

LRB-0971

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, January 23, 2015 1:56 PM
To: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Yeah, I'll figure out the bonding.

From: Shovers, Marc
Sent: Friday, January 23, 2015 12:43 PM
To: Kunkel, Mark
Subject: RE: UW and the Building Commission, LRB -0971/P2

To the extent that I understand their instructions, I think I'm done for the moment. Could you look at what I've done in the insert and on p. 39, lines 9-11? I just used the phrase "tuition, fees, and auxiliary revenues paid to the authority", but Nathan wasn't sure if that's the right way to refer to these former PR appropriations and solicited your input. Also, am I correct in assuming that if the Authority needs specific authorization to issue bonds, that's something that you'd do?

Thanks,

Marc

From: Kunkel, Mark
Sent: Thursday, January 22, 2015 4:24 PM
To: Shovers, Marc
Subject: FW: UW and the Building Commission, LRB -0971/P2

Just FYI

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Thursday, January 22, 2015 4:13 PM
To: Kunkel, Mark
Subject: RE: UW and the Building Commission, LRB -0971/P2

That's correct. I will let you know when we are ready for that. Thank you!

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Thursday, January 22, 2015 3:25 PM
To: Schwanz, Nathan E - DOA
Subject: RE: UW and the Building Commission, LRB -0971/P2

We will incorporate the changes below in the P3, but we won't create the P3 until we get your go ahead, as there may be more changes coming, right?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Thursday, January 22, 2015 11:50 AM

To: Shovers, Marc
Cc: Kunkel, Mark; Hynek, Sara - DOA
Subject: RE: UW and the Building Commission, LRB -0971/P2

Marc,

Thank you for taking time to chat with me about the Building Commission and Capital Projects process and the changes we would like to make in respect to the UW Authority.

As promised, here is the summary of how we would like the UW Authority to be treated in relation to the Building Commission and Capital Projects. Mark K., I think item number 4 deals with sections you have drafted as it deals with the lease agreement. Please let me know if you have any questions about this.

1. Processes for GPR funded projects will remain as they are now.
2. Projects funded with gifts and grants will be entirely exempt from the Building Commission and state processes regardless of project cost.
 - a. The authority will issue bonds, if necessary, on its own.
3. Projects funded with tuition, fees and auxiliary revenues (formerly PR) will be exempt from the Building Commission and state processes regardless of project cost, *except* that projects with a cost of \$760,000 or more will be required to go through DOA for *only* the bidding process.
 - a. We need to determine how we refer to the PR funds. I don't know if tuition, fees and auxiliary revenues is sufficient reference to these funds. Mark K., what are your thoughts on this?
 - b. DOA will conduct the bid letting and select the lowest, qualified bid and then the UW Authority will assume complete control of the project. DOA conducting the bidding process should not inhibit the UW Authority's ability to conduct all other aspects of the project.
 - c. The authority will issue bonds, if necessary, on its own.
4. Renovations or projects to state-owned facilities or on state-owned land need to be approved by the Building Commission if the cost of the project is more than \$760,000. This impacts paragraph 4 of Section 347 in P2.
 - a. These projects should only need Building Commission approval. If it is funded with GPR, then it will need to follow point #1 above. If the project is funded with gifts and grants or tuition, fee and auxiliary (PR) revenues, points #2 and 3, respectively, should be followed.
 - i. No legislative approval should be needed for these projects.

Again, thank you for your help with this and please do not hesitate to contact me if you have any questions.

Nathan

From: Shovers, Marc [<mailto:Marc.Shovers@legis.wisconsin.gov>]
Sent: Wednesday, January 21, 2015 3:00 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark - LEGIS
Subject: UW and the Building Commission, LRB -0971/P2

Hi Nathan:

You have asked about UW's current relationship with the building commission and how the draft will affect that relationship. As I understand it, this is the situation under current law. Generally under current law, the building commission oversees the state building program which applies to facilities required for state agencies, including educational institutions. See. s. 13.48 (1).

The UW System may not accept any gift, grant, or bequest of real property with a value in excess of \$150,000 or any similar transfer of a building or structure that's built to benefit the system, without the approval of the building commission. See s. 13.48 (2) (b) 1m.

Generally, if the UW System contemplates a project under the state building program, it must report the project to the building commission. The building commission must make formal recommendations (on a biennial basis) to DOA for the state's long-range building program and the building commission must also issue a report on the state's long-range building program. The building commission's recommendations must get legislative approval to go into effect. See s. 13.48 (4), (6), and (7). Also under current law, the UW System may not enter into a construction/reconstruction/remodeling contract worth more than \$185,000 without prior approval of the building commission, which must also supervise construction (see s. 13.48 (10)), although this general provision does not apply to any contract for a building project that's worth less than \$500,000 that is funded entirely by gifts and grants to the UW System. See s. 13.48 (10) (c).

Among other changes, the bill, LRB -0971/P2, repeals s. 13.48 (10) (c), so the limitations in that paragraph do not apply to contracts involving funding from gifts or grants of any amount. See bill sections 14 and 15, which amend s. 13.48 (10) (a) and (c). The bill also requires the Authority to report any project it is thinking about under the state building program to the building commission, and requires the building commission to make recommendations for projects to DOA, which is the same as current law. See bill sections 11, 12, and 13, which amend s. 13.48 (4), (6), and (7).

So with a couple of minor exceptions, the bill does not make many changes to the relationship the Authority will have with the Building Commission.

On a related matter, DOA is required to furnish engineering, architectural, project management and other building construction management services at the request of a state agency, which includes the UW System. See s. 16.85 (2) (b). Under the bill, however, this statute does not apply to the Authority. See bill section 127, which amends s. 16.85 (2). DOA is however still required to review and approve plans and specifications for buildings constructed to benefit the Authority, and review the progress of construction. See bill section 128, which amends s. 16.85 (12). Under the bill, DOA is also required to review and approve the bidding process for certain projects that cost at least \$100,000. See bill section 128, which amends s. 16.85 (12).

I hope this addresses your questions. Please let me know if you have any other concerns about this issue.

