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DOA:.....Boggs, BB0258 - Create authority for UW-Madison

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

HIGHER EDUCATION

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, and 13 two-year colleges. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. There are three boards created in or attached to the UW System: the Environmental Education Board; the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

Shared,

This bill creates an authority entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The authority is governed by the Board of Trustees, consisting of 21 members, 11 of whom are appointed by the governor, and the chancellor, who serves as a nonvoting member. The chancellor is appointed by the Board of Trustees to serve at its pleasure and is the chief executive officer of the authority. The shared governance system is preserved.

The bill transfers all assets and liabilities of the UW-Madison, including real property, and all incumbent UW-Madison employees, to the authority. Until July

1 13.48 (12) (b) 6. A facility constructed by or for the University of
2 Wisconsin-Madison.

3 **SECTION 21.** 13.48 (13) (a) of the statutes is amended to read:

4 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
5 facility that is constructed for the benefit of or use of the state, any state agency,
6 board, commission or department, the University of Wisconsin-Madison, the
7 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
8 System Authority, the Wisconsin Quality Home Care Authority, or any local
9 professional baseball park district created under subch. III of ch. 229 if the
10 construction is undertaken by the department of administration on behalf of the
11 district, shall be in compliance with all applicable state laws, rules, codes and
12 regulations but the construction is not subject to the ordinances or regulations of the
13 municipality in which the construction takes place except zoning, including without
14 limitation because of enumeration ordinances or regulations relating to materials
15 used, permits, supervision of construction or installation, payment of permit fees, or
16 other restrictions.

17 **SECTION 22.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
18 is amended to read:

19 13.48 (13) (a) Except as provided in par. (b) or (c) or (d), every building,
20 structure or facility that is constructed for the benefit of or use of the state, any state
21 agency, board, commission or department, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Quality Home Care Authority, the Wisconsin Economic Development Corporation,
24 or any local professional baseball park district created under subch. III of ch. 229 if
25 the construction is undertaken by the department of administration on behalf of the

1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July 1, 2012, the authority must implement its own personnel system. Tenured faculty at the UW-Madison retain their tenure at the authority. All contracts entered into by the Board of Regents that are primarily related to the operation of the UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

The bill does not require the Board of Trustees to promulgate administrative rules except for rules relating to conduct on university property. The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill places no limits on the amount of tuition that the authority may charge.

The authority is not a state agency and therefore is not required to deposit moneys that it receives into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. The bill authorizes the Board of Trustees to transfer gifts, grants, and donations to the UW Foundation.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfer their functions to the authority.

See also STATE GOVERNMENT - STATE BUILDING PLAN and OTHER STATE GOVERNMENT.

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building,

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1 subsection, the legislative audit bureau shall not examine issues related to academic
2 freedom within the University of Wisconsin-Madison or the University of Wisconsin
3 System. A postaudit shall not examine into or comment upon the content of the
4 various academic programs, including degree requirements, majors, curriculum or
5 courses within the University of Wisconsin-Madison or the University of Wisconsin
6 System, nor shall any such postaudit examine into the manner in which individual
7 faculty members or groups of faculty members conduct their instructional, research
8 or public service activities. This subsection does not preclude the bureau from
9 reviewing the procedures by which decisions are made and priorities set in the
10 University of Wisconsin-Madison or the University of Wisconsin System, or the
11 manner in which such decisions and priorities are implemented within the
12 University of Wisconsin-Madison or the University of Wisconsin System, insofar as
13 such review is not inconsistent with s. 36.09 or 37.03. The legislative audit bureau
14 shall audit the fiscal concerns of the state as required by law. To this end, it shall:

15 **SECTION 33.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
16 7, is amended to read:

17 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
18 credentialing board, commission, independent agency, council or office in the
19 executive branch of state government; all bodies created by the legislature in the
20 legislative or judicial branch of state government; any public body corporate and
21 politic created by the legislature including specifically the University of
22 Wisconsin-Madison, the Wisconsin Quality Home Care Authority, the Fox River
23 Navigational System Authority, the Lower Fox River Remediation Authority, and
24 the Wisconsin Aerospace Authority, the Wisconsin Economic Development
25 Corporation, a professional baseball park district, a local professional football

1 15.165 (3) (a) 8. One University of Wisconsin-Madison representative who is
2 a teacher participant in the Wisconsin retirement system.

3 **SECTION 40.** 15.347 (4) (f) of the statutes is created to read:

4 15.347 (4) (f) One from the University of Wisconsin-Madison appointed by the
5 board of trustees of the University of Wisconsin-Madison.

6 **SECTION 41.** 15.377 (8) (c) 8m. of the statutes is created to read:

7 15.377 (8) (c) 8m. One faculty member of a department or the School of
8 Education in the University of Wisconsin-Madison recommended by the chancellor
9 of the University of Wisconsin - MADISON

10 **SECTION 42.** 15.377 (8) (c) 10. of the statutes is amended to read:

11 15.377 (8) (c) 10. One additional faculty member, appointed from the list of
12 persons recommended under subd. 8., 8m., or 9.

13 **SECTION 43.** 15.67 (1) (a) 1m. of the statutes is created to read:

14 15.67 (1) (a) 1m. One member of the board of trustees of the University of
15 Wisconsin-Madison.

16 **SECTION 44.** 15.797 (1) (b) 8. of the statutes is amended to read:

17 15.797 (1) (b) 8. One member who is a University of Wisconsin System or
18 University of Wisconsin-Madison faculty member with expertise regarding the
19 health impacts of wind energy systems.

20 **SECTION 45.** 15.91 of the statutes is amended to read:

21 **15.91 Board of regents of the University of Wisconsin System; creation.**

22 There is created a board of regents of the University of Wisconsin System consisting
23 of the state superintendent of public instruction, the president, or by his or her
24 designation another member, of the technical college system board and 14 citizen
25 members appointed for staggered 7-year terms, and 2 students enrolled at least

1 15.94 (2v) The chairperson, or by his or her designation another member, of the
2 board of trustees of the University of Wisconsin–Madison.

3 **SECTION 51.** 15.96 (1) (b) of the statutes is amended to read:

4 15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University
5 of Wisconsin–Madison appointed by the ~~president~~ chairperson of the board of ~~regents~~
6 trustees.

7 **SECTION 52.** 15.96 (1) (d) of the statutes is amended to read:

8 15.96 (1) (d) The dean of the University of ~~Wisconsin–Madison Medical~~
9 Wisconsin School of Medicine and Public Health.

10 **SECTION 53.** 15.96 (1) (e) of the statutes is amended to read:

11 15.96 (1) (e) A chairperson of a department at the University of
12 ~~Wisconsin–Madison Medical~~ Wisconsin School of Medicine and Public Health,
13 appointed by the chancellor of the University of Wisconsin–Madison Wisconsin.

14 **SECTION 54.** 15.96 (1) (f) of the statutes is amended to read:

15 15.96 (1) (f) A faculty member of a health professions school of the University
16 of Wisconsin–Madison ~~health professions school~~, other than the University of
17 ~~Wisconsin–Madison Medical~~ Wisconsin School of Medicine and Public Health,
18 appointed by the chancellor of the University of ~~Wisconsin–Madison~~ Wisconsin.

19 **SECTION 55.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
20 amended to read:

21 16.002 (2) “Departments” means constitutional offices, departments, and
22 independent agencies and includes all societies, associations, and other agencies of
23 state government for which appropriations are made by law, but not including
24 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,
25 231, 232, 233, 234, 235, 237, 238, or 279.

1 15.94 (2v) The chairperson, or by his or her designation another member, of the
2 board of trustees of the University of Wisconsin-Madison.

3 **SECTION 51.** 15.96 (1) (b) of the statutes is amended to read:

4 15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University
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6 trustees.

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8 15.96 (1) (d) The dean of the University of ~~Wisconsin-Madison Medical~~
9 Wisconsin School of Medicine and Public Health.

10 **SECTION 53.** 15.96 (1) (e) of the statutes is amended to read:

11 15.96 (1) (e) A chairperson of a department at the University of
12 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
13 appointed by the chancellor of the University of Wisconsin-Madison Wisconsin

14 **SECTION 54.** 15.96 (1) (f) of the statutes is amended to read:

15 15.96 (1) (f) A faculty member of a health professions school of the University
16 of Wisconsin-Madison ~~health professions school~~, other than the University of
17 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
18 appointed by the chancellor of the University of Wisconsin-Madison Wisconsin.

19 **SECTION 55.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
20 amended to read:

21 16.002 (2) "Departments" means constitutional offices, departments, and
22 independent agencies and includes all societies, associations, and other agencies of
23 state government for which appropriations are made by law, but not including
24 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,
25 231, 232, 233, 234, 235, 237, 238, 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."

-- 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).

-- 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.

-- 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.

-- Section 16.61 (3) (d) 4., which requires the public records board to furnish state departments with copies of its final plan for preserving essential public records.

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."

1 **SECTION 56.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
4 department as the secretary designates may enter into the offices of state agencies
5 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
6 chs. 37, 52, 231, 233, 234, 237, 238, and 279, and may examine their books and
7 accounts and any other matter that in the secretary's judgment should be examined
8 and may interrogate the agency's employees publicly or privately relative thereto.

