding "the total amount of available funds, as determined by the board."

1 3. Coordination of state and federal programs available to assist rural health
2 care service delivery.
3 4. Strengthening coordination and maintenance of rural services and the
4 delivery system.
5 5. Development of mechanisms to reduce shortages of health care providers in
6 rural areas.

****NOTE: Should the UW be required to coordinate the report to the governor with the System Board of Regents report under s. 36.60 (8) (g)? No.

7 (h) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys
8 appropriated under s. 20.280 (1) (qj) are used under this section only to repay loans
9 on behalf of physicians who agree to practice in a rural area.

****NOTE: We created an appropriation at s. 20.280 (1) (qj) for the funding from the critical access hospital assessment fund. OK.

10 **(9)** EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans
11 as provided under this section on behalf of a physician under an expanded physician
12 loan assistance program that is funded through federal funds in addition to state
13 matching funds specifically appropriated by the legislature for this purpose. To be eligible for loan repayment under the expanded physician
14 loan assistance program, a physician must fulfill all of the requirements for loan
15 repayment under this section, as well as all of the following:

****NOTE: How does one determine what constitutes state matching funds?

16 (a) The physician must be a U.S. citizen.
17 (b) The physician may not have a judgment lien against his or her property for
18 a debt to the United States.
19 (c) The physician must agree to do all of the following:
20 1. Accept medicare assignment as payment in full for services or articles
21 provided.

2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician's services.

3. Practice at a public or private nonprofit entity in a health professional shortage area.

SECTION 205. 37.61 of the statutes is created to read:

37.61 Health care provider loan assistance program. (1) DEFINITIONS. In this section:

(ac) "Clinic hours" has the meaning given in s. 36.~~60~~ 7 (1) (ac).

(ad) "Council" means the rural health development council.

(e) "Rural area" has the meaning given in s. 37.63 (1) (c).

(2) ELIGIBILITY. The board may repay, on behalf of a health care provider, up to $25,000 in educational loans obtained by the health care provider from a public or private lending institution for education related to the health care provider's field of practice, as determined by the board with the advice of the council.

(3) AGREEMENT. (a) The board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a health care provider in the expanded loan assistance program under sub. (8) may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

(b) The agreement shall specify that the responsibility of the board to make the payments under the agreement is subject to the availability of funds as determined by the board.

1 (b) The board shall use any penalties assessed and collected under this
2 subsection for the program under this section.

****NOTE: We eliminated the reference to the appropriation under s. 20.285 (1) (jc).

3 **(7)** ADMINISTRATION. The board shall do all of the following:
4 (a) Identify communities with an extremely high need for health care.
5 (b) Publicize the program under this section to health care providers and
6 eligible communities.
7 (c) Assist health care providers who are interested in applying for the program
8 under this section.
9 (d) Assist communities in obtaining the services of health care providers
10 through the program under this section.
11 (e) Notwithstanding subs. (3) (b) and (5) (a) and (b), ensure that moneys
12 appropriated under s. 20.280 (1) (qj) are used under this section only to repay loans
13 on behalf of health care providers who agree to practice in a rural area.

****NOTE: We created s. 20280 (1) (qj) for the funding from the critical access hospital assessment fund. ok.

14 **(8)** EXPANDED LOAN ASSISTANCE PROGRAM. The board may agree to repay loans
15 as provided under this section on behalf of a health care provider under an expanded
16 health care provider loan assistance program that is funded through federal funds
17 in addition to state matching funds specifically appropriated by the legislature for this purpose. To be eligible for loan repayment under the
18 expanded health care provider loan assistance program, a health care provider must
19 fulfill all of the requirements for loan repayment under this section, as well as all of
20 the following:

****NOTE: How does one determine what constitutes state matching funds?

21 (a) The health care provider must be a U.S. citizen.

1. in the proportion that the moneys available bears to the total amount eligible for reimbursement under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1., 37.27 (3n) (bm) 1. and (3p) (bm) 1., and 38.24 (7) (bm) 1. and (8) (bm) 1. If the higher educational aids board prorates reimbursement under this subsection, the Board of Regents shall reimburse a student who is eligible for reimbursement under s. 36.27 (3n) (bm) 1. or (3p) (bm) 1., the Board of Trustees shall reimburse a student who is eligible for reimbursement under s. 37.27 (3n) (bm) 1. or (3p) (bm) 1., and the appropriate technical college district board shall reimburse a student who is eligible for reimbursement under s. 38.24 (7) (bm) 1. or (8) (bm) 1., in an amount that is equal to the difference between the amount of reimbursement for which the student is eligible and the amount of reimbursement paid by the higher educational aids board.