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, January 23, 2015 3:43 PM
To: Schwanz, Nathan E - DOA
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Nathan, can you call me and talk through item 4 below? I'm having some difficulty figuring out how it relates to the requirements in items 1 to 3.

Also, regarding the lease, I can change the initial period from 30 to 75 years, but what do you want to do about the prohibition on renewing or extending the lease for a period of more than 30 years, which is on page 87, lines 17 to 18 of the P2?

From: Kunkel, Mark
Sent: Friday, January 23, 2015 3:19 PM
To: Schwanz, Nathan E - DOA
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Regarding the former PR funding, why not refer instead to projects that are funded without any GPR? The result would be 2 categories of projects: 1) those funded with any GPR and 2) those funded without any GPR. For projects funded with any GPR, item 1 would apply. For those projects funded without GPR, the rule in item 3 would apply, unless the project is funded entirely with gifts and grants, in which case the rule in item 2 would apply.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Thursday, January 22, 2015 11:50 AM
To: Shovers, Marc
Cc: Kunkel, Mark; Hynek, Sara - DOA
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Marc,

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From: Shovers, Marc [<mailto:Marc.Shovers@legis.wisconsin.gov>]
Sent: Wednesday, January 21, 2015 3:00 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark - LEGIS
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I hope this addresses your questions. Please let me know if you have any other concerns about this issue.

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Friday, January 23, 2015 5:22 PM
To: Kunkel, Mark
Subject: RE: work schedule

Thanks. I will call you tomorrow about your lease agreement questions.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Friday, January 23, 2015 5:14 PM
To: Schwanz, Nathan E - DOA; Shovers, Marc - LEGIS
Subject: work schedule

FYI I will be out of the office for the rest of the day, but back in tomorrow morning (Sat.).

Kunkel, Mark

From: Dodge, Tamara
Sent: Saturday, January 24, 2015 12:27 PM
To: Kunkel, Mark
Subject: RE: Changes for P3

Mark,

I'm not particularly concerned about the possibility that they make a payment of zero and I don't think they would. You could rearrange the sentence to say "...shall make a payment to the secretary of administration for deposit into the medical assistance trust fund in an amount that is no more than \$30,338,500." It at least makes it look like a payment is required and that no payment would be in violation of the law. At this late date, I think it isn't worth pursuing further. Fiscal bureau can fix it.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Friday, January 23, 2015 11:27 AM
To: Champagne, Rick; Hanaman, Cathlene; Kreye, Joseph; Dodge, Tamara
Cc: Gary, Aaron
Subject: FW: Changes for P3

Rick, can you look at items 1 and 2? Also, item 3 looks straightforward, but what are pension obligation bonds? I can do item 3, if you clarify for me what those are.

Cathlene, can you look at item 5, which involves procurement?

Joe, item 7 involves sales tax. Help.

Tami, for item 17, Nathan wants to say that, in each fiscal year, the Board of Regents must make a payment of *no more than* \$30,338,500 to the secretary of administration for deposit into the medical assistance trust fund. He says that is consistent with current policy, but zero is no more than \$30,338,500, so something doesn't seem right.

--Mark

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Friday, January 23, 2015 10:54 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Changes for P3

Mark,

Here is some more feedback and direction on the UW authority draft. Please wait on finalizing P3 as we may have some more to add to this.

1. Section 442: We would like the requirement for the UW to rollover unused sick leave from year to year to be removed. We think letting the UW determine this in their employment policies is consistent with the overall direction of the authority.
2. Do we need explicit language allowing the Board to issue bonds? I think this probably needs to be added to ch. 36.
3. We want the authority to receive the GPR block grant (20.285(1)(a)) in quarterly payments, similar to WEDC. We would also like a provision that allows the state to withhold payments in the event that the authority does not make any payments to the state, whether they are payments for the lease agreement, municipal services, pension obligation bonds, or any other services provided by the state to the UW.
4. In Section 143, we would like to maintain the reference to the Board of Regents. My understanding is that DOA works closely with the state cartographer on some initiatives and DOA would like to maintain the ability to work with the Board of Regents on land information projects.
5. We would like to include the authority in the definition of a municipality in 16.70(8). The intent of this is to require DOA approval prior to any state agency leaving DOA to use UW contracts for purchasing.
6. We would like to change the GPR block grant (20.285(1)(a)) to a biennial appropriation for the 15-17 biennium only.
7. Beginning in FY18, we would like the GPR block grant (20.285(1)(a)) to be funded with designated revenue from the state sales tax. The amount designated from the state sales tax should be \$753,533,000 annually. Additionally, beginning in FY19, we would like the UW to receive a base-building bonus every year based on the most recent year's change in the CPI.
 - a. For example, beginning in FY19, the UW will have \$753,533,000 designated from the sales tax for the GPR block grant. If CPI grew by 2%, the GPR block grant would increase by \$15,070,660. The bonus or add-on should be recalculated every fiscal year and will be base building. The bonus will not only give the UW additional GPR, it may also reduce its block grant. For example, if CPI shrank by 1%, the change would be a 1% reduction to UW's GPR block grant. Like any increases, reductions will also be base building.
8. We would like the MN/WI student reciprocity program to transfer to the UW authority in FY17 when the UW becomes an authority. I think this impacts Sections 502-506 and 175 as well as Section 716.
9. Section 316: At this point, we do not want to define what constitutes property that is subject to the authority's jurisdiction.
10. We would like tuition for WI resident undergraduate students to be frozen for the 15-17 biennium. Is this done in the nonstat language?
11. Section 169: We would like "the University of Wisconsin Colleges, and the University of Wisconsin-Extension." removed, unless they are necessary to keep in.
12. Section 281: In paragraph 4, we need to have language added clarifying the that terms of the student members of the board are 2-year terms.
13. Section 281: In paragraph 4, subparagraph (5), where did the requirement for 11 members to have a quorum come from? The UW would like it to be 10 instead of 11.
14. Section 289: We would like the phrase "and the University of Wisconsin Colleges" added back to 36.05(9).
15. Section 300: We would like the reference to making a reasonable effort to provide night classes to be removed from the statutes.
16. Section 330: We would like to keep 36.11(9) in the statutes.
17. Section 373: The phrase "no more than" needs to be added immediately before the dollar amount. This is consistent with current policy and the fact that the UW may not need to transfer the full amount to the trust fund.