9 **SECTION 57.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
10 amended to read:

11 16.004 (5) **AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
12 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
13 37, 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall

1 **SECTION 61.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
2 is amended to read:

3 16.045 (1) (a) "Agency" means an office, department, independent agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
8 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, ²³⁸~~239~~, or 279.

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

9 **SECTION 62.** 16.41 (1) of the statutes is amended to read:

10 16.41 (1) All agencies shall keep their accounts and other financial records as
11 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically
12 directed by law. All agencies ~~and~~, authorities, and the University of
13 Wisconsin-Madison shall furnish to the secretary all information relating to their
14 financial transactions which the secretary requests pursuant to this subchapter for
15 such periods as the secretary requests, and shall render such assistance in
16 connection with the preparation of the state budget report and the budget bill and
17 in auditing accounts, as the secretary or the governor may require.

18 **SECTION 63.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act ²⁷~~27~~,
19 section 19, is amended to read:

20 16.417 (1) (a) "Agency" means an office, department, independent agency,
21 institution of higher education, association, society, or other body in state
22 government created or authorized to be created by the constitution or any law, that
23 is entitled to expend moneys appropriated by law, including the legislature and the

1 courts, but not including an authority or the body created under subch. III of ch. 149
2 or under ch. 37 or 238.

****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.

3 → INS. 2814 - 16.417(1)(a) RP-CR
SECTION 64. 16.42 (1) (intro.) of the statutes is amended to read:

4 16.42 (1) (intro.) All agencies, ~~other than~~ including the University of
5 Wisconsin-Madison but excluding the legislature and the courts, no later than
6 September 15 of each even-numbered year, in the form and content prescribed by the
7 department, shall prepare and forward to the department and to the legislative fiscal
8 bureau the following program and financial information:

9 **SECTION 65.** 16.513 (1) of the statutes is amended to read:

10 16.513 (1) Each agency, including the University of Wisconsin-Madison, which
11 has a program revenue appropriation or appropriation of segregated revenues from
12 program receipts shall, at such times as required by the secretary, make quarterly
13 reports to the department projecting the revenues and expenditures for the ensuing
14 quarterly period under each such appropriation to the agency.

15 **SECTION 66.** 16.513 (3) (a) of the statutes is amended to read:

16 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
17 as determined under s. 20.903 (2), that are projected by an agency, including the
18 University of Wisconsin-Madison, or projected by the department under s. 16.40 (7)
19 to cover anticipated expenditures under a program revenue appropriation or
20 appropriation of segregated revenues from program receipts, the agency shall
21 propose and submit to the department a plan to assure that there are sufficient

1 moneys, assets, or accounts receivable to meet projected expenditures under the
2 appropriation.

3 **SECTION 67.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
4 is amended to read:

5 16.528 (1) (a) "Agency" means an office, department, independent agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, ^{MDU} (or 238, 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.

11 **SECTION 68.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
12 amended to read:

13 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
14 invoice, the agency shall notify the sender of the invoice within 10 working days after
15 it receives the invoice of the reason it is improperly completed. In this subsection,
16 "agency" means an office, department, independent agency, institution of higher
17 education, association, society, or other body in state government created or
18 authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 37, 52, 231, 233, 234, 237, 238, or 279.

22 **SECTION 69.** 16.53 (7) of the statutes is amended to read:

SECTION 69

1 16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The
2 certificate of the proper officers of the ~~board of regents~~ Board of Regents of the
3 University of Wisconsin System, ~~the Board of Trustees of the University of~~
4 Wisconsin-Madison, the department of health services, or the proper officers of any
5 other board or commission organized or established by the state, shall in all cases be
6 evidence of the correctness of any account which may be certified by them.

7 **SECTION 70.** 16.54 (8g) of the statutes is amended to read:

8 16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available
9 to the ~~board of regents~~ ^{STRIKE ↓} Board of Regents of the University of Wisconsin System or the
10 Board of Trustees of the University of Wisconsin-Madison for instruction, extension,
11 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.

12 **SECTION 71.** 16.54 (8r) (a) of the statutes is amended to read:

13 16.54 (8r) (a) Whenever the federal government makes available moneys for
14 instruction, extension, special projects or emergency employment opportunities, the
15 ~~board of regents~~ Board of Regents of the University of Wisconsin System and the
16 Board of Trustees of the University of Wisconsin-Madison may accept the moneys
17 on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of
18 Trustees shall, in the administration of the expenditure of such moneys, comply with
19 the requirements of the act of congress making the moneys available and with the
20 regulations prescribed by the federal government or the federal agency
21 administering the act, insofar as the act or regulations are consistent with state law.
22 The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any
23 plan, budget, application or proposal required by the federal agency as a precondition

1 offices which are primarily created in the geographic area serviced by the depository,
2 but the records of all central departments, offices, establishments and agencies shall
3 remain in the main archives in the capital city under the society's immediate
4 jurisdiction, except that the society may place the records temporarily at a regional
5 depository for periods of time to be determined by the society. Nothing in this
6 subsection nor in ch. 44 prevents the society's taking the steps for the safety of
7 articles and materials entrusted to its care in library, museum or archives, including
8 temporary removal to safer locations, dictated by emergency conditions arising from
9 a state of war, civil rebellion or other catastrophe.

10 **SECTION 74.** 16.61 (13) (b) of the statutes is amended to read:

11 16.61 (13) (b) The board may designate an archival depository at the
12 University of Wisconsin-Madison and at each university as defined in s. 36.05 (13)
13 which shall meet standards for university archival depositories established by the
14 board with the advice of the board of regents, Board of Regents, the Board of
15 Trustees, and the historical society or their respective designated representatives.

16 The board may transfer to the appropriate university archival depository all original
17 records and reproductions the board deems worthy of permanent preservation.

18 **SECTION 75.** 16.705 (1r) (d) of the statutes is amended to read:

19 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the
20 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),
21 (ja), (jm), (u), or (w) ~~or (5) (j)~~.

22 **SECTION 76.** 16.71 (1m) of the statutes is amended to read:

23 16.71 (1m) The department shall not delegate to any executive branch agency,
24 other than the ~~board of regents~~ Board of Regents of the University of Wisconsin
25 System and the board of trustees of the University of Wisconsin-Madison, the

1 16.765 (6) The department may receive complaints of alleged violations of the
2 nondiscrimination provisions of such contracts. The department shall investigate
3 and determine whether a violation of this section has occurred. The department may
4 delegate this authority to the contracting agency, the University of Wisconsin
5 Hospitals and Clinics Authority, the University of Wisconsin-Madison, the Fox
6 River Navigational System Authority, the Wisconsin Aerospace Authority, the
7 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
8 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
9 Development Corporation, or the Bradley Center Sports and Entertainment
10 Corporation for processing in accordance with the department's procedures.

11 **SECTION 90.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
12 Act 7, is amended to read:

13 16.765 (7) (intro.) When a violation of this section has been determined by the
14 department, the contracting agency, the University of Wisconsin Hospitals and
15 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
16 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
17 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the
18 Wisconsin Quality Home Care Authority, ^{the Wisconsin Economic} for the Bradley Center Sports and
19 Entertainment Corporation, ^{Development} the contracting agency, the University of Wisconsin
20 Hospitals and Clinics Authority, the University of Wisconsin-Madison, the Fox
21 River Navigational System Authority, the Wisconsin Aerospace Authority, the
22 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
23 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
24 Development Corporation, or the Bradley Center Sports and Entertainment
25 Corporation shall:

1 **SECTION 91.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 7,
2 is amended to read:

3 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
4 further violations of this section and to report its corrective action to the contracting
5 agency, the University of Wisconsin Hospitals and Clinics Authority, the University
6 of Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
7 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
8 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
9 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
10 Entertainment Corporation.

11 **SECTION 92.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is
12 amended to read:

13 16.765 (8) If further violations of this section are committed during the term
14 of the contract, the contracting agency, the University of Wisconsin-Madison, the
15 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the
16 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
17 Authority, the Wisconsin Quality Home Care Authority, ^{WI Econ. Devel. Corp.} for the Bradley Center Sports
18 and Entertainment Corporation may permit the violating party to complete the
19 contract, after complying with this section, but thereafter the contracting agency, the
20 University of Wisconsin-Madison, the Fox River Navigational System Authority, the
21 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
22 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
23 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
24 Sports and Entertainment Corporation shall request the department to place the
25 name of the party on the ineligible list for state contracts, or the contracting agency,

1 16.847 (1) (b) "State facilities" means all property owned and operated by the
2 state for the purpose of carrying out usual state functions, including the University
3 of Wisconsin-Madison and each institution within the University of Wisconsin
4 System.

5 **SECTION 95.** 16.85 (1) of the statutes is amended to read:

6 16.85 (1) To take charge of and supervise all engineering or architectural
7 services or construction work, as defined in s. 16.87, performed by, or for, the state,
8 or any department, board, institution, commission, or officer of the state, and any
9 such work to be performed for the University of Wisconsin-Madison, including
10 nonprofit-sharing corporations organized for the purpose of assisting the state in the
11 construction and acquisition of new buildings or improvements and additions to
12 existing buildings as contemplated under ss. 13.488, 36.09, ~~and 36.11,~~ 37.03, and
13 37.11, except work to be performed for the University of Wisconsin-Madison with
14 respect to a building, structure, or facility that is funded entirely from sources other
15 than general purpose revenue or general fund supported borrowing; the engineering,
16 architectural, and construction work of the department of transportation; and the
17 engineering service performed by the department of commerce, department of
18 revenue, public service commission, department of health services, and other
19 departments, boards, and commissions when the service is not related to the
20 maintenance, and construction and planning, of the physical properties of the state.
21 The department may not authorize construction work for any state office facility in
22 the city of Madison after May 11, 1990, unless the department first provides suitable
23 space for a child care center primarily for use by children of state employees.