SECTION 210. 40.02 (54) (hm) of the statutes is created to read:

40.02 **(54)** (hm) The University of Wisconsin.

****NOTE: The above includes UW within the definition of "state agency" for purposes of ch. 40 (public employee trust fund).

****NOTE: Other changes to ch. 40 will be necessary to maintain the benefits of UW employees. Also, changes are necessary to ensure that current employees maintain their employment. See Section 9152(d).

SECTION 211. 45.60 (3) (b) of the statutes is amended to read:

45.60 **(3)** (b) A funeral director may issue a tuition voucher in the amount of $25 to an individual who sounds "Taps" on a bugle, trumpet, or cornet during each funeral for which military honors are held in this state for a person described in sub. (1) and who is a student in grades 6 to 12 or at an institution of higher education, as defined under s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment of tuition and required program activity fees at a University of Wisconsin System institution as provided under s. 36.27 (3r), the University of Wisconsin under s. 37.27 (3r), or a technical college as provided under s. 38.24 (6). The department

shall encourage private institutions of higher education to accept the vouchers. The vouchers are not transferable.

SECTION 212. 46.044 of the statutes is amended to read:

46.044 State psychiatric institute. There is established the state psychiatric institute to be maintained as a department of the University of ~~Wisconsin–Madison~~ Wisconsin. The statutes relating to admission, commitment, placement, transfer, custody and discharge of mentally ill persons are applicable to the psychiatric institute.

****NOTE: Are other changes necessary to make sure that the statutes mentioned in the 2nd sentence apply to the new UW board? No.

SECTION 213. 49.45 (8r) of the statutes is amended to read:

49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate of payment for obstetric and gynecological care provided in primary care shortage areas, as defined in s. ~~36.60~~ 37.60 (1) (cm), or provided to recipients of medical assistance who reside in primary care shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 214. 50.38 (10) of the statutes is amended to read:

50.38 **(10)** In each state fiscal year, the secretary of administration shall transfer from the critical access hospital assessment fund to the Medical Assistance trust fund an amount equal to the amount collected under sub. (2) (b) minus the state share of the amount required to be expended under s. 49.45 (3) (e) 12., minus the amounts appropriated under ~~s.~~ ss. 20.280 (1) (qe) and 20.285 (1) ~~(qe) and~~ (qj), and

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
3 Center Sports and Entertainment Corporation, the University of Wisconsin
4 Hospitals and Clinics Authority, ~~the University of Wisconsin,~~ the Wisconsin Health
5 and Educational Facilities Authority, the Wisconsin Aerospace Authority, the
6 Wisconsin Quality Home Care Authority, and the Fox River Navigational System
7 Authority.

****NOTE: The above prohibits the UW from performing motor vehicle repair that releases or may release ozone–depleting refrigerant from a mobile air conditioner or trailer refrigeration equipment, or installing or servicing a mobile air conditioner or trailer refrigeration equipment that contains ozone–depleting refrigerant, unless certain requirements are satisfied. See s. 100.45 (4).

****NOTE: If the above includes an inst. of higher ed., is it necessary to add UW? NO. Or if don't add, would it be confusing, as other authorities would be mentioned while not mentioning UW? NO.

****NOTE: We did not affect s. 101.055 (public employee safety and health). Note that s. 101.055 (2) (a) defines "agency" to include an authority, such as the UW.

8 **SECTION 219.** 101.177 (1) (d) of the statutes is amended to read:

9 101.177 **(1)** (d) "State agency" means any office, department, agency,
10 institution of higher education, association, society, or other body in state
11 government created or authorized to be created by the constitution or any law, that
12 is entitled to expend moneys appropriated by law, including the legislature and the
13 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
14 Center Sports and Entertainment Corporation, the University of Wisconsin
15 Hospitals and Clinics Authority, ~~the University of Wisconsin,~~ the Wisconsin
16 Aerospace Authority, the Wisconsin Quality Home Care Authority, and the
17 Wisconsin Health and Educational Facilities Authority, but excluding the Health
18 Insurance Risk–Sharing Plan Authority and the Lower Fox River Remediation
19 Authority.

