

2011

LRB-1187



Making of "/>

Feb. 6th - 12th,
2011

Pt. 03

Grant, Peter

To: Boggs, Breann C - DOA
Subject: appropriations

Breann, here are my remaining questions:

- If (1) (kd) gets duplicated in 20.280, how should it read? And how should the (kd) to the UWS be amended?
- Same questions with (1) (ko).
- Regarding (1) (r): the environmental education board is in the UWS and isn't being moved, and 36.54 isn't being moved to or duplicated in the UW, so I think this one is no action.
- Regarding (1) (rc): same comment as above.
- Regarding (4) (a): this one looks like a no action to me; not duplicated.
- Regarding (4) (b): this one is repealed and not duplicated.
- Regarding (4) (dd): this one looks like a no action to me.

Also, I renumbered (6) (g) to be 20.280 (1) (g). Okay?

Peter

& NA w/ RE to (i) (fs) ?

kd

ko

Grant, Peter

From: Boggs, Breann C - DOA [Breann.Boggs@wisconsin.gov]
Sent: Monday, February 07, 2011 4:47 PM
To: Grant, Peter
Cc: Hanle, Bob - DOA
Subject: Chapter 20 schedule - actions
Attachments: Appropriations - Madison Share - FOR PETER.xls

Hi Peter,

The "Revised Chapter 20" tab in this spreadsheet includes all of the changes discussed at today's meeting, with a few additions.

- 20.285 (1) (je) references debt service payments for the Veterinary diagnostic lab, so I added this appropriation to the short list of PR in the 20.280 schedule.
- I spoke with Peter Maternowski and Frank Hoadley about the "steam and chilled-water plant" appropriations. It's not clear to me that they can be combined. Again, these are debt service repayments, if there is an attorney that focuses on that – maybe they will know.

Please note: I did NOT update the 'LRB action' column in the other worksheets within this spreadsheet.

The worksheet to use is the "Revised Chapter 20 for MTG".

Otherwise, call me if you have questions or need clarification on these notes. Or of course, if you think of a logical objection.

Best,

Breann C. Boggs

Executive Policy and Budget Analyst
Wisconsin Department of Administration
Division of Executive Budget and Finance
608.266.2843
breann.boggs@wisconsin.gov

Grant, Peter

From: Norman, Andrew [anorman@vc.wisc.edu]

Sent: Tuesday, February 08, 2011 9:08 AM

To: Grant, Peter

Cc: Rutherford, Lisa; Griffiths, Ben

Subject: RE:

Peter,

- 1) We cannot currently transfer state funds to the Foundation. We try to get our donors to gift to the UW Foundation as opposed to gifting directly to the University. When we receive a gift to "UW-Madison," it is forwarded to University Trust Funds for management. We would like the explicit power to transfer such gifts to the UW foundation instead, just so there is no question that we are not improperly transferring "state funds."
- 2) "University trust funds" includes gifts to all of the System institutions, as well as gifts directly to the System. It is mostly our money, but not entirely. It is our understanding that there is essentially one fund, with many sub-funds for the separate institutions.

Please do not hesitate to contact me if you need more information.

Andrew

Andrew Norman

Associate University Legal Counsel
Office of Administrative Legal Services
361 Bascom Hall, 500 Lincoln Drive
Madison, Wisconsin 53706
t: 608.263.7400 f: 608.263.4725

From: Rutherford, Lisa

Sent: Tuesday, February 08, 2011 8:48 AM

To: Griffiths, Ben; Norman, Andrew

Subject: FW:

Am I correct that right now we do NOT transfer gifts to the Foundation? I thought gifts here we managed by the BOR and gifts to Foundation were managed by the Foundation?

Do either of you know the answer to the second question below?