18. Section 716: The UW would like language added clarifying that they are not responsible for FY15 payments related the MN/WI student reciprocity program. What are your thoughts on that? Some payments may be made after the end of FY15 so it might be worth clarifying that the UW would not be responsible for those payments.

Let me know if you have any questions about these items.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Kunkel, Mark

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Saturday, January 24, 2015 2:56 PM
To: Kunkel, Mark
Subject: RE: UWSA Draft

Thanks!

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Saturday, January 24, 2015 1:46 PM
To: Byrnes, Tyler - DOA
Subject: RE: UWSA Draft

Section #. 20.370 (3) (ga) of the statutes is created to read:

20.370 (3) (ga) State laboratory of hygiene. From the general fund, the amounts in the schedule to pay the state laboratory of hygiene for services provided to the department.

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Saturday, January 24, 2015 1:33 PM
To: Kunkel, Mark
Subject: RE: UWSA Draft

Mark – When you get a chance, can you send me the statutory reference and title for the appropriation you’re going to create in 20.370 (3)?

Thanks,

Tyler

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 21, 2015 11:26 AM
To: Frederick, Caitlin - DOA
Cc: Byrnes, Tyler - DOA; Schwanz, Nathan E - DOA; Steinmetz, Jana D - DOA; Hynek, Sara - DOA
Subject: RE: UWSA Draft

Just a quick follow-up on section 579, discussed below.

The fertilizer research council’s only statutory role (set forth at s. 94.64 (8m) (b)) is to recommend research projects that are funded by surcharges on tonnage fees (s. 94.64 (4) (a) 2.) and fees paid by certain permit holders (s. 95.65 (6) (a) 3.). Those fees are appropriated to DATCP under s. 20.115 (7) (h) for DATCP to forward to the UW for research under s. 94.64 (8m) (a).

Because the council’s only role involves fees for research that are being eliminated, it makes sense to eliminate the council as well. Therefore, in the next version of the draft, I will repeal all the statutes mentioned above, as well as s. 15.137 (5), which creates the council, and s. 94.64 (4) (c) 2., which references the tonnage fee surcharges.

From: Frederick, Caitlin - DOA [mailto:Caitlin.Frederick@wisconsin.gov]
Sent: Tuesday, January 20, 2015 4:23 PM

To: Kunkel, Mark

Cc: Byrnes, Tyler - DOA; Schwanz, Nathan E - DOA; Steinmetz, Jana D - DOA; Hynek, Sara - DOA

Subject: RE: UWSA Draft

See my comments. In color.

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]

Sent: Tuesday, January 20, 2015 11:45 AM

To: Frederick, Caitlin - DOA

Cc: Schwanz, Nathan E - DOA

Subject: FW: UWSA Draft

See my italicized comments below.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]

Sent: Monday, January 19, 2015 9:50 AM

To: Kunkel, Mark

Subject: FW: UWSA Draft

Mark,

Here is some feedback on the state lab and vet lab changes in P2. They came from the SBO team that is inheriting these boards. Please let me know if you have any questions about these.

Nathan

From: Frederick, Caitlin - DOA

Sent: Monday, January 19, 2015 9:23 AM

To: Schwanz, Nathan E - DOA; Byrnes, Tyler - DOA

Cc: Hynek, Sara - DOA

Subject: RE: UWSA Draft

My review:

Section 185. Do we need to add money received from state agencies? *Yes. I will create a PR-S for DATCP, s. 20.115 (9) (k) "State agency services. All moneys received from other state agencies for the costs of services performed by the state laboratory of hygiene for those state agencies, to provide those services." Ok*

Section 211

Need appropriation in 20.370 (3) for charges for sloh. *Do you need an appropriation, or can DNR rely on a general program operations appropriation under current law to pay SLOH? If you need a new appropriation, do you want to specify amounts in the schedule for DNR to pay SLOH? And what is the funding source, the general fund or the conservation fund? Also, as noted below, I assume that DHS should also pay SLOH. If so, do you need a DHS appropriation for the payments, or is there a general program operations appropriation under current law that DHS can use to pay SLOH? DNR has asked for a special appropriation so the money is sheltered for this purpose. DHS will be using a general appropriation because the impact is smaller. For DNR, it should be amounts in the schedule, GPR, in a new program 3 appropriation.*

General: need debt service for vet lab. *From our conversation yesterday, it looked like you were going to check on this one. Let me know what you think. I think no drafting revisions are required.*

Section 392

Do we need to add section permitting sloh to charge state agencies? *From our conversation yesterday, I assume you want to require SLOH to charge DNR and DHS, and allow, but not require, charges for other agencies. If that is correct, I will add the following sentence to page 92, line 19: The laboratory shall charge the department of natural resources and the department of health services, and may charge any other state agency, a fee sufficient to reimburse the laboratory for the costs of providing services under this subsection. I think this works.*

Section 579

This should be repealed as no seg funds are to go to uw. Check that this decision is reflected elsewhere. Remaining funds should lapse. *Is it okay for me to do this repeal? It looks like you were going to check this first. Yes, any SEG appropriations in the UW, or SEG money that goes to the UW that may not be enumerated as such should be repealed effective with the date of the UW Authority. Any associated impacts (such as the Fertilizer Research council language in current draft, would also be repealed. I don't know that you would necessarily repeal the council, in this instance, but it would have to be reworked to reflect that they no longer receive money under ch. 94 as currently noted. Perhaps it's just repealing 94.64(8m)(a) and reworking (b). I am not familiar enough with the council and other potential sources of funds. If they have SEG funds through appropriation authority, remaining funds should lapse back to the appropriate account (ex. Environmental Fund).*

Non stat:

Asset and liabilities should transfer to datcp for sloh and vet lab. And employees. *I will add to the nonstat transfer section. In addition to assets and liabilities, I assume I should also transfer tangible personal property, including records. As for pending matters, contracts, rules, policies, or orders, there is no need to transfer them, as SLOH and vet. diagnostic lab will retain their powers and duties. Ok.*

Other non stat:

Sloh shall track services provided to state agencies under the gpr appropriation and develop a plan to begin charging those agencies as part of their 17-19 datcp budget request. *I will add appropriate language to the nonstats. Ok. I assume you can pretty up the language appropriately.*

(We would move gpr from sloh to agencies as needed in 17-19)

Drafter can talk to me directly if questions. I will be in later.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: "Schwanz, Nathan E - DOA"

Date: 01/17/2015 15:33 (GMT-06:00)

To: "Byrnes, Tyler - DOA"

Cc: "Frederick, Caitlin - DOA", "Hynek, Sara - DOA"

Subject: UWSA Draft

Tyler,

Attached is the second draft of the UW authority. This draft includes changes made to the two boards being transferred to DATCP.