24 **SECTION 96.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
25 amended to read:

1 employees or injury to the public by reason of fire or other accidents and fortuitous
2 events at state-owned and the university-owned properties or facilities.

3 **SECTION 116.** 16.865 (3) of the statutes is amended to read:

4 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in
5 procedures, program conditions or capital improvement for all agencies and the
6 University of Wisconsin-Madison which would satisfactorily eliminate or reduce the
7 existing exposure.

8 **SECTION 117.** 16.865 (4) of the statutes is amended to read:

9 16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10),
10 manage the worker's compensation program for state and University of
11 Wisconsin-Madison employees and the statewide self-funded programs to protect
12 the state and the University of Wisconsin from losses of and damage to state property
13 and liability. -Madison

14 **SECTION 118.** 16.865 (5) of the statutes is amended to read:

15 16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate
16 insurance contracts for the transfer of risk of loss on the part of the state and the
17 University of Wisconsin-Madison or ~~its~~ their employees, to the extent such loss
18 cannot reasonably be assumed by the individual agencies or the university or the
19 self-funded programs. The placement of insurance may be by private negotiation
20 rather than competitive bid, if such insurance has a restricted number of interested
21 carriers. The department shall approve all insurance purchases.

22 **SECTION 119.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7,
23 is amended to read:

24 16.865 (8) ~~Annually~~ Except as provided in sub. (10), annually in each fiscal
25 year, allocate as a charge to each agency and to the University of Wisconsin-Madison

1 SECTION 121. 16.87 (2) (a) of the statutes is amended to read:

2 16.87 (2) (a) A contract for engineering services or architectural services or a
3 contract involving an expenditure of \$10,000 or more for construction work, or
4 \$30,000 or more for limited trades work, to be done for or furnished to the state or
5 a department, board, commission, or officer of the state or the University of
6 Wisconsin-Madison is exempt from the requirements of ss. 16.705 and 16.75.

7 SECTION 122. 16.87 (5) of the statutes is created to read:

8 16.87 (5) This subsection does not apply to any project for the University of
9 Wisconsin-Madison that is funded entirely from sources other than general purpose
10 revenue or general fund ^{supported} borrowing.

11 SECTION 123. 16.875 of the statutes is amended to read:

12 16.875 **Setoffs.** All amounts owed by this state or the University of
13 Wisconsin-Madison under this subchapter are subject to being set off under s. 73.12.

14 SECTION 124. 16.89 of the statutes is amended to read:

15 16.89 **Construction and services controlled by this chapter.** No
16 department, independent agency, constitutional office or agent of the state shall
17 employ engineering, architectural or allied services or expend money for
18 construction purposes on behalf of the state, except as provided in this chapter. The
19 University of Wisconsin-Madison shall not employ engineering, architectural, or
20 allied services or expend money for construction purposes on behalf of the university,
21 except as provided in this chapter and except that the university may engage such
22 employment for any project that is financed entirely from sources other than general
23 purpose revenue or general fund supported borrowing.

24 SECTION 125. 16.891 (1) (b) of the statutes is amended to read:

1 department under this subsection and ss. 16.85 (4), 16.90, 16.91 and 16.92 in
2 accordance with a method of apportionment determined by the department.

3 **SECTION 135.** 16.897 of the statutes is amended to read:

4 **16.897 Space and water heating systems.** In planning and designing space
5 or water heating systems for new or existing state facilities and facilities of the
6 University of Wisconsin–Madison, the department shall ensure that geothermal
7 technologies are utilized to the greatest extent that is cost-effective and technically
8 feasible.

9 **SECTION 136.** 16.90 (title) of the statutes is amended to read:

10 **16.90 (title) Fuel for state and university heating, cooling or power**
11 **plants.**

12 **SECTION 137.** 16.90 (2) (a) of the statutes is amended to read:

13 16.90 (2) (a) Prepare all specifications for contracts for the purchase of fuel for
14 each ~~state-owned or operated~~ heating, cooling or power plant that is owned or
15 operated by the state or the University of Wisconsin–Madison. All such
16 specifications where feasible shall provide for purchase of such fuel on a heating
17 value and quality basis and may provide for an adjustment of the base price of any
18 fuel as a result of changes in production or transportation costs during the term of
19 a contract.

20 **SECTION 138.** 16.90 (2) (b) of the statutes is amended to read:

21 16.90 (2) (b) Distribute fuel purchased by the department or, any other agency,
22 or the University of Wisconsin–Madison to agencies ~~that require it or to the~~
23 University of Wisconsin–Madison as their needs require, and reallocate such fuel
24 between agencies or the University of Wisconsin–Madison in the event of a shortage.

25 **SECTION 139.** 16.90 (2) (c) of the statutes is amended to read:

1 higher education grant program under s. 39.435 for University of Wisconsin
 2 Wisconsin-Madison and University of Wisconsin System students, except for grants
 3 awarded under s. 39.435 (2) or (5), thereafter.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 156.** 20.235 (1) (fz) of the statutes is amended to read:

5 20.235 (1) (fz) *Remission of fees and reimbursement for veterans and*
 6 *dependents.* Biennially, the amounts in the schedule to reimburse the Board of
 7 Regents of the University of Wisconsin System, the Board of Trustees of the
 8 University of Wisconsin-Madison, and technical college district boards under s.
 9 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b), 37.27 (3n) (b) or (3p)
 10 (b), and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided
 11 in ss. 36.27 (3n) (bm) or (3p) (bm), 37.27 (3n) (bm) or (3p) (bm), and 38.24 (7) (bm) or
 12 (8) (bm).

13 **SECTION 157.** 20.255 (2) (cn) of the statutes is amended to read:

14 20.255 (2) (cn) *Aids for school lunches and nutritional improvement.* The
 15 amounts in the schedule for the payment of school lunch aids under s. 115.34 (2) and
 16 for nutritional improvement under ss. 36.51, 37.51, 38.36 and 115.345.

17 **SECTION 158.** 20.280 of the statutes is created to read:

18 **20.280 University of Wisconsin-Madison.** There is appropriated to the
 19 University of Wisconsin-~~Wisconsin~~ ^{Madison} for the following program:

20 (1) UNIVERSITY OF WISCONSIN-MADISON. (a) *General program operations.* The
 21 amounts in the schedule for general program operations.

22 (c) *Energy costs; energy-related assessments.* The amounts in the schedule to
 23 pay for utilities and for fuel, heat, and air conditioning, to pay assessments levied by

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 171. 20.285 (1) (je) of the statutes is renumbered 20.280 (1) (je) and
2 amended to read:

3 20.280 (1) (je) *Veterinary diagnostic laboratory; fees.* All moneys received
4 under s. ~~36.58~~ 37.58 (3), other than from state agencies, to be used for general
5 program operations of the veterinary diagnostic laboratory and to reimburse s.
6 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
7 the construction of the veterinary diagnostic laboratory enumerated in 2001
8 Wisconsin Act 16, section 9107 (1) (m) 1., to make payments determined by the
9 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
10 obligations incurred in financing that facility, and to make payments under an
11 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 SECTION 172. 20.285 (1) (jp) of the statutes is amended to read:

13 20.285 (1) (jp) *License plate scholarship programs.* All moneys received under
14 s. 341.14 (6r) (b) 4., other than moneys received for the special group specified in s.
15 341.14 (6r) (f) 47m., for the scholarship programs under s. 36.44.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

NOTE? Bud
INS 67-22 - 20.285 (1) (Jg)
- Note Bud

16 SECTION 173. 20.285 (1) (ka) of the statutes is repealed.

17 SECTION 174. 20.285 (1) (kd) of the statutes is amended to read:

18 20.285 (1) (kd) *Principal repayment, interest and rebates.* From the revenues
19 credited under par. (h) ~~and sub. (6) (g)~~, a sum sufficient to reimburse s. 20.866 (1) (u)
20 for the payment of principal and interest costs incurred in financing the acquisition,
21 construction, development, enlargement or improvement of self-amortizing

1 entered into under s. 233.03 (10) or 233.04 (7), (7g), (7m) or (7p) for services provided
2 to the authority and for leases and rentals to the authority. Moneys may be
3 transferred from this appropriation account to the appropriation account under sub-
4 (1) par. (kd) ~~or (ke)~~.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 185. 20.395 (5) (ef) of the statutes is created to read:

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7
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9

20.395 (5) (ef) *Payments to the University of Wisconsin-Madison.* From the general fund, all moneys received under s. 341.14 (6r) (b) 4. for the special group specified in s. 341.14 (6r) (f) 47m. for payments to the University of Wisconsin-Madison, (Inc.) under s. 341.14 (10).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 SECTION 186. 20.435 (4) (xe) of the statutes is amended to read:

11 20.435 (4) (xe) *Critical access hospital assessment fund; hospital payments.*

13
14

12 From the critical access hospital assessment fund, all moneys received from the assessment under s. 50.38 (2) (b), except moneys appropriated under s. 20.285 (1) (qe) and 20.285 (1) (qi) ← plain (CS) ss. 20.280 (1) (qe) and (qi) to make payments to critical access hospitals required under s. 49.45 (3) (e) 12. for services provided under the Medical Assistance Program under subch. IV of ch. 49; to make refunds under s. 50.38 (6m); and to make the transfer under s. 50.38 (10).

