

2013 DRAFTING REQUEST

Bill

Received: 1/31/2014 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Mike Kuglitsch (608) 267-5158 By/Representing: Matt Spencer
May Contact: Drafter: mkunkel
Subject: Higher Education - UW System Addl. Drafters:
Extra Copies: PG

Submit via email: YES
Requester's email: Rep.Kuglitsch@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Classified research

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|----------------------|---------------------|----------------|----------------------|-----------------|-----------------|
| /? | mkunkel 1/31/2014 | | | _____ | | | |
| /P1 | mkunkel 2/3/2014 | kfollett 2/3/2014 | jmurphy 2/3/2014 | _____ | sbasford 2/3/2014 | | |
| /1 | mkunkel 2/3/2014 | kfollett 2/3/2014 | jmurphy 2/3/2014 | _____ | lparisi 2/3/2014 | | |
| /2 | | kfollett | jmurphy | _____ | mbarman | lparisi | |

Vers. Drafted

Reviewed
2/3/2014

Typed
2/3/2014

Proofed

Submitted
2/3/2014

Jacketed
2/4/2014

Required

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<END>

Not Needed

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| /1 | | kfollett 2/3/2014 | jmurphy 2/3/2014 | _____ | lparisi 2/3/2014 | | |
| | | <i>1/2/13 SF</i> <i>2/3</i> | <i>1/2/13 KF</i> <i>2/3</i> | <i>jm</i> <i>2/13</i> | | | |

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Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? mkunkel
1/31/2014

/P1 kfollett jmurphy sbasford
2/3/2014 2/3/2014 2/3/2014

FE Sent For: *1/15/14* *1/15/14* *Jan 2/3*
2/3 *2/3*

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | mkunkel | MP/EF 2/3 | MP/EF 2/3 | _____ | _____ | _____ | _____ |

FE Sent For:

<END>

Kunkel, Mark

From: Spencer, Matt
Sent: Thursday, January 30, 2014 1:29 PM
To: Kunkel, Mark
Subject: New Draft
Attachments: classified research.docx

Thank you for all of your work on this. Attached is some new language for classified research. It may be a little easier to work with this.

Let me know if you have any questions.

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158

Create 36.11(56) to read:

36.11(56) Classified Research. The board may accept research contracts involving government security classification or other similar restrictions on the participation in, access to or dissemination of research results, provided that:

- (a) the research proposed in the contract furthers national security interests;
- (b) the educational interests of any participating students are adequately protected;
- (c) appropriate facilities, infrastructure and administrative resources are available, either on campus or at an off-campus location;
- (d) the sponsor of the research covers all additional costs associated with the security requirements of the research; and
- (e) the conditions for accepting such contracts and conducting such research are established pursuant to a process approved by the chancellor, in consultation with the faculty, of the institution at which such research is to be conducted.

Renumber these (57) and (58):

36.11(56)([https://docs.legis.wisconsin.gov/document/statutes/36.11\(56\)\)](https://docs.legis.wisconsin.gov/document/statutes/36.11(56))) (56) Travel policies. Effective July 1, 2013, the board shall establish travel policies for system employees and a schedule for the reimbursement of system employees for travel expenses.

36.11(57)([https://docs.legis.wisconsin.gov/document/statutes/36.11\(57\)\)](https://docs.legis.wisconsin.gov/document/statutes/36.11(57))) (57) General purpose revenue block grants. The board shall allocate moneys appropriated to the board under s. 20.285 (1)

(a)([https://docs.legis.wisconsin.gov/document/statutes/20.285\(1\)\(a\)\)](https://docs.legis.wisconsin.gov/document/statutes/20.285(1)(a))) to the institutions, college campuses, and extension as block grants.

Create 36.45(4) to read:

36.45(4)The board shall report annually to the Joint Committee on Finance the number of research contracts considered under a process established pursuant to 36.11(56)(e) and the disposition thereof.

Create 19.36(14) to read:

19.36(14) Intellectual Property Records: An authority may withhold data, records, or information produced or collected by or for faculty or staff of public institutions of higher education in the conduct of or as a result of, study or research on commercial, scientific or technical subjects, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, until such data, records, or information have been publicly released, published, or patented.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4166/P1

MDK: *bf*

O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*by MONDAY
2-3*

12-1-31

Gen

- 1 **AN ACT ...; relating to:** classified research at University of Wisconsin System
- 2 institutions and exemption from open records requirements.