Here are the sections that deal with that change:

1. Section 174 on page 52.

2. Section 179 on page 53.
3. Section 180 on page 53.
4. Section 185 on page 54.
5. Section 186 on page 54.
6. Section 187 on page 55.
7. Section 189 on page 55.
8. Section 192 on page 55.
9. Section 227 on page 62.
10. Section 231 on page 63.
11. Section 392 on page 92.
12. Section 469 on page 97.
13. Section 674 on page 153.
14. Section 692 on page 157.

That should cover all the sections dealing with these two boards. Please let me know if you have any questions or if anything is missing. Thanks.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Kunkel, Mark

From: Kunkel, Mark
Sent: Saturday, January 24, 2015 3:10 PM
To: 'Schwanz, Nathan E - DOA'
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Okay, will do.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Saturday, January 24, 2015 3:00 PM
To: Kunkel, Mark
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Mark,
We think your idea is good. Seems like a cleaner and clearer way to describe the different fund sources.

Nathan

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Subject: RE: UW and the Building Commission, LRB -0971/P2

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From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 22, 2015 11:50 AM
To: Shovers, Marc
Cc: Kunkel, Mark; Hynek, Sara - DOA
Subject: RE: UW and the Building Commission, LRB -0971/P2

Marc,
Thank you for taking time to chat with me about the Building Commission and Capital Projects process and the changes we would like to make in respect to the UW Authority.

As promised, here is the summary of how we would like the UW Authority to be treated in relation to the Building Commission and Capital Projects. Mark K., I think item number 4 deals with sections you have drafted as it deals with the lease agreement. Please let me know if you have any questions about this.

1. Processes for GPR funded projects will remain as they are now.
2. Projects funded with gifts and grants will be entirely exempt from the Building Commission and state processes regardless of project cost.
 - a. The authority will issue bonds, if necessary, on its own.

3. Projects funded with tuition, fees and auxiliary revenues (formerly PR) will be exempt from the Building Commission and state processes regardless of project cost, *except* that projects with a cost of \$760,000 or more will be required to go through DOA for *only* the bidding process.
 - a. We need to determine how we refer to the PR funds. I don't know if tuition, fees and auxiliary revenues is sufficient reference to these funds. Mark K., what are your thoughts on this?
 - b. DOA will conduct the bid letting and select the lowest, qualified bid and then the UW Authority will assume complete control of the project. DOA conducting the bidding process should not inhibit the UW Authority's ability to conduct all other aspects of the project.
 - c. The authority will issue bonds, if necessary, on its own.
4. Renovations or projects to state-owned facilities or on state-owned land need to be approved by the Building Commission if the cost of the project is more than \$760,000. This impacts paragraph 4 of Section 347 in P2.
 - a. These projects should only need Building Commission approval. If it is funded with GPR, then it will need to follow point #1 above. If the project is funded with gifts and grants or tuition, fee and auxiliary (PR) revenues, points #2 and 3, respectively, should be followed.
 - i. No legislative approval should be needed for these projects.

Again, thank you for your help with this and please do not hesitate to contact me if you have any questions.

Nathan

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Wednesday, January 21, 2015 3:00 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark - LEGIS
Subject: UW and the Building Commission, LRB -0971/P2

Hi Nathan:

You have asked about UW's current relationship with the building commission and how the draft will affect that relationship. As I understand it, this is the situation under current law. Generally under current law, the building commission oversees the state building program which applies to facilities required for state agencies, including educational institutions. See s. 13.48 (1).

The UW System may not accept any gift, grant, or bequest of real property with a value in excess of \$150,000 or any similar transfer of a building or structure that's built to benefit the system, without the approval of the building commission. See s. 13.48 (2) (b) 1m.

Generally, if the UW System contemplates a project under the state building program, it must report the project to the building commission. The building commission must make formal recommendations (on a biennial basis) to DOA for the state's long-range building program and the building commission must also issue a report on the state's long-range building program. The building commission's recommendations must get legislative approval to go into effect. See s. 13.48 (4), (6), and (7). Also under current law, the UW System may not enter into a construction/reconstruction/remodeling contract worth more than \$185,000 without prior approval of the building commission, which must also supervise construction (see s. 13.48 (10)), although this general provision does not apply to any contract for a building project that's worth less than \$500,000 that is funded entirely by gifts and grants to the UW System. See s. 13.48 (10) (c).

Among other changes, the bill, LRB -0971/P2, repeals s. 13.48 (10) (c), so the limitations in that paragraph do not apply to contracts involving funding from gifts or grants of any amount. See bill sections 14 and 15, which amend s. 13.48 (10) (a) and (c). The bill also requires the Authority to

report any project it is thinking about under the state building program to the building commission, and requires the building commission to make recommendations for projects to DOA, which is the same as current law. See bill sections 11, 12, and 13, which amend s. 13.48 (4), (6), and (7).

So with a couple of minor exceptions, the bill does not make many changes to the relationship the Authority will have with the Building Commission.

On a related matter, DOA is required to furnish engineering, architectural, project management and other building construction management services at the request of a state agency, which includes the UW System. See s. 16.85 (2) (b). Under the bill, however, this statute does not apply to the Authority. See bill section 127, which amends s. 16.85 (2). DOA is however still required to review and approve plans and specifications for buildings constructed to benefit the Authority, and review the progress of construction. See bill section 128, which amends s. 16.85 (12). Under the bill, DOA is also required to review and approve the bidding process for certain projects that cost at least \$100,000. See bill section 128, which amends. s. 16.85 (12).