18 SECTION 187. 20.435 (5) (hx) of the statutes is amended to read:

19 20.435 (5) (hx) *Services related to drivers, receipts.* The amounts in the schedule for services related to drivers. All moneys received by the secretary of administration from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655 and all moneys transferred from the

1 and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bm), (bn), (bp), (bq),
2 (br), (bu), (bv), (g), (h), (i), (kd), and (q) for the payment of principal, interest,
3 premium due, if any, and payment due, if any, under an agreement or ancillary
4 arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted
5 under subchs. I and IV of ch. 18.

6 **SECTION 193.** 20.867 (3) (h) of the statutes is amended to read:

7 20.867 (3) (h) *Principal repayment, interest, and rebates.* A sum sufficient to
8 guarantee full payment of principal and interest costs for self-amortizing or
9 partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (1) (j),
10 20.280 (1) (je), (jq), (kd), and (ko), 20.285 (1) (im), ~~(je), (jq), (kd), and (km), and (ko)~~,
11 20.370 (7) (eq), 20.485 (1) (go), and 20.867 (3) (kd) if moneys available in those
12 appropriations are insufficient to make full payment, to make full payment of the
13 amounts determined by the building commission under s. 13.488 (1) (m) if the
14 appropriation under s. 20.190 (1) (j), 20.245 (1) (j), 20.285 (1) (im), ~~(je), (jq), (kd), (km),~~
15 or (ko), 20.485 (1) (g), or 20.867 (3) (kd) is insufficient to make full payment of those
16 amounts, and to make payments under an agreement or ancillary arrangement
17 entered into under s. 18.06 (8) (a). All amounts advanced under the authority of this
18 paragraph shall be repaid to the general fund whenever the balance of the
19 appropriation for which the advance was made is sufficient to meet any portion of the
20 amount advanced. The department of administration may take whatever action is
21 deemed necessary including the making of transfers from program revenue
22 appropriations and corresponding appropriations from program receipts in
23 segregated funds and including actions to enforce contractual obligations that will
24 result in additional program revenue for the state, to ensure recovery of the amounts
25 advanced.

INS. 74-4 - Bud Note

1 20.924 (1) (d) Shall exercise considered judgment in supervising the
2 implementation of the state building program, and may authorize limited changes
3 in the project program, and in the project budget if the commission determines that
4 unanticipated program conditions or bidding conditions require the change to
5 effectively and economically construct the project. However, total state and
6 University of Wisconsin-Madison funds for major projects under the authorized
7 state building program for each agency and for the University of Wisconsin-Madison
8 shall not be exceeded.

9 **SECTION 200.** 20.924 (1) (j) of the statutes is amended to read:

10 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
11 the construction of any building, structure, or facility, or portion thereof, for initial
12 occupancy by the state or the University of Wisconsin-Madison and that contains an
13 option for the state or the University of Wisconsin-Madison to purchase the building,
14 structure, or facility unless the seller or lessor agrees that all equipment to be
15 installed as a component of the building, structure, or facility that relates to any
16 function that consumes energy meets applicable requirements for state building
17 projects under s. 16.855 (10s) (a).

18 **SECTION 201.** 23.09 (3) (b) of the statutes is amended to read:

19 23.09 (3) (b) If the department and the ~~board of regents~~ ^{↳ STRIKE} Board of Trustees of
20 the University of ~~Wisconsin System~~ Wisconsin-Madison enter into an agreement to
21 create a faculty position at the University of Wisconsin-Madison for a forest
22 landscape ecologist, the department and the University of Wisconsin-Madison shall
23 develop an annual work plan for the ecologist. In developing the annual work plan,
24 the department shall consult with the council on forestry.

25 **SECTION 202.** 24.80 of the statutes is amended to read:

1 **24.80 Normal school fund.** The lands and moneys described in s. 24.79, not
 2 being granted for any other specified purpose, accrue to the school fund under article
 3 X, section 2, of the constitution; and having been found unnecessary for the support
 4 and maintenance of common schools, are appropriated to the support and
 5 maintenance of state universities and suitable libraries and apparatus therefor, and
 6 to that end are set apart and denominated the "Normal School Fund". All lands,
 7 moneys, loans, investments and securities set apart to the normal school fund and
 8 all swamp lands and income and interest received on account of the capital of that
 9 fund constitute a separate and perpetual fund. Except as provided in ss. 20.255 (1)
 10 (q), 20.280 (1) (rm), and 20.285 (1) (rm), all income and interest from the normal
 11 school fund shall be paid into the general fund as general purpose revenue. Normal
 12 school fund income, interest and revenues do not include expenses deducted from
 13 gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

INS 78-2 →

14 **SECTION 203.** 25.40 (1) (a) 4. of the statutes is amended to read:

15 25.40 (1) (a) 4. Moneys received under s. 341.14 (6r) (b) 4. that are deposited
 16 in the general fund and credited to the ~~appropriation~~ appropriation accounts under
 17 ~~s.~~ ss. 20.285 (1) (jp) and 20.395 (5) (ef).

18 **SECTION 204.** 25.50 (1) (d) of the statutes is amended to read:

19 25.50 (1) (d) "Local government" means any county, town, village, city, power
 20 district, sewerage district, drainage district, town sanitary district, public inland
 21 lake protection and rehabilitation district, local professional baseball park district
 22 created under subch. III of ch. 229, long-term care district under s. 46.2895, local
 23 professional football stadium district created under subch. IV of ch. 229, local
 24 cultural arts district created under subch. V of ch. 229, public library system, school
 25 district or technical college district in this state, any commission, committee, board

1 The school shall utilize practical demonstration techniques to train teachers and
2 other support personnel under s. 115.28 (7) (c).

3 SECTION 242. 36.25 (21) of the statutes is renumbered 37.25 (21) and 37.25 (21)
4 (intro.), (a) and (b), as renumbered, are amended to read:

5 37.25 (21) SCHOOL OF LAW; PART-TIME ENROLLMENT AND NIGHT COURSES. The board
6 shall direct the School of Law to do all the following:

7 (a) Allow resident students who are admitted to law school to enroll in
8 part-time programs;

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

11 SECTION 243. 36.25 (21m) of the statutes is renumbered 37.25 (21m) and
12 amended to read:

13 37.25 (21m) GREAT LAKES INDIAN LAW PROGRAM. The board shall establish a
14 Great Lakes Indian law program at the ~~University of Wisconsin-Madison Law~~
15 ~~School~~ university law school ← L.C.

16 SECTION 244. 36.25 (23) of the statutes is renumbered 37.25 (23) and amended
17 to read:

18 37.25 (23) ROBERT M. LA FOLLETTE INSTITUTE OF PUBLIC AFFAIRS. There is
19 established a Robert M. La Follette institute of public affairs at the ~~University of~~
20 ~~Wisconsin-Madison~~ university Wisconsin. The institute shall engage in research, public
21 service and educational activities to advance the knowledge of public affairs and the
22 application of that knowledge to the needs of this state.

23 SECTION 245. 36.25 (30m) of the statutes is renumbered 37.25 (30m) and
24 amended to read:

1 **36.48 Alcohol and other drug abuse prevention and intervention**
2 **programs.** The board shall appoint alcohol and other drug abuse prevention and
3 intervention program counselors for the ~~University of Wisconsin-Madison and the~~
4 University of Wisconsin-Milwaukee. The counselors shall develop alcohol and other
5 drug abuse prevention and intervention programs and train faculty, academic staff
6 and classified staff in the prevention of and early intervention in alcohol and other
7 drug abuse.

8 **SECTION 260.** 36.49 (intro.) and (2) of the statutes are consolidated,
9 renumbered 36.49 and amended to read:

10 **36.49 Environmental program grants and scholarships.** From the
11 appropriation under s. 20.285 (1) (rm), the board shall annually do the following: ~~(2)~~
12 ~~Provide~~ provide annual scholarships totaling \$100,000 to students enrolled in the
13 sustainable management degree program through the ~~University of~~
14 ~~Wisconsin Extension.~~ extension

15 **SECTION 261.** 36.49 (1) of the statutes is repealed.

16 **SECTION 262.** 36.54 (2) (a) 2. of the statutes is amended to read:

17 36.54 **(2)** (a) 2. "Public agency" means a county, city, village, town, public inland
18 lake protection and rehabilitation district, lake sanitary district ~~or~~, school district,
19 or state agency or an agency of ~~this state or~~ of a county, city, village, town, public
20 inland lake protection and rehabilitation district, lake sanitary district or school
21 district.

22 **SECTION 263.** 36.54 (2) (a) 3. of the statutes is created to read:

23 36.54 **(2)** (a) 3. "State agency" includes the University of Wisconsin-Madison.

****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."

36.56 Repealed

SECTION 264. 36.58 (title) of the statutes is renumbered 37.58 (title).

SECTION 265. 36.58 (1) of the statutes is repealed.

SECTION 266. 36.58 (2) of the statutes is renumbered 37.58 (2).

SECTION 267. 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 268. 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 269. 36.58 (4) and (5) of the statutes are repealed.

SECTION 270. 36.58 (6) of the statutes is renumbered 37.58 (6).