Feel free to answer directly to Peter with a copy to me. Thanks. Lisa

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]

Sent: Tuesday, February 08, 2011 8:40 AM

To: Rutherford, Lisa

Cc: Kunkel, Mark

Subject:

Lisa, a couple of questions:

First, I'm still a little confused about the UW Foundation. How does UW-Madison transfer gifts to the

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foundation now? I'm not aware of any authority to do that. And if UW-Madison has managed to do it, why would a non-state agency have any trouble?

Second, the statutes refer to the "university trust funds." Is there more than one? And is all the money in the university trust fund or funds the UW-Madison's, or only a portion? I'm still pondering whether we need an appropriation.

Thanks-

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Tuesday, February 08, 2011 9:55 AM
To: 'Norman, Andrew'
Cc: Kunkel, Mark; 'Rutherford, Lisa'
Subject: RE:

Good, maybe we'll have the same luck with the trust funds.

What I think I'll do is add the university trust funds to the transfer of assets and liabilities provision in the nonstatutory section. But just because I'm not 100% sure that the transfer constitutes an appropriation under Art. 8, sec. 2 of the constitution, I thought I'd create a SEG appropriation to the university in 20.280. What do you think of this:

University trust funds. From the university trust funds, all moneys received under 2011 Wisconsin Act ___ (this act), section 9152 (1) (b), for the purposes for which designated.

(I used "designated" to distinguish it from "received"; I intend for it to refer to the purpose for which the money was *first* received, not the purpose for which it was received *from* the trust fund.)

Do you think this works? The appropriation would be repealed July 1, 2012. Or do you need it for the entire biennium?

From: Norman, Andrew [mailto:anorman@vc.wisc.edu]
Sent: Tuesday, February 08, 2011 9:30 AM
To: Grant, Peter
Subject: RE:

Peter,

I think your suggested language is perfect, and will accomplish what we are looking for. Thanks much.

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Tuesday, February 08, 2011 9:25 AM
To: Norman, Andrew
Subject: RE:

Andrew, 36.29 (4), which is duplicated at 37.29 (4) for the UW, states that no gift or grant to the university may be commingled or reassigned. Do you think this sentence needs to change? Maybe a sub. (5) that reads, "Notwithstanding sub. (4), the board may transfer any gift or grant to the University of Wisconsin Foundation if the transfer is consistent with the terms of the gift or grant." What do you think?

From: Norman, Andrew [mailto:anorman@vc.wisc.edu]
Sent: Tuesday, February 08, 2011 9:08 AM
To: Grant, Peter
Cc: Rutherford, Lisa; Griffiths, Ben
Subject: RE:

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2/11/2011

Madison," it is forwarded to University Trust Funds for management. We would like the explicit power to transfer such gifts to the UW foundation instead, just so there is no question that we are not improperly transferring "state funds."

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Sent: Tuesday, February 08, 2011 8:40 AM
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Subject:

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Thanks-

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Tuesday, February 08, 2011 10:29 AM
To: 'Norman, Andrew'
Cc: 'Rutherford, Lisa'; Kunkel, Mark
Subject: Transfer of employees

Norman, we think it's important to explicitly transfer the employees, assuming that's your intent. We typically do this in a nonstat because it's a temporary provision and there's no need to print it in the statutes. You suggested deleting the provision, but I'm going to include the employee transfer provision in this next draft; it will say that the employees are transferred with all the rights and the same status under subch. V of ch. 111 and ch. 230 that they enjoyed before the transfer, *subject to s. 37.15* (which I understand you are working on). It will also say that a transferred employee who attained permanent status in class is not required to serve a probationary period. Okay?

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Tuesday, February 08, 2011 1:35 PM
To: 'Norman, Andrew'; 'Rutherford, Lisa'
Cc: Kunkel, Mark
Subject: Transfer of employees

When you get the draft this afternoon, take a look at the change to 37.11 (1g), the new language for the transfer of employees, and the new section regarding the application of ch. 230 in Section 9155, and let us know if they accomplish your intent.

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.wi.gov