I hope this addresses your questions. Please let me know if you have any other concerns about this issue.

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

Kunkel, Mark

From: Kunkel, Mark
Sent: Saturday, January 24, 2015 3:26 PM
To: 'Schwanz, Nathan E - DOA'
Cc: Hanaman, Cathlene
Subject: RE: Changes for P3

per CMH we subsequently decided to put it to "muni" definition. -MOK

Regarding item 5, we think it is better to add UWSA to individual provisions in subch. IV of ch. 16, instead of adding UWSA to the "municipality" definition. The following provisions in that subch. mention municipalities. Which ones do you want to affect?

16.71(6) The department may assess any agency or municipality to which it provides services under this subchapter for the cost of the services provided to the agency or municipality. The department may also identify savings that the department determines to have been realized by an agency to which it provides services under this subchapter and may assess the agency for not more than the amount of the savings identified by the department.

16.73(1) The department may enter into an agreement with a municipality or group of municipalities, and municipalities may enter into agreements with each other, under which any of the parties may agree to participate in, administer, sponsor or conduct purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services. This subsection does not apply to construction contracts that are subject to s. 16.855 or 66.0901.

16.73(2) The department may purchase and store in warehouses articles that may be needed by agencies and municipalities. The department may sell stored articles to municipalities at cost.

16.73(3) The department may, upon request, make available to municipalities technical purchasing information including, but not limited to, standard forms, manuals, product specifications and standards and contracts or published summaries of contracts, including price and delivery information.

16.73(6) The department shall administer a program to facilitate purchases of large equipment that is needed by municipalities. The department shall purchase large equipment as a part of the program. The department may, by rule, prescribe requirements for participation in the program and for participation in specific purchases under the program.

There are other references in s. 16.84 (2) and 16.843 (2) (b), but those statute do not appear relevant to your purpose.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Friday, January 23, 2015 10:54 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Changes for P3

Mark,

Here is some more feedback and direction on the UW authority draft. Please wait on finalizing P3 as we may have some more to add to this.

1. Section 442: We would like the requirement for the UW to rollover unused sick leave from year to year to be removed. We think letting the UW determine this in their employment policies is consistent with the overall direction of the authority.

2. Do we need explicit language allowing the Board to issue bonds? I think this probably needs to be added to ch. 36.
3. We want the authority to receive the GPR block grant (20.285(1)(a)) in quarterly payments, similar to WEDC. We would also like a provision that allows the state to withhold payments in the event that the authority does not make any payments to the state, whether they are payments for the lease agreement, municipal services, pension obligation bonds, or any other services provided by the state to the UW.
4. In Section 143, we would like to maintain the reference to the Board of Regents. My understanding is that DOA works closely with the state cartographer on some initiatives and DOA would like to maintain the ability to work with the Board of Regents on land information projects.
5. We would like to include the authority in the definition of a municipality in 16.70(8). The intent of this is to require DOA approval prior to any state agency leaving DOA to use UW contracts for purchasing.
6. We would like to change the GPR block grant (20.285(1)(a)) to a biennial appropriation for the 15-17 biennium only.
7. Beginning in FY18, we would like the GPR block grant (20.285(1)(a)) to be funded with designated revenue from the state sales tax. The amount designated from the state sales tax should be \$753,533,000 annually. Additionally, beginning in FY19, we would like the UW to receive a base-building bonus every year based on the most recent year's change in the CPI.
 - a. For example, beginning in FY19, the UW will have \$753,533,000 designated from the sales tax for the GPR block grant. If CPI grew by 2%, the GPR block grant would increase by \$15,070,660. The bonus or add-on should be recalculated every fiscal year and will be base building. The bonus will not only give the UW additional GPR, it may also reduce its block grant. For example, if CPI shrank by 1%, the change would be a 1% reduction to UW's GPR block grant. Like any increases, reductions will also be base building.
8. We would like the MN/WI student reciprocity program to transfer to the UW authority in FY17 when the UW becomes an authority. I think this impacts Sections 502-506 and 175 as well as Section 716.
9. Section 316: At this point, we do not want to define what constitutes property that is subject to the authority's jurisdiction.
10. We would like tuition for WI resident undergraduate students to be frozen for the 15-17 biennium. Is this done in the nonstat language?
11. Section 169: We would like "the University of Wisconsin Colleges, and the University of Wisconsin-Extension." removed, unless they are necessary to keep in.
12. Section 281: In paragraph 4, we need to have language added clarifying the that terms of the student members of the board are 2-year terms.
13. Section 281: In paragraph 4, subparagraph (5), where did the requirement for 11 members to have a quorum come from? The UW would like it to be 10 instead of 11.
14. Section 289: We would like the phrase "and the University of Wisconsin Colleges" added back to 36.05(9).
15. Section 300: We would like the reference to making a reasonable effort to provide night classes to be removed from the statutes.
16. Section 330: We would like to keep 36.11(9) in the statutes.
17. Section 373: The phrase "no more than" needs to be added immediately before the dollar amount. This is consistent with current policy and the fact that the UW may not need to transfer the full amount to the trust fund.
18. Section 716: The UW would like language added clarifying that they are not responsible for FY15 payments related the MN/WI student reciprocity program. What are your thoughts on that? Some payments may be made after the end of FY15 so it might be worth clarifying that the UW would not be responsible for those payments.

Let me know if you have any questions about these items.

Nathan Schwanz
 Executive Policy & Budget Analyst
 State Budget Office
 608-266-2843

Kunkel, Mark

From: Hanaman, Cathlene
Sent: Saturday, January 24, 2015 3:54 PM
To: Kunkel, Mark; Grinde, Kirsten - DOA
Subject: FW: UWSA

Thanks, Kirsten.

-Cathlene

From: Grinde, Kirsten - DOA [mailto:Kirsten.Grinde@wisconsin.gov]
Sent: Saturday, January 24, 2015 3:52 PM
To: Hanaman, Cathlene
Subject: FW: UWSA

FYI.