****NOTE: The above prohibits the UW from installing or servicing a piece of refrigeration equipment that contains ozone-depleting refrigerant, unless certain requirements are satisfied. See s. 101.177 (2).

subject to

****NOTE: Do you want the UW to be subject to, or exempt from, s. 103.49 (wage rate on state work)? Depending on your intent, the definition of "state agency" in s. 103.49 (1) (f) should be clarified. Section 103.49 (1) (f) defines "state agency" as "any office, department, independent agency, ***institution of higher education***, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. 'State agency' also includes the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Wisconsin Aerospace Authority." (Emphasis added.)

****NOTE: Is it necessary to exclude the UW from the requirement to promulgate rules under ch. 227? What about contested cases under ch. 227? Include or exclude the UW? yes, but maintain WSS 18 - conduct on University lands.

SECTION 220. 118.40 (2r) (b) 1. g. of the statutes is created to read:

118.40 **(2r)** (b) 1. g. The chancellor of the University of Wisconsin.

SECTION 221. 230.03 (3) of the statutes is amended to read:

230.03 **(3)** "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

****NOTE: The above excludes the employees of the UW from the state civil service system.

SECTION 222. 233.02 (1) (b) of the statutes is amended to read:

233.02 **(1)** (b) Three members of the board of ~~regents~~ trustees of the University of Wisconsin appointed by the ~~president~~ chairperson of the board of ~~regents~~ trustees.

1 893.82 **(2)** (d) 4. An officer, employee, or agent of the University of Wisconsin.

2 **SECTION 240.** 895.46 (10) of the statutes is created to read:

3 895.46 **(10)** An officer, employer, or agent of the University of Wisconsin is a
4 state officer, employer, or agent for the purposes of this section.

5 **SECTION 241.** 895.515 (1) (b) of the statutes is amended to read:

6 895.515 **(1)** (b) "Institution of higher education" means an institution within
7 the University of Wisconsin System, the University of Wisconsin, a technical college,
8 or a private, nonprofit institution of higher education located in this state.

9 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
10 **System.**

11 (1) TRANSFER OF UNIVERSITY OF WISCONSIN–MADISON.

12 (a) *Definitions.* In this subsection:

13 1. "Authority" means the University of Wisconsin.

14 2. "Board of trustees" means the board of trustees of the authority.

15 3. "Board of regents" means the board of regents of the system.

16 4. "Secretary" means the secretary of administration.

17 5. "System" means the University of Wisconsin System.

18 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities, including but not limited to trust funds and real property, of the system that relate to the operation of the University of
20 Wisconsin–Madison, as determined by the secretary, shall become the assets and
21 liabilities of the authority.

22 (c) *Tangible personal property; records.* On the effective date of this paragraph,
23 all tangible personal property, including records, of the system that relates to the
24 operation of the University of Wisconsin–Madison, as determined by the secretary,
25 is transferred to the division.

(d) ~~*Employees.* All incumbent employees holding positions in the system performing duties primarily related to the operation of the University of Wisconsin–Madison, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the authority. Faculty transferred under this paragraph who have been granted a tenure appointment by the board of regents retain that appointment with the board of trustees.~~

(e) *Contracts.* All contracts entered into by the board of regents in effect on the effective date of this paragraph that are primarily related to the operation of the University of Wisconsin–Madison, as determined by the secretary of administration, remain in effect and are transferred to the board of trustees. The board of trustees shall carry out any obligations under such a contract until the contract is modified or rescinded by the board of trustees to the extent allowed under the contract.

(f) *Policies and procedures.* All policies and procedures of the system that are in effect the effective date of this paragraph, and that relate to the operation of the University of Wisconsin–Madison, become policies and procedures of the authority and remain in effect until their specified expiration date or until modified or rescinded by the board of ~~directors~~ trustees. All policies and procedures of the University of Wisconsin-Madison that are in effect the effective date of this paragraph, become policies and procedures of the authority.... (incl. rest of sentence).

(g) *Pending matters.* Any matter pending with the board of regents on the effective date of this paragraph that is primarily related to the operation of the University of Wisconsin–Madison, as determined by the secretary of administration, is transferred to the board of trustees and all materials submitted to or actions taken by the board of regents with respect to the pending matters are considered as having been submitted to or taken by the board of trustees.

(END)