SECTION 271. 36.59 (8) of the statutes is repealed.

SECTION 272. 36.60 (title) of the statutes is amended to read:

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

SECTION 273. 36.60 (1) (ag) of the statutes is renumbered 37.60 (1) (ag).

SECTION 274. 36.60 (1) (aj) of the statutes is renumbered 37.60 (1) (aj).

SECTION 275. 36.60 (1) (ap) of the statutes is renumbered 37.60 (1) (ap).

SECTION 276. 36.60 (1) (b) of the statutes is renumbered 37.60 (1) (b).

1 **37.01 Definitions.** In this chapter:

2 **(1)** "Academic staff" means those university employees who, immediately prior
3 to the effective date of this subsection [LRB inserts date], were designated as
4 academic staff of the University of Wisconsin-Madison ^{under ch. 36, 2009 stats,} and those university
5 employees hired as or designated as academic staff by the board.

6 **(1m)** "Authority" means the authority created in this chapter.

7 **(2)** "Board" means the Board of Trustees of the authority.

8 **(3)** "Board of Regents" means the Board of Regents of the system.

9 **(4)** "Campus" means the publicly owned or leased buildings and grounds that
10 comprise all or part of the university.

****NOTE: Is "publicly owned" correct?

11 **(5)** "Chancellor" means the chief executive of the university.

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

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

21 **(8)** "System" means the University of Wisconsin System.

22 **(9)** "University" means the university operated by the board under this
23 chapter.

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

5 1. The following members, at least 7 of whom shall be university alumni,
6 appointed by the governor for 3-year terms:

7 a. One member of the Board of Regents.

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

9 c. Nine additional members.

10 2. The following members appointed for 3-year terms:

11 a. Two faculty members selected by the faculty.

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

14 c. Two university alumni selected by the Wisconsin Alumni Research
15 Foundation board.

16 d. Two university alumni selected by the Wisconsin Alumni Association board.

17 e. Two university alumni selected by the University of Wisconsin Foundation
18 board.

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

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

22 (b) Members appointed under par. (a) 1. c. and 2. c., d., and e. shall have a
23 demonstrated commitment to the welfare of the university and shall have
24 management experience or possess expertise in aspects of the university's mission,

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1 achievement, the research efforts of the university, the economic impact of the
2 university on the state, the services provided by the university to the residents of the
3 state, and the financial accountability of the university's operations. By July 1, 2013,
4 and biennially thereafter, the board shall submit the accountability report to the
5 governor and shall post the report prominently on its Web site.

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

18 (3) FACULTY. The faculty, subject to the responsibilities and powers of the board
19 and the chancellor, shall be vested with responsibility for the immediate governance
20 of the university and shall actively participate in university policy development. As
21 such, the faculty ^{e has} shall have the primary responsibility for academic and educational
22 activities and faculty personnel matters. The faculty ^e shall have the right to
23 determine their own faculty organizational structure and to select representatives
24 to participate in university governance.

1 **(4) ACADEMIC STAFF.** The academic staff, subject to the responsibilities and
2 powers of the board, the chancellor, and the faculty, shall be active participants in
3 the immediate governance of and policy development for the university. The
4 academic staff have the primary responsibility for the formulation and review, and
5 shall be represented in the development, of all policies and procedures concerning
6 the academic staff, including academic staff personnel matters. The academic staff
7 have the right to organize themselves in a manner they determine and to select their
8 representatives to participate in university governance.

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

19 **37.11 Powers and duties of the board. (1) GENERALLY.** The board shall have
20 all the powers necessary or convenient to carry out the purposes and provisions of
21 this chapter. In addition to all other powers granted the board under this chapter,
22 the board may specifically:

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

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

1 (c) Maintain an office.

2 (d) Accept gifts, grants, loans, or other contributions from private or public
3 sources.

4 (e) Establish the university's annual budget and monitor the fiscal
5 management of the university.

6 (f) Execute contracts and other instruments required for the operation of the
7 university.

8 **(1g) PERSONNEL SYSTEM.** The board shall develop and implement a personnel
9 system, effective July 1, 2012, that is separate and distinct from the system created
10 under ch. 230. The board shall develop and implement the system with the active
11 participation of the faculty and academic staff as provided in s. 37.03 (3) and (4). In
12 developing the personnel system, the board shall provide for the transfer of classified
13 civil service employees to the university personnel system as necessary upon the
14 effective date of its implementation.

15 **(1m) PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY.** (a) The
16 board may promulgate rules to protect the lives, health, and safety of persons on
17 property under its jurisdiction and to protect such property and to prevent
18 obstruction of the functions of the university. Any person who violates any rule
19 promulgated under this paragraph may be fined not more than \$500 or imprisoned
20 for not more than 90 days or both.

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

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1 The designated agents of the board may arrest, with or without warrant, any person
2 on such property who they have reasonable grounds to believe has violated a state
3 law or any rule promulgated under this chapter and deliver such person to any court
4 having jurisdiction over the violation and execute a complaint charging such person
5 with the violation. This subsection does not impair the duty of any other peace
6 officers within their jurisdictions to arrest and take before the proper court persons
7 found violating any state law on such property.

8 (b) The board may employ police for the university and a chief to head such
9 police, or contract for police, all of whom shall be deemed peace officers under s.
10 939.22 (22) under the supervision and control of the chancellor or the chancellor's
11 designee. Such police officers shall meet the minimum standards established for
12 other police officers by the law enforcement standards board or a comparable agency.
13 Such police shall preserve the peace on all property described under par. (a), enforce
14 all rules promulgated under this chapter and all other laws, and for that purpose the
15 chancellor or the chancellor's designee may call for aid from such other persons as
16 is deemed necessary.

17 **(3) ADMISSION OF APPLICANTS.** (a) The board shall establish the policies for
18 admission to the university and within these policies shall establish specific
19 requirements for admission to its courses of instruction. No sectarian or partisan
20 tests or any tests based upon race, religion, color, creed, national origin of U.S.
21 citizens, sex, disability, ancestry, age, sexual orientation, pregnancy, marital status,
22 or parental status shall ever be allowed in the admission of students thereto

23 (b) The board may establish policies for the appropriate transfer of credits with
24 other educational institutions.

1 **(8) PARKING RULES.** (a) The board may make general policies and shall
2 authorize the chancellor to promulgate rules regulating the parking of motor
3 vehicles on property under its jurisdiction.

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

9 **(8e) PARKING FEES.** The board shall charge a parking fee for the parking of
10 motor vehicles by students, employees, and visitors at campus. The board may
11 require the fee to be sufficient to recover the costs of the construction and
12 maintenance necessary for the parking facilities. Nothing in this subsection
13 requires the recovery of the costs of land for parking facilities. Nothing in this
14 subsection requires that all users of the parking facilities be charged a parking fee.

15 **(8m) TRANSPORTATION PLANNING.** The board shall work with the regional
16 planning commissions and the local authorities of the community in which the
17 university is located to evaluate the transportation needs of the university
18 population. The board shall develop a transportation plan for the university to effect
19 energy resource conservation and efficient use of transportation resources. The plan
20 shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car
21 and van pools, and, to the extent feasible, improved mass transit services. The
22 transportation plans shall detail parking management strategies that provide
23 incentives for the use of mass transit and high occupancy vehicles.

24 **(9) CONDEMNATION.** The board may acquire by condemnation proceedings
25 under ch. 32 such parcels of land as it deems necessary for the use of the university

1 whenever the board is unable to agree with the owner upon the compensation
2 therefor, or whenever the absence or legal incapacity of such owner, or other cause,
3 prevents or unreasonably delays such agreement.

4 (10) UNIVERSITY FUND. The board may expend such portion of the income of the
5 university fund as is appropriated by the legislature for the erection of buildings and
6 the purchase of equipment or books.

7 (11) SURPLUS MONEY. The board may invest any surplus money in such
8 securities as are legal for trust fund investments; or invest such funds or any part
9 thereof, in the senior or junior bonds or obligations that may be issued by such
10 nonprofit-sharing corporation as may be contracted with by the board for the
11 construction or equipment of dormitories, commons, or field houses, which bonds or
12 obligations shall be secured by a mortgage or pledge of the buildings or
13 improvements erected or to be erected by such corporations and by a mortgage or
14 pledge of its leasehold interest. Any interest on any of such bonds or securities shall
15 when received be added to the revolving funds and may be used for the purposes set
16 forth in this subsection.

17 (12) LIBRARY DEPOSITORY. (a) The board may participate in the formation and
18 maintenance of a nonprofit-sharing corporation sponsored by participating colleges,
19 universities, and libraries for the purpose of providing and operating a central
20 library depository at a location in a midwestern state for the storage of little used
21 books and other library and research materials of participating institutions, and
22 which corporation may also perform other functions for the benefit of participating
23 institutions such as, without limitation because of enumeration, the correlating of
24 library catalogs of the participating institutions, the coordinating and planning of
25 the purchasing by each institution of costly or infrequently used books and research

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

4 (21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE.
5 Any student who engages in an activity, on campus or at an event sponsored by the
6 university, that constitutes a violation of ch. 961 is subject to nonacademic
7 misconduct disciplinary sanctions, as provided by the board by rule. In determining
8 the appropriate sanction, the board or its designee shall consider those penalties,
9 including suspension and expulsion, that will contribute most effectively to
10 maintaining a university environment that is free from controlled substances, as
11 defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01
12 (4m).