From: Hynes, Sara - DOA
Sent: Saturday, January 24, 2015 3:51 PM
To: Grinde, Kirsten - DOA; Heifetz, Michael G - DOA
Subject: RE: UWSA

We had a 2-hour with the attorneys last night. I think we've got our questions answered about most things, so we'll get the new info over to the drafters.

From: Grinde, Kirsten - DOA
Sent: Saturday, January 24, 2015 3:49 PM
To: Hynes, Sara - DOA; Heifetz, Michael G - DOA
Subject: FW: UWSA

Anything we can send over to keep this moving?

Thanks,

Kirsten

From: Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.wisconsin.gov]
Sent: Saturday, January 24, 2015 1:38 PM
To: Grinde, Kirsten - DOA
Subject: UWSA

Kirsten:

We are waiting for some answers from Nathan on some questions Mark posed to him. Mark cannot finish the next version without answers and I was just wondering if you knew when we could expect the answers?

Thanks,
Cathlene

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Saturday, January 24, 2015 4:20 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: UW/Minn reciprocity

Mark,

I am a little confused by the changes you outlined. We would like the MN/WI reciprocity program to transfer to the UW authority starting on July 1, 2016 (FY17). Up to that point, the program will remain unchanged and with HEAB.

Your changes in P2 are good, they just need to be pushed back one year. Also, I don't think 20.235(1)(e) needs to be transferred to the UW. Instead, it will be repealed on July 1, 2016 when the program is transferred to the UW.

Regarding your fix to section 506, I agree. I think the UW should be able to keep any revenues from the program should they decide to maintain the program.

With these changes, I think it is appropriate to clarify that the UW will not be responsible for any payments for the MN/WI reciprocity program for FY15 and FY16. Instead, they will be responsible for costs related to the program beginning in FY17 and beyond.

Does that make sense? Let me know if you have any questions. Thanks.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Saturday, January 24, 2015 11:05 AM
To: Schwanz, Nathan E - DOA
Subject: UW/Minn reciprocity

Regarding the above subject:

The P2 transfers the state's role from HEAB to the UW right away, the day after publication of the budget. I will make a slight adjustment to that delay, so that it is July 1, 2015, or the day after publication, whichever is later, which is the default effective date for the rest of the budget.

That transfer includes moving the appropriation to UW. See section 175, which renumbers s. 20.235 (1) (e) to be 20.285 (1) (e). However, I need to also amend the text, to correct the cross reference. I will fix that in the P3. On July 1, 2016, when the UW is converted to an authority, that appropriation is repealed. See section 178.

If the above is okay, then, with 2 exceptions, I don't think additional changes are necessary, as the references to the board of regents will then refer to the authority board, instead of the system board. See also my explanation of the term "party" in the note following section 440 of the P2.

The first exception is that I need to fix what I did in section 506 of the P2. I struck the last sentence, which says any payments received by state will be deposited in the general fund. I need to retain that sentence until July 1, 2016, so that any money the UW receives before that date goes into the general fund. After that date, the UW keeps the money, if it chooses to continue the reciprocity agreements. The second exception is to clarify, per the UW's request, that the authority is not responsible for FY15 payments. I think you meant to refer to FY16, which is July 1, 2015 to June 30, 2016. Is that right? Also, if the UW is not responsible for certain payments, who is going to pay them? DOA? Or would

the UW pay them and present a bill for reimbursement to DOA? Is an appropriation needed to authorize payment? Let me know what you think.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Friday, January 23, 2015 5:22 PM
To: Kunkel, Mark
Subject: RE: work schedule

Thanks. I will call you tomorrow about your lease agreement questions.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Friday, January 23, 2015 5:14 PM
To: Schwanz, Nathan E - DOA; Shovers, Marc - LEGIS
Subject: work schedule

FYI I will be out of the office for the rest of the day, but back in tomorrow morning (Sat.).

Kunkel, Mark

From: Kunkel, Mark
Sent: Saturday, January 24, 2015 5:47 PM
To: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

I will do that.

From: Shovers, Marc
Sent: Saturday, January 24, 2015 4:41 PM
To: Kunkel, Mark
Subject: RE: UW and the Building Commission, LRB -0971/P2

Are you going to fix the references in my parts that listed "tuition, fees, and aux. revenues", or would you like me to do that?

From: Kunkel, Mark
Sent: Saturday, January 24, 2015 3:10 PM
To: Schwanz, Nathan E - DOA
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Okay, will do.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Saturday, January 24, 2015 3:00 PM
To: Kunkel, Mark
Cc: Shovers, Marc
Subject: RE: UW and the Building Commission, LRB -0971/P2

Mark,
We think your idea is good. Seems like a cleaner and clearer way to describe the different fund sources.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Friday, January 23, 2015 3:19 PM
To: Schwanz, Nathan E - DOA
Cc: Shovers, Marc - LEGIS
Subject: RE: UW and the Building Commission, LRB -0971/P2

Regarding the former PR funding, why not refer instead to projects that are funded without any GPR? The result would be 2 categories of projects: 1) those funded with any GPR and 2) those funded without any GPR. For projects funded with any GPR, item 1 would apply. For those projects funded without GPR, the rule in item 3 would apply, unless the project is funded entirely with gifts and grants, in which case the rule in item 2 would apply.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Thursday, January 22, 2015 11:50 AM
To: Shovers, Marc

Cc: Kunkel, Mark; Hynek, Sara - DOA

Subject: RE: UW and the Building Commission, LRB -0971/P2

Marc,

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As promised, here is the summary of how we would like the UW Authority to be treated in relation to the Building Commission and Capital Projects. Mark K., I think item number 4 deals with sections you have drafted as it deals with the lease agreement. Please let me know if you have any questions about this.

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 - a. These projects should only need Building Commission approval. If it is funded with GPR, then it will need to follow point #1 above. If the project is funded with gifts and grants or tuition, fee and auxiliary (PR) revenues, points #2 and 3, respectively, should be followed.
 - i. No legislative approval should be needed for these projects.