c or
Analysis by the Legislative Reference Bureau *all*

X
X
✓
be

Under this bill, if certain requirements are satisfied, the Board of Regents of the University of Wisconsin (UW) System may accept research contracts involving government security classifications or similar restrictions on participation in the research or access to, ~~of~~ dissemination of, research results. The requirements that must be satisfied are as follows. First, the research must further national security interests. Second, the educational interests of ~~any~~ participating students must be adequately protected. Third, appropriate facilities, infrastructure, and administrative resources must be available for the research, either on campus or at off-campus locations. Fourth, ~~the~~ the sponsors of the research must cover all additional costs associated with the security requirements of the research. Finally, the conditions for accepting the contracts and conducting the research must be established pursuant to processes approved by the chancellors of the UW institutions at which the research is to be conducted, and the chancellors must consult with faculty in making such approvals.

step

The bill also provides that certain information of public higher education institutions is exempt from inspection or copying under the open records law. The information subject to the exemption is information, data, or records produced or collected by or for faculty or staff of such institutions as a result of study or research on commercial, scientific, or technical subjects. The exemption applies whether or not the study or research is sponsored by institution alone or in conjunction with a

an the

governmental body or private concern. The exemption expires when the information is publicly released, published, or patented.

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

1 **SECTION 1.** 19.36 (14) of the statutes is created to read:

2 19.36 (14) HIGHER EDUCATION INTELLECTUAL PROPERTY RECORDS. An authority
3 may withhold access to information, data, or records produced or collected by or for
4 faculty or staff of public institutions of higher education in the conduct of or as a
5 result of study or research on commercial, scientific, or technical subjects, whether
6 sponsored by the institution alone or in conjunction with a governmental body or
7 private concern, until such information, data, or records have been publicly released,
8 published, or patented.

9 **SECTION 2.** 36.11 (55m) of the statutes is created to read:

10 36.11 (55m) CLASSIFIED RESEARCH. The board may accept research contracts
11 involving government security classifications or other similar restrictions on
12 participation in research or access to or dissemination of research results, if all of the
13 following are satisfied:

14 (a) The research furthers national security interests.

15 (b) The educational interests of ~~any~~ ^{all} participating students are adequately
16 protected.

17 (c) Appropriate facilities, infrastructure, and administrative resources are
18 available for the research, either on campus or at off-campus locations.

19 (d) The sponsors of the research cover all additional costs associated with the
20 security requirements of the research.

1 (e) The conditions for accepting the contracts and conducting the research are
2 established pursuant to a process approved by the chancellor, in consultation with
3 the faculty, of the institution at which the research is to be conducted.

4 **SECTION 3.** 36.45 (4) of the statutes is created to read:

5 36.45 (4) The board shall report annually by September 1 to the joint committee
6 on finance the number of research contracts considered under processes established
7 under s. 36.11 (56) (e) and the disposition of those contracts.

8 (END)

SSm

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4166/P1dn

MDK: *mf*

Date

Rep. Kuglitsch:

Please note the following about this draft:

1. In proposed s. 36.45 (4), what do you mean by "disposition" of the contracts? You may want to use different language that clarifies your intent.
2. Also in proposed s. 36.45 (4), I added the September 1 deadline, which is consistent with the deadline under current law in s. 36.45 (3). Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4166/P1dn
MDK:kjf:jm

February 3, 2014

Rep. Kuglitsch:

Please note the following about this draft:

1. In proposed s. 36.45 (4), what do you mean by “disposition” of the contracts? You may want to use different language that clarifies your intent.
2. Also in proposed s. 36.45 (4), I added the September 1 deadline, which is consistent with the deadline under current law in s. 36.45 (3). Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, February 03, 2014 1:26 PM
To: Rep.Kuglitsch
Cc: Spencer, Matt
Subject: RE: Draft review: LRB -4166/P1 Topic: Classified research

Yes, I will change disposition to outcome and you should get the draft this afternoon.

From: Rep.Kuglitsch
Sent: Monday, February 03, 2014 12:07 PM
To: Kunkel, Mark
Subject: RE: Draft review: LRB -4166/P1 Topic: Classified research

September 1 will be fine and disposition means outcome. Does that work?

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158

From: LRB.Legal
Sent: Monday, February 03, 2014 10:56 AM
To: Rep.Kuglitsch
Subject: Draft review: LRB -4166/P1 Topic: Classified research

Following is the PDF version of draft LRB -4166/P1 and drafter's note.



1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today

RM
has
been
fixed

Regen

- 1 AN ACT *to create* 19.36 (14), 36.11 (55m) and 36.45 (4) of the statutes; **relating**
- 2 **to:** classified research at University of Wisconsin System institutions and
- 3 exemption from open records requirements.