13 (22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL
14 HARASSMENT. (a) The board shall do all of the following:

15 1. Incorporate in the orientation program for newly entering students oral and
16 written or electronic information on sexual assault and sexual harassment, as
17 defined in s. 111.32 (13), including information on sexual assault by acquaintances
18 of the victims and on all of the following:

19 a. The legal definitions of, and penalties for, sexual assault under ss. 940.225,
20 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22, and
21 harassment under s. 947.013.

22 b. Generally available national and state statistics, and university statistics
23 as compiled under par. (c) and as reported under par. (d), on sexual assaults and on
24 sexual assaults by acquaintances of the victims.

****NOTE: Check to see if "campus" is used consistently.

1 commission unless the project is developed and approved by the board in conformity
2 with this subsection. This subsection does not apply to building projects of the
3 University of Wisconsin Hospitals and Clinics Authority.

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

8 **(28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND**
9 **CLINICS AUTHORITY.** Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board
10 shall negotiate and enter into a lease agreement with the University of Wisconsin
11 Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and
12 shall comply with s. 233.04 (7g).

13 **(28m) AFFILIATION AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS**
14 **AND CLINICS AUTHORITY.** Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the
15 board shall negotiate and enter into an affiliation agreement with the University of
16 Wisconsin Hospitals and Clinics Authority that meets the requirements under s.
17 233.04 (7m) and shall comply with s. 233.04 (7p).

18 **(29) OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND**
19 **CLINICS AUTHORITY.** The board may enter into joint purchasing contracts and other
20 contracts, rental agreements and cooperative agreements, and other necessary
21 arrangements with the University of Wisconsin Hospitals and Clinics Authority that
22 may be necessary and convenient for the missions, objects, and uses of the University
23 of Wisconsin Hospitals and Clinics Authority authorized by law.

24 **(39) GAYLORD NELSON CHAIR OF INTEGRATED ENVIRONMENTAL STUDIES.** The board
25 may establish the Gaylord Nelson chair of integrated environmental studies.

1 continue to enjoy the contractual rights and guarantees as defined under that
2 paragraph and related rules.

3 (5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only
4 for just cause and only after due notice and hearing. Any person having a
5 probationary appointment may be dismissed prior to the end of the person's contract
6 term only for just cause and only after due notice and hearing. The action and
7 decision of the board in such matters shall be final. The board and the faculty shall
8 develop procedures for the notice and hearing that shall be promulgated by rule.

9 **37.14 Wisconsin distinguished professorships.** (1) The board may
10 establish distinguished professorships under this section.

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

15 **37.15 Academic staff appointments.** A person having an academic staff
16 appointment for a term may be dismissed prior to the end of the appointment term
17 only for just cause and only after due notice and hearing. A person having an
18 academic staff appointment for an indefinite term who has attained permanent
19 status may be dismissed only for just cause and only after due notice and hearing.

20 **37.17 Executive appointments.** An appointment to an executive position,
21 as determined by the board, shall be at the pleasure of the board. A person holding
22 a tenured or academic staff appointment under s. 37.13 or 37.15 does not ~~have~~ ^{leave} that
23 appointment by accepting an executive appointment.

24 **37.19 Other appointments.** (1) The board may make or authorize
25 appointments for former classified service employees, student assistants, and

1 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
2 accordance with ss. 13.121 (4), 36.30, 37.30, 230.35 (2), 233.10 and 757.02 (5) and
3 subch. I, V, or VI of ch. 111.

4 **SECTION 366.** 40.22 (2) (g) of the statutes is amended to read:

5 40.22 (2) (g) The employee is appointed by the university board of regents of
6 the University of Wisconsin System under s. 36.19, by the board of trustees of the
7 University of Wisconsin-Madison under s. 37.19, or by the University of Wisconsin
8 Hospitals and Clinics Authority, as a student assistant or employee in training or is
9 appointed by a school or other education system in which the person is regularly
10 enrolled as a student and is attending classes to perform services incidental to the
11 person's course of study at that school or education system.

12 **SECTION 367.** 40.22 (2) (h) of the statutes is amended to read:

13 40.22 (2) (h) The employee is teaching while on leave from an educational
14 institution not a part of the University of Wisconsin-Madison or University of
15 Wisconsin System, if the person is a visiting professor, visiting associate professor,
16 visiting assistant professor or visiting lecturer at the university and if the
17 employment at the university is all within 12 consecutive calendar months. If the
18 employment at the university is continued beyond the 12-month period the person
19 shall, at the start of the 13th consecutive calendar month of employment, come under
20 the system for future service.

21 **SECTION 368.** 40.52 (3) of the statutes is amended to read:

22 40.52 (3) The group insurance board, after consulting with the board of regents
23 Board of Trustees of the University of Wisconsin-Madison and the Board of Regents
24 of the University of Wisconsin System, shall establish the terms of a health insurance
25 plan for graduate assistants, and for employees-in-training designated by the board

1 not schedule a meeting for the purpose of reviewing the report within 14 working
2 days after receipt of the report.

3 **SECTION 372.** 44.14 (1) of the statutes is amended to read:

4 44.14 (1) It is the purpose of this section to establish a more economical system
5 of handling federal documents in this state in such a way as to effect savings of staff
6 and space to the participating libraries, both state and local; to make such documents
7 more available to more of the people, colleges and libraries of the state, in accordance
8 with the purposes of the federal depository act of 1895 and the needs of the citizens
9 of the state; and to make possible substantial economies in the publication costs of
10 such documents at the federal level as well. To this end the state documents
11 depository established by s. 44.06 may acquire and establish a central state
12 depository and loan collection of federal documents for the benefit of the University
13 of Wisconsin-Madison and University of Wisconsin System, the state law library, the
14 depository libraries and such other college and public libraries in this state as may
15 desire to share in the benefits of this loan collection.

16 **SECTION 373.** 44.14 (2) of the statutes is amended to read:

17 44.14 (2) The University of Wisconsin-Madison, the University of Wisconsin
18 System, and the public and other participating libraries, federal regulations
19 permitting, may transfer outright or may loan indefinitely to this central depository
20 any or all federal documents now in their possession which in their opinion are so
21 little used for ready reference purposes as to make their retention unnecessary if
22 copies are available on loan from the central depository loan collection.

23 **SECTION 374.** 45.03 (13) (L) of the statutes is amended to read:

24 45.03 (13) (L) Provide verification to the educational institution of the
25 information required under s. 36.27 (3p) (a), 37.27 (3p) (a) or 38.24 (8) (a).

1 University of Wisconsin-Madison, provided that use of the property is primarily
2 related to the purposes of the University of Wisconsin-Madison.

****NOTE: We don't think we can create a provision comparable to s. 70.11 (3) (c), as s. 70.11 (3) (c) refers to "[a]ll buildings, equipment and leasehold interests in lands described in s. 36.06, 1971 stats., and s. 37.02 (3), 1971 stats.," and, unless we are wrong, no current law provisions are comparable to the cited provisions under the 1971 stats. Does the above accomplish your intent? Note that the above is similar to the property tax exemption for the Wisconsin Aerospace Authority under s. 70.11 (38m).

3 **SECTION 392.** 70.119 (3) (e) of the statutes is amended to read:

4 70.119 (3) (e) "State facilities" means all property owned and operated by the
5 state for the purpose of carrying out usual state functions, including the campus of
6 the University of Wisconsin-Madison and the branch campuses of the university
7 University of Wisconsin system but not including land held for highway
8 right-of-way purposes.

9 **SECTION 393.** 70.119 (4) of the statutes is amended to read:

10 70.119 (4) The department shall be responsible for negotiating with
11 municipalities on payments for municipal services and may delegate certain
12 responsibilities of negotiation to other state agencies or to the University of
13 Wisconsin-Madison or the University of Wisconsin Hospitals and Clinics Authority.
14 Prior to negotiating with municipalities the department shall submit guidelines for
15 negotiation to the committee for approval.

16 **SECTION 394.** 71.07 (5r) (a) 6. a. of the statutes is amended to read:

17 71.07 (5r) (a) 6. a. A University of Wisconsin System institution, the University
18 of Wisconsin-Madison, a technical college system institution, or a regionally
19 accredited 4-year nonprofit college or university having its regional headquarters
20 and principal place of business in this state.

21 **SECTION 395.** 71.10 (5f) (i) of the statutes is amended to read:

1 71.10 (5f) (i) *Appropriations and payment.* From the moneys received from
2 designations for the breast cancer research program, an amount equal to the sum of
3 administrative expenses, including data processing costs, certified under par. (h) 1.
4 shall be deposited in the general fund and credited to the appropriation account
5 under s. 20.566 (1) (hp), and, of the net amount remaining that is certified under par.
6 (h) 3., an amount equal to 50 percent shall be credited to the appropriation account
7 under s. 20.250 (2) (g) and an amount equal to 50 percent shall be ~~credited to the~~
8 ~~appropriation account under s. 20.285 (1) (gm) paid to the University of~~
9 Wisconsin-Madison for breast cancer research conducted by the University of
10 Wisconsin Carbone Cancer Center.