Again, thank you for your help with this and please do not hesitate to contact me if you have any questions.

Nathan

From: Shovers, Marc [<mailto:Marc.Shovers@legis.wisconsin.gov>]

Sent: Wednesday, January 21, 2015 3:00 PM

To: Schwanz, Nathan E - DOA

Cc: Kunkel, Mark - LEGIS

Subject: UW and the Building Commission, LRB -0971/P2

Hi Nathan:

You have asked about UW's current relationship with the building commission and how the draft will affect that relationship. As I understand it, this is the situation under current law. Generally under current law, the building commission oversees the state building program which applies to facilities required for state agencies, including educational institutions. See. s. 13.48 (1).

The UW System may not accept any gift, grant, or bequest of real property with a value in excess of \$150,000 or any similar transfer of a building or structure that's built to benefit the system, without the approval of the building commission. See s. 13.48 (2) (b) 1m.

Generally, if the UW System contemplates a project under the state building program, it must report the project to the building commission. The building commission must make formal recommendations (on a biennial basis) to DOA for the state's long-range building program and the building commission must also issue a report on the state's long-range building program. The building commission's recommendations must get legislative approval to go into effect. See s. 13.48 (4), (6), and (7). Also under current law, the UW System may not enter into a construction/reconstruction/remodeling contract worth more than \$185,000 without prior approval of the building commission, which must also supervise construction (see s. 13.48 (10)), although this general provision does not apply to any contract for a building project that's worth less than \$500,000 that is funded entirely by gifts and grants to the UW System. See s. 13.48 (10) (c).

Among other changes, the bill, LRB -0971/P2, repeals s. 13.48 (10) (c), so the limitations in that paragraph do not apply to contracts involving funding from gifts or grants of any amount. See bill sections 14 and 15, which amend s. 13.48 (10) (a) and (c). The bill also requires the Authority to report any project it is thinking about under the state building program to the building commission, and requires the building commission to make recommendations for projects to DOA, which is the same as current law. See bill sections 11, 12, and 13, which amend s. 13.48 (4), (6), and (7).

So with a couple of minor exceptions, the bill does not make many changes to the relationship the Authority will have with the Building Commission.

On a related matter, DOA is required to furnish engineering, architectural, project management and other building construction management services at the request of a state agency, which includes the UW System. See s. 16.85 (2) (b). Under the bill, however, this statute does not apply to the Authority. See bill section 127, which amends s. 16.85 (2). DOA is however still required to review and approve plans and specifications for buildings constructed to benefit the Authority, and review the progress of construction. See bill section 128, which amends s. 16.85 (12). Under the bill, DOA is also required to review and approve the bidding process for certain projects that cost at least \$100,000. See bill section 128, which amends s. 16.85 (12).

I hope this addresses your questions. Please let me know if you have any other concerns about this issue.

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-266-0129
marc.shovers@legis.wisconsin.gov

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Saturday, January 24, 2015 6:43 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Additional Draft Changes

Mark,

Here are additional items for revision in P2.

1. 20.285(1)(u) and 20.285(1)(w) also need to be repealed. They are SEG appropriations and there is no reason to keep them in ch. 20 once the UW is an authority.
2. Section 230: 20.866(2)(z)4m should be repealed when the UW becomes an authority. Related to this, a provision needs to be included in the lease agreement that the UW is responsible for maintenance and upkeep for state-owned facilities and properties that are leased to the authority. We would like this to be clearly stated and added to Section 347 of P2.
3. Section 279: 36.01(1) needs to read as follows:
"In recognition of its constitutional obligation to provide by law for the establishment of a state university at or near the seat of state government, and for connecting with the same, from time to time, such colleges in different parts of the state as the interests of education may require, there is hereby created a state system of higher education, provided by the authority, to be known as the University of Wisconsin System; which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; fosters diversity of educational opportunity; promotes service to the public; and promotes internal coordination and the wisest possible use of resources. The principal office and one university shall be located at or near the seat of state government."
4. To address the issue of the UW authority being able to collect forfeitures, we would like to have the UW authority added to pre-existing municipal statutes in ch. 66. I think the impacted sections are 66.0101-66.0115. Adding the UW authority to these sections will allow them to enact ordinances and collect forfeitures while not creating a due process concern. Additionally, we would like to create UW authority's police power under the municipal police authority statutes in ch. 66 and ch. 62. This would remove the UW authority's police power from ch 175 as created in P2. These changes were recommendations from DOA Legal based on requests and concerns that the UW has while balancing the fact they cannot have rulemaking power as an authority. If you have any questions about these changes please let me know.
5. Section 347: Currently, all DOA leases greater than 5 years must be approved under current law by the State Building Commission. We would like to exempt the lease between the UW authority and the state from needing Building Commission approval so that only JFC will be required to approve the lease.
6. Sections 585-585: The language in these sections needs to reflect that the residence halls and dorms are owned by the state. The state will continue to own them but lease them to the UW authority. There is no need to apply these sections to residence halls and dorms built and owned by the UW authority since the sections apply to residence halls and dorms built prior to January 7, 2006.
7. UW employees will not be subject to SELRA but we would like to have the following change made to subject them to MERA: Amend 66.0508(1) as follows:
"In this section, 'local governmental unit' means any city, village, town, county, metropolitan sewerage district, long-term care district, local cultural arts district under subch. V of ch. 229, the University of Wisconsin System Authority or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state."
8. To address the issue of sovereign immunity, we would like the following changes to be made:
 - a. Amend 893.82 to add subsection (2)(d)4 to read: "officers and employees of the University of Wisconsin System Authority."

- b. Amend 893.80 to add subsection (10) to read: "for purposes of this section a 'political corporation' shall not include the University of Wisconsin System authority." (The purpose of this amendment is to avoid any confusion as to whether section 893.80 or 893.82 applies to UW)
- c. Amend 895.46 to add subsection (5)(c) to read: "officers and employees of the University of Wisconsin System Authority."

As a note to these changes, as you pointed out in your email, there is no telling what a federal court will do regarding these provisions.