Analysis by the Legislative Reference Bureau

Under this bill, if certain requirements are satisfied, the Board of Regents of the University of Wisconsin (UW) System may accept research contracts involving government security classifications or similar restrictions on participation in the research or access to, or dissemination of, research results. The requirements that must be satisfied are as follows. First, the research must further national security interests. Second, the educational interests of all participating students must be adequately protected. Third, appropriate facilities, infrastructure, and administrative resources must be available for the research, either on campus or at off-campus locations. Fourth, the sponsors of the research must cover all additional costs associated with the security requirements of the research. Finally, the conditions for accepting the contracts and conducting the research must be established pursuant to processes approved by the chancellors of the UW institutions at which the research is to be conducted, and the chancellors must consult with faculty in making such approvals.

The bill also provides that certain information of public higher education institutions is exempt from inspection or copying under the open records law. The information subject to the exemption is information, data, or records produced or collected by or for faculty or staff of such institutions as a result of study or research on commercial, scientific, or technical subjects. The exemption applies whether or

not the study or research is sponsored by the institution alone or in conjunction with a governmental body or private concern. The exemption expires when the information is publicly released, published, or patented.

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

1 **SECTION 1.** 19.36 (14) of the statutes is created to read:

2 **19.36 (14) HIGHER EDUCATION INTELLECTUAL PROPERTY RECORDS.** An authority
3 may withhold access to information, data, or records produced or collected by or for
4 faculty or staff of public institutions of higher education in the conduct of or as a
5 result of study or research on commercial, scientific, or technical subjects, whether
6 sponsored by the institution alone or in conjunction with a governmental body or
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9 **SECTION 2.** 36.11 (55m) of the statutes is created to read:

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15 (b) The educational interests of all participating students are adequately
16 protected.

17 (c) Appropriate facilities, infrastructure, and administrative resources are
18 available for the research, either on campus or at off-campus locations.

19 (d) The sponsors of the research cover all additional costs associated with the
20 security requirements of the research.

1 (e) The conditions for accepting the contracts and conducting the research are
2 established pursuant to a process approved by the chancellor, in consultation with
3 the faculty, of the institution at which the research is to be conducted.

4 **SECTION 3.** 36.45 (4) of the statutes is created to read:

5 36.45 (4) The board shall report annually by September 1 to the joint committee
6 on finance the number of research contracts considered under processes established
7 under s. 36.11 (55m) (e) and the ~~disposition~~ of those contracts.

8

(END)

outcome

Kunkel, Mark

From: Spencer, Matt
Sent: Monday, February 03, 2014 3:32 PM
To: Kunkel, Mark
Subject: RE: Question

Yes that would be great. Thanks for your quick response.

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158

From: Kunkel, Mark
Sent: Monday, February 03, 2014 3:32 PM
To: Spencer, Matt
Subject: RE: Question

Matt:

It looks like I could make the analysis a bit clearer on this issue. I can redraft the bill, and change only the relevant sentence in the analysis. Is that okay with you? I could get it to you today.

--Mark

From: Kunkel, Mark
Sent: Monday, February 03, 2014 3:25 PM
To: Spencer, Matt
Subject: RE: Question

A chancellor must approve the *process* used for accepting contracts, and a chancellor must consult with faculty in deciding whether to approve that *process*.

See page 3 at line 1:

“(e) The conditions for accepting the contracts and conducting the research are established pursuant to a process approved by the chancellor, in consultation with the faculty, of the institution at which the research is to be conducted.”

The bill doesn't say what has to be included in the process. So, it's possible that a process might be established that involves chancellors consulting for approving individual contracts. However, the bill itself doesn't address that issue.

--Mark

From: Spencer, Matt
Sent: Monday, February 03, 2014 2:58 PM
To: Kunkel, Mark
Subject: Question

The analysis states "...the chancellors must consult with faculty in making such approvals." Does the chancellor consult with them for approvals or just developing the process for allowing classified research. I had two people ask me today and they were under the impression that they only consult on the process.

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4166/1
MDK:kjf:jm

2

today

2013 BILL

RM has
been
run

Regen

The bill requires

- 1 AN ACT to create 19.36 (14), 36.11 (55m) and 36.45 (4) of the statutes; relating
- 2 to: classified research at University of Wisconsin System institutions and
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approving those processes

BILL

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18 available for the research, either on campus or at off-campus locations.

19 (d) The sponsors of the research cover all additional costs associated with the
20 security requirements of the research.

Parisi, Lori

From: Spencer, Matt
Sent: Tuesday, February 04, 2014 8:58 AM
To: LRB.Legal
Subject: Draft Review: LRB -4166/2 Topic: Classified research

Importance: High

RUSH

Please Jacket LRB -4166/2 for the ASSEMBLY.