11 **SECTION 396.** 71.10 (5h) (i) of the statutes is amended to read:

12 71.10 (5h) (i) *Appropriations, ^{Strike comma} ~~disbursement of funds to the fund~~ and payment.*

13 From the moneys received from designations for the prostate cancer research
14 program, an amount equal to the sum of administrative expenses, including data
15 processing costs, certified under par. (h) 1. shall be deposited in the general fund and
16 credited to the appropriation account under s. 20.566 (1) (hp), and of the net amount
17 remaining that is certified under par. (h) 3. an amount equal to 50 percent shall be
18 credited to the appropriation ~~accounts~~ account under ~~ss. s.~~ s. 20.250 (2) (h) and 20.285
19 (1) ~~(gn)~~ and amount equal to 50 percent shall be paid to the University of
20 Wisconsin-Madison, for the use specified under s. 255.054 (1).

21 **SECTION 397.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
22 7, is amended to read:

23 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
24 Hospitals and Clinics Authority, of the University of Wisconsin-Madison, of the
25 Health Insurance Risk-Sharing Plan Authority, of the Wisconsin Quality Home

1 **SECTION 415.** 101.14 (4) (b) 3. d. of the statutes is amended to read:

2 101.14 (4) (b) 3. d. Every residence hall and dormitory, the initial construction
3 of which is begun on or after January 7, 2006, that is owned or operated by an
4 institution of higher education, other than a residence hall or dormitory that is
5 owned or operated by the Board of Regents of the University of Wisconsin System or
6 the Board of Trustees of the University of Wisconsin-Madison, to have an automatic
7 fire sprinkler system installed on each floor at the time the residence hall or
8 dormitory is constructed.

8
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9 **SECTION 416.** 115.297 (1) (a) of the statutes is amended to read:

10 115.297 (1) (a) "Agencies" means the department, the ~~board of regents~~ Board
11 of Regents of the University of Wisconsin System, the Board of Trustees of the
12 University of Wisconsin-Madison, the technical college system board, and the
13 Wisconsin Association of Independent Colleges and Universities.

14 **SECTION 417.** 115.43 (2) (b) of the statutes is amended to read:

15 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
16 scholarships, on a competitive basis, to economically disadvantaged pupils who
17 enroll in a technical college or in college or university classes or programs designed
18 to improve academic skills that are essential for success in postsecondary school
19 education. The state superintendent shall give preference to economically
20 disadvantaged pupils who are inadequately represented in the technical college and
21 University of Wisconsin Systems and the University of Wisconsin-Madison.

22 **SECTION 418.** 116.01 of the statutes is amended to read:

23 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
24 the legislature recognizes the need for a service unit between the school district and
25 the state superintendent. The cooperative educational service agencies are designed

****NOTE: This treatment, together with s. 13.48 (28), stats., maintains existing law that requires the Building Commission to avoid contracting state debt for facilities intended for use by UWHCA that would be located on existing campus property.

1 **SECTION 434.** 233.02 (1) (b) of the statutes is amended to read:

2 233.02 (1) (b) Three members of the ~~board of regents~~ Board of Trustees
3 appointed by the ~~president~~ chairperson of the ~~board of regents~~ Board of Trustees.

4 **SECTION 435.** 233.02 (1) (d) of the statutes is amended to read:

5 233.02 (1) (d) The dean of the University of ~~Wisconsin-Madison Medical~~
6 Wisconsin School of Medicine and Public Health.

7 **SECTION 436.** 233.02 (1) (e) of the statutes is amended to read:

8 233.02 (1) (e) A chairperson of a department at the University of
9 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,

10 appointed by the chancellor of the University of ~~Wisconsin-Madison~~ Wisconsin

11 **SECTION 437.** 233.02 (1) (f) of the statutes is amended to read:

12 233.02 (1) (f) A faculty member of a health profession school of the University
13 of Wisconsin-Madison ~~health professions school~~, other than the University of
14 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
15 appointed by the chancellor of the University of Wisconsin-Madison.

16 **SECTION 438.** 233.03 (2) of the statutes is amended to read:

17 233.03 (2) Sue and be sued; have a seal and alter the seal at pleasure; have
18 perpetual existence; maintain an office; negotiate and enter into leases; accept gifts
19 or grants, but not including research grants in which the grant investigator is an
20 employee of the ~~board of regents~~ Board of Trustees; accept bequests or loans; accept
21 and comply with any lawful conditions attached to federal financial assistance; and
22 make and execute other instruments necessary or convenient to the exercise of the
23 powers of the authority.

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1 negotiate and enter into a contractual services agreement with the board of directors
2 that meets the requirements under sub. (4) (a) and (b) or with the ~~board of regents~~
3 Board of Trustees that meets the requirements under s. ~~36.25~~ 37.25 (13g) (c).

4 **SECTION 443.** 233.04 (7) (intro.) of the statutes is amended to read:

5 233.04 (7) (intro.) Subject to s. 233.05 (1) and 1995 Wisconsin Act 27, section
6 9159 (2) (k), negotiate and enter into a lease agreement with the ~~board of regents~~
7 Board of Trustees to lease the on-campus facilities beginning on June 29, 1996, for
8 an initial period of not more than 30 years. The lease agreement shall include all of
9 the following:

10 **SECTION 444.** 233.04 (7) (e) of the statutes is amended to read:

11 233.04 (7) (e) Any provision necessary to ensure that the general management
12 and operation of the on-campus facilities are consistent with the mission and
13 responsibilities of the University of Wisconsin System ^{Wisconsin - Madison} specified in ss. ~~36.04~~ 37.001
14 and ~~36.09~~ 37.03.

15 **SECTION 445.** 233.04 (7) (g) of the statutes is amended to read:

16 233.04 (7) (g) A provision that protects the ~~board of regents~~ Board of Trustees
17 from all liability associated with the management, operation, use or maintenance of
18 the on-campus facilities. No such provision shall make the authority liable for the
19 acts or omissions of any officer, employee or agent of the ~~board of regents~~ Board of
20 Trustees, including any student who is enrolled at the University of
21 Wisconsin-Madison or an institution within the University of Wisconsin System,
22 unless the officer, employee or agent acts at the direction of the authority.

23 **SECTION 446.** 233.04 (7g) (a) of the statutes is amended to read:

24 233.04 (7g) (a) Submit any modification, extension or renewal of the lease
25 agreement under sub. (7) to the joint committee on finance. No extension or renewal

1 SECTION 465. 254.19 of the statutes is amended to read:

2 254.19 Asbestos testing fees. Notwithstanding s. 36.25 (11) (f) 37.57 (7), the
3 state laboratory of hygiene board shall impose a fee sufficient to pay for any asbestos
4 testing services which it provides.

5 SECTION 466. 255.05 (1) (d) of the statutes is amended to read:

6 255.05 (1) (d) "Public agency" means a county, city, village, town or school
7 district, the University of Wisconsin-Madison, or an agency of this state or of a
8 county, city, village, town or school district.

9 SECTION 467. 255.054 (1) of the statutes is amended to read:

10 255.054 (1) The Medical College of Wisconsin, Inc., and the University of
11 Wisconsin Comprehensive Carbone Cancer Center shall use the moneys
12 appropriated under ss. s. 20.250 (2) (h) and ~~20.285 (1) (gm)~~ the moneys paid under
13 s. 71.10 (5h) (i) for prostate cancer research projects. These moneys may not be used
14 to supplant funds available for prostate cancer research from other sources.

15 SECTION 468. 255.054 (2) of the statutes is amended to read:

16 255.054 (2) Annually by January 1, the Medical College of Wisconsin, Inc., and
17 the Board of ~~Regents~~ Trustees of the University of Wisconsin-Madison ~~Wisconsin System~~ (shall each
18 report to the appropriate standing committees of the legislature under s. 13.172 (3)
19 and to the governor on the prostate cancer research projects each has conducted
20 under sub. (1) in the previous fiscal year.

****NOTE: Is the appropriation change okay?

21 SECTION 469. 255.055 (1) of the statutes is amended to read:

22 255.055 (1) The Medical College of Wisconsin, Inc., and the University of
23 Wisconsin Comprehensive Carbone Cancer Center shall use the moneys
24 appropriated under ss. s. 20.250 (2) (g) and ~~20.285 (1) (gm)~~ the moneys paid under

1 **SECTION 473.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
2 7, is amended to read:

3 285.59 (1) (b) "State agency" means any office, department, agency, institution
4 of higher education, association, society or other body in state government created
5 or authorized to be created by the constitution or any law which is entitled to expend
6 moneys appropriated by law, including the legislature and the courts, the Wisconsin
7 Housing and Economic Development Authority, the Bradley Center Sports and
8 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
9 Authority, the University of Wisconsin-Madison, the Fox River Navigational System
10 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
11 Authority, the Wisconsin Economic Development Corporation, and the Wisconsin
12 Health and Educational Facilities Authority.

 ****NOTE: The above requires the UW to comply with ozone-depleting refrigerant
recovery requirements that apply to other state agencies.

13 **SECTION 474.** 287.03 (1) (c) of the statutes is amended to read:

14 287.03 (1) (c) Coordinate research, technical assistance and education
15 programs under this chapter with related activities of the University of
16 Wisconsin-Madison or University of Wisconsin System.

17 **SECTION 475.** 321.40 (1) (c) 1m. of the statutes is created to read:

18 321.40 (1) (c) 1m. The University of Wisconsin ^{- madison}

19 **SECTION 476.** 321.65 (1) (a) 2. of the statutes is amended to read:

20 321.65 (1) (a) 2. Active service with the state laboratory of hygiene under s.
21 ~~36.25 (11) (em)~~ 37.57 (6) for the purpose of assisting the department of health services
22 under s. 250.042 during a state of emergency relating to public health declared by
23 the governor under s. 323.10.