- 9. Since UW authority employees will not be state employees the authority will not be able to opt into the state's worker comp program. The next draft should reflect this. *deleted section 136 § 11019.2*
- 10. Section 139: We would like the 6 mo notice to be changed to 1 year. *20.505 (2) (K), (L)*
- 11. Section 228: We would like the amendment on line 22 of page 62 removed.
- 12. Section 229: We would like the amendment on line 5 of page 63 removed. This item and item #11 are to allow projects currently enumerated and in progress to continue to completion.
- 13. We would like 13.48(25), 13.48(25m), 13.48(25r) and 13.48(25p) repealed. I was told by Facilities Development that these are outdated statutes and can be repealed.

Nathan Schwanz
Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Kunkel, Mark

From: Shovers, Marc
Sent: Sunday, January 25, 2015 2:28 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark
Subject: FW: UW Authority: additional changes

Hi Nathan:

Mark Kunkel asked me to reply to item 4 from your new instructions.

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I really don't think it is realistic or workable to give such governmental authority to private actors.

Please let us know how you would like to proceed.

Marc

Marc Shovers
Senior Legislative Attorney
marc.shovers@legis.wisconsin.gov
608-266-0129

From: Kunkel, Mark
Sent: Sunday, January 25, 2015 9:20 AM
To: Shovers, Marc; Mueller, Eric; Hanaman, Cathlene
Subject: UW Authority: additional changes

Item 4 relates to local government. Can either Eric or Marc take a look at it?

Item 4 also involves the UW police. Cathlene, can you look at that part?

Item 7 involves MERA. Is that you, Cathlene?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Saturday, January 24, 2015 6:43 PM
To: Kunkel, Mark

Cc: Hynek, Sara - DOA

Subject: Additional Draft Changes

Mark,

Here are additional items for revision in P2.

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Nathan Schwanz

Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Sunday, January 25, 2015 2:57 PM
To: Kunkel, Mark
Subject: RE: Additional Draft Changes

I don't know what the statute is either. DOA Legal told us about this. I can ask and see if they know what statute requires that.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Sunday, January 25, 2015 2:54 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

Regarding item 5, can you identify the statute that imposes that requirement? We are having a hard time finding it. Thanks.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Sunday, January 25, 2015 1:05 PM
To: Kunkel, Mark
Subject: RE: Additional Draft Changes

I'm not sure. I will check with the Facilities folks and see what they think. I probably won't hear from them until tomorrow.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Sunday, January 25, 2015 12:56 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

Regarding item 13, do you also want to repeal the appropriations in s. 20.866 (2) (z) 1m., 2m., and 3m., which relate to s. 13.48 (25), (25m) and (25p)?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Saturday, January 24, 2015 6:43 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Additional Draft Changes

Mark,
Here are additional items for revision in P2.

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Executive Policy & Budget Analyst
State Budget Office
608-266-2843

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Sunday, January 25, 2015 3:20 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: UW & Risk Management

Mark,

We have another change to Section 139. We would like the authority's decision to either opt in or out of the state's risk management program to be subject to approval by the DOA Secretary. The decision should still be made at least one-year in advance.

Thanks.

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Sunday, January 25, 2015 3:34 PM
To: Kunkel, Mark
Subject: RE: SWIB

OK, sounds good. I will explain that to the UW. Thanks.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Sunday, January 25, 2015 3:23 PM
To: Schwanz, Nathan E - DOA
Subject: RE: SWIB

We struck the language because the UWSA is no longer a state department or institution. Therefore, the exception is no longer necessary, as the provision will not apply to UWSA. Moreover, if you maintain the exception, the implication would be that other moneys not held in trust by the UWSA would be subject to SWIB. So, we think we accomplished your intent, and the UW's intent, by striking the language.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Sunday, January 25, 2015 3:10 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: SWIB

Mark,

I was taking a closer look at 25.17(1)(zm) and I think the existing language is somewhat confusing. We do not want the UW trust funds to be subject to SWIB management and investment.

The UW attorneys have asked for the language that is removed in P2 to be added back, thinking that removing the language subjects the trust funds to SWIB management.

I originally thought removing the language was appropriate, but I am second-guessing that. In your opinion, is there a need to make this clearer or does removing the phrase as proposed in P2 accomplish what we intend?

The statutes read, "All other funds of the state or of any state department or institution, except funds which are required by specific provision of law to be controlled and invested by any other authority, and moneys in the University of Wisconsin trust funds, and in the trust funds of the state universities."

Kunkel, Mark

From: Kunkel, Mark
Sent: Sunday, January 25, 2015 3:40 PM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: UW & Risk Management

Okay, will do.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
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Thanks.

Kunkel, Mark

From: Kunkel, Mark
Sent: Sunday, January 25, 2015 4:29 PM
To: Kunkel, Mark
Subject: FW: Issues to address in unsubmitted P3

January 24 email from Nathan E. Schwanz (NES):

Item 4: MES has emailed NES about issues regarding ordinances and municipal police power.

see new instruction

Item 5: in response to my email, NES will contact DOA legal for identity of statute requiring building commission approval of DOA leases greater than 5 years.

see changes to 13.48(14)(am)5.

Item 7: CMH to resolve later, pending resolution of item 4.

16.448(2)(em)

Item 13: see my note following repeal regarding whether we also should repeal related appropriations. NES will talk to DOA capital projects people.

January 23 NES email:

CMH

Item 5: instead of adding UWSA to definition of "municipality" in s. 16.70 (8), I emailed NES to suggest adding UWSA to sentences that mention municipality. He is reviewing this list of statutes and will get back with appropriate changes.

January 16 NES email:

Item 2: Does treatment of s. 13.48 (4) require UWSA to report all proposed projects to the Building Commission?

Yes

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

Kunkel, Mark

From: Kunkel, Mark
Sent: Sunday, January 25, 2015 4:36 PM
To: Shovers, Marc
Subject: RE: UW Authority: additional changes

FYI

I just submitted the P2 to editing to convert to P3, but put on a nonsubmittal form. To the extent that you can work out the issue below, we may be able to put more changes on the P3 before it gets submitted.

From: Shovers, Marc
Sent: Sunday, January 25, 2015 2:28 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark
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