1 support of the *Center for Urban Land Economics* in the School of Business at the
2 University of Wisconsin-Madison under s. 37.25 (34).

3 **SECTION 492.** 560.03 (18) of the statutes is amended to read:

4 560.03 (18) Develop and implement a plan to promote and increase exports,
5 including agricultural products, and foreign investment in this state. The plan shall
6 provide for the secretary to take a leadership role in assuring collaboration and
7 coordination among international trade activities conducted by governmental
8 entities to assure efficiency and to avoid duplication and may include provisions for
9 participation in trade fairs and missions, establishment and maintenance of foreign
10 trade offices and preparation of research on foreign markets for exports from this
11 state and on opportunities for foreign investment in this state. The plan shall
12 describe the allocation of funds for support staff in this state to implement the plan
13 and for all other costs in implementing each provision of the plan. In developing and
14 implementing the plan, the department shall consult with the department of
15 agriculture, trade and consumer protection, the University of Wisconsin-Madison,
16 the University of Wisconsin System, the technical college system and other public
17 and private agencies and institutions supporting international trade education or
18 activities. Any plan to establish a foreign trade office shall include the feasibility of
19 establishing a system of graduated fees which a trade office may use to offset its
20 operating costs, or a system of commissions for execution of successful transactions,
21 or both.

22 **SECTION 493.** 560.03 (25) of the statutes is amended to read:

23 560.03 (25) In cooperation with the department of financial institutions and,
24 the board of regents Board of Trustees of the University of Wisconsin-Madison, and
25 the Board of Regents of the University of Wisconsin System, provide education and

1 other support to facilitate the development networks of bona fide angel investors, as
2 defined in s. 71.07 (5d) (a) 1.

3 SECTION 494. 560.03 (26) of the statutes is amended to read:

4 560.03 (26) In cooperation with the department of financial institutions and,
5 the board of regents Board of Trustees of the University of Wisconsin-Madison, and
6 the Board of Regents of the University of Wisconsin System, annually conduct and
7 publish the results of a study of Wisconsin businesses to determine new business
8 formation trends and identify obstacles faced by new Wisconsin businesses and areas
9 where changes in governmental policy may satisfy the needs of new Wisconsin
10 businesses. As part of the study, the department of commerce shall conduct a survey
11 of Wisconsin businesses.

12 SECTION 495. 560.15 (1) (b) 6. of the statutes is amended to read:

13 560.15 (1) (b) 6. A small business development center of the University of
14 Wisconsin-Madison or University of Wisconsin System.

15 SECTION 496. 560.75 (6) of the statutes is amended to read:

16 560.75 (6) Notify University of ~~Wisconsin~~ Wisconsin-Madison and University
17 of Wisconsin System small business development centers, the Wisconsin housing
18 and development centers, the central administration of the University of
19 Wisconsin-Madison campus and all University of Wisconsin System campuses and
20 regional planning commissions about the development zone program and encourage
21 those entities to provide advice to the department or local governing bodies on ways
22 to improve the development zone program.

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23 SECTION 497. 887.23 (1) of the statutes is amended to read:

24 887.23 (1) WHO MAY REQUIRE. The department of health services, the
25 department of corrections, the state superintendent of public instruction, the Board

1 (1) TRANSFER OF UNIVERSITY OF WISCONSIN-MADISON.

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

3 1. "Authority" means the University of Wisconsin-Madison authority, as
4 created by this act.

5 2. "Board of Trustees" means the board of trustees of the authority.

6 3. "Board of Regents" means the board of regents of the system.

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

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

9 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the system, including real property and moneys in the university trust
11 funds, that relate to the operation of the University of Wisconsin-Madison, as
12 determined by the secretary, shall become the assets and liabilities of the authority.

13 (c) *Tangible personal property; records.* On the effective date of this paragraph,
14 all tangible personal property, including records, of the system that relates to the
15 operation of the University of Wisconsin-Madison, as determined by the secretary,
16 is transferred to the authority.

17 (d) *Employees.* All incumbent employees holding positions in the system and
18 assigned to the University of Wisconsin-Madison are transferred on the effective
19 date of this paragraph to the authority. Until July 1, 2012, Through June 30, 2012,
20 the authority shall adhere to the terms of any collective bargaining agreement
21 covering the employees that is in force on the effective date of this paragraph,
22 including terms relating to employer payment of any employee required
23 contributions under the Wisconsin Retirement System and employer payment of any
24 health insurance premiums on behalf of employees. Beginning July 1, 2012, the
25 authority shall establish the compensation and benefits of the employees under the

1 by this act, that are in effect on the effective date of this paragraph on university
2 property as if the Board of Trustees had promulgated them. The rules shall continue
3 to apply until the Board of Trustees promulgates rules under section 37.11 (1m) (a),
4 (c), and (cm) of the statutes, as affected by this act.

5 (g) *Policies and procedures.* All policies and procedures of the system that are
6 in effect on the effective date of this paragraph, and that relate to the operation of
7 the University of Wisconsin-Madison, and all policies and procedures of the
8 University of Wisconsin-Madison that are in effect on the effective date of this
9 paragraph, become policies and procedures of the authority and remain in effect
10 until their specified expiration date or until modified or rescinded by the Board of
11 Trustees.

12 (h) *Pending matters.* Any matter pending with the Board of Regents on the
13 effective date of this paragraph that is primarily related to the operation of the
14 University of Wisconsin-Madison, as determined by the secretary, is transferred to
15 the Board of Trustees and all materials submitted to or actions taken by the Board
16 of Regents with respect to the pending matters are considered as having been
17 submitted to or taken by the Board of Trustees.

18 (i) *Board of regents duties.* Notwithstanding paragraphs (b) to (h), until the
19 Board of Trustees notifies the Board of Regents that the transfers under this
20 subsection have been completed, the Board of Regents shall provide the authority
21 with the usual and customary services that the Board of Regents provided to the
22 University of Wisconsin-Madison prior to the effective date of this paragraph and
23 with any other services or resources necessary to complete the transfers under this
24 subsection.

25 **SECTION 9155. Nonstatutory provisions; Other.**

1 (1) UNIVERSITY OF WISCONSIN-MADISON EMPLOYEES. Notwithstanding section
2 230.03 (3) of the statutes, the University of Wisconsin-Madison authority shall be
3 considered an agency, as defined in section 230.03 of the statutes, until July 1, 2012,
4 for all purposes under chapter 230 of the statutes and all employees of the University
5 of Wisconsin-Madison ^{authority} who were in the classified service of the state civil service and
6 who were transferred to the authority under SECTION 9152 (1) (d) shall have all the
7 rights and privileges offered classified employees until July 1, 2012.

8 (2) UNIVERSITY OF WISCONSIN-MADISON BOARD OF TRUSTEES; INITIAL
9 APPOINTMENTS. Notwithstanding the lengths of the terms specified in section 37.02
10 (1) (a) of the statutes, as created by this act, the initial members of the Board of
11 Trustees of the University of Wisconsin-Madison shall be initially appointed for the
12 following terms:

13 (a) The member appointed under section 37.02 (1) (a) 1. a. of the statutes, as
14 created by this act, the member appointed under section 37.02 (1) (a) 1. b. of the
15 statutes, as created by this act, 2 members appointed under section 37.02 (1) (a) 1.
16 c. of the statutes, as created by this act, a member appointed under section 37.02 (1)
17 (a) 2. a. of the statutes, as created by this act, the member appointed under section
18 37.02 (1) (a) 2. b. of the statutes, as created by this act, and 2 members appointed
19 under section 37.02 (1) (a) 2. c. of the statutes, as created by this act, for terms
20 expiring on May 1, 2014.

21 (b) Four members appointed under section 37.02 (1) (a) 1. c. of the statutes, as
22 created by this act, 2 members appointed under section 37.02 (1) (a) 2. d. of the
23 statutes, as created by this act, and the member appointed under section 37.02 (1)
24 (a) 3. of the statutes, as created by this act, for terms expiring on May 1, 2013.

1 (c) Three members appointed under section 37.02 (1) (a) 1. c. of the statutes,
2 as created by this act, a member appointed under section 37.02 (1) (a) 2. a. of the
3 statutes, as created by this act, and 2 members appointed under section 37.02 (1) (a)
4 2. e. of the statutes, as created by this act, for terms expiring on May 1, 2012.

5 **SECTION 9301. Initial applicability; Administration.**

6 (1) BID THRESHOLDS IN PROCUREMENT FOR THE UNIVERSITY OF
7 WISCONSIN-MADISON. The treatment of section 16.75 (1) (c) and (2m) (c) of the
8 statutes, the renumbering and amendment of section 16.75 (1) (b) and (2m) (b) of the
9 statutes, and the creation of section 16.75 (1) (b) 2. and (2m) (b) 2. first apply to bids
10 or proposals solicited on the effective date of this subsection.

11 **SECTION 9455. Effective dates; Other.**

12 (1) ~~UNIVERSITY TRUST FUNDS.~~ ^{INS 227-1} UNIVERSITY TRUST FUNDS. The repeal of section 20.280 (1) (zz) of the statutes
13 takes effect on July 1, 2013.

14 (END)