

LRB-0971

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 26, 2015 10:34 AM
To: Kunkel, Mark
Subject: RE: Additional Draft Changes

Mark,
I just spoke with facilities. They now want the statutes I directed you to repeal in #13 below to remain in the statutes, as well as the other references you mentioned in your email yesterday. There are outstanding bonds for these initiatives and they would like the statutes to remain as a result.

Sorry for the change on this.

For your information, here is what I am referencing:

*There are
no X-refs to these
sections*

- 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 We would like 13.48(25), 13.48(25m), 13.48(25r) and 13.48(25p) repealed. I was told by Facilities Development that these are outdated statutes and can be repealed.

"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)?"

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Sunday, January 25, 2015 1:13 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

Okay, I'll leave 'em be for now.

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.

1. 20.285(1)(u) and 20.285(1)(w) also need to be repealed.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 Section 230: 20.866(2)(z)4m should be repealed when the UW becomes an authority.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.
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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.”
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 - a. Amend 893.82 to add subsection (2)(d)4 to read: “officers and employees of the University of Wisconsin System Authority.”
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 - 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.

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

Kunkel, Mark

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Sent: Monday, January 26, 2015 10:35 AM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: Additional Draft Changes

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Sent: Saturday, January 24, 2015 6:43 PM

To: Kunkel, Mark

Cc: Hynek, Sara - DOA

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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.
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608-266-2843

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, January 26, 2015 11:35 AM
To: 'Schwanz, Nathan E - DOA'
Cc: Shovers, Marc
Subject: RE: Additional Draft Changes

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PS We were looking for statutes that applied to leases greater than 5 years. However, unless I'm missing it, both of the above statutes refer to leases, without reference to length in years. Perhaps the 5-year requirement is imposed administratively?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 9:28 AM
To: Kunkel, Mark
Subject: RE: Additional Draft Changes

Mark,
13.48(14) covers the Building Commission and its requirement(s) to approve leases involving state owned property.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Sunday, January 25, 2015 2:59 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

Thanks, we'd appreciate it.

From: Schwanz, Nathan E - DOA [mailto: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>]
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 State Budget Office
 608-266-2843

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 26, 2015 11:41 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

Mark,

We need a new appropriation created under 20.505 since 20.285(1)(gj) is being repealed. The new appropriation should be similar to 20.505(5)(kc) except that it should reference the University of Wisconsin System Authority instead of "par. (ka)." The new appropriation should be a continuing appropriation and the reference to 20.866(1)(u) that is currently in 20.285(1)(gj) should be in the new appropriation.

We would appreciate it if you can let me know what the alpha is for this new appropriation as soon as possible so we can do the budget system file maintenance associated with it.

Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 26, 2015 11:55 AM
To: Kunkel, Mark
Cc: Hanaman, Cathlene; Hynek, Sara - DOA
Subject: RE: Changes for P3

CMH will incorporate into definition of "muni"

Mark,

Unless you have any strong objections we would like to include the UW Authority in the definition of municipality. I am told that the 13-15 budget had similar language drafted but was applied to all authorities at the time.

If you think this is unworkable, we can chat about how we would like to handle it per your recommendations on Saturday.

Thanks.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Saturday, January 24, 2015 3:26 PM
To: Schwanz, Nathan E - DOA
Cc: Hanaman, Cathlene - LEGIS
Subject: RE: Changes for P3

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.

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From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 9:28 AM
To: Kunkel, Mark
Subject: RE: Additional Draft Changes

Mark,

13.48(14) covers the Building Commission and its requirement(s) to approve leases involving state owned property.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Sunday, January 25, 2015 2:59 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

Thanks, we'd appreciate it.

From: Schwanz, Nathan E - DOA [mailto: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.

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 section 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.
10. Section 139: We would like the 6 mo notice to be changed to 1 year.
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: Kunkel, Mark
Sent: Monday, January 26, 2015 1:46 PM
To: 'Schwanz, Nathan E - DOA'
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Do you want it under sub. (5) of 20.505? If so, I'd create par. (h), as it will be a PR appropriation (moneys received from UWSA).

We'll have to amend s. 20.866 (1) (u) to refer to the new appropriation, as well as s. 20.285 (1) (d) 2.

Also, where do we create the duty for the UWSA to pay the amounts that will be received under 20.505 (5) (h)?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 11:41 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

Mark,

We need a new appropriation created under 20.505 since 20.285(1)(gj) is being repealed. The new appropriation should be similar to 20.505(5)(kc) except that it should reference the University of Wisconsin System Authority instead of "par. (ka)." The new appropriation should be a continuing appropriation and the reference to 20.866(1)(u) that is currently in 20.285(1)(gj) should be in the new appropriation.

We would appreciate it if you can let me know what the alpha is for this new appropriation as soon as possible so we can do the budget system file maintenance associated with it.

Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, January 26, 2015 2:59 PM
To: 'Schwanz, Nathan E - DOA'
Cc: Hynek, Sara - DOA; Shovers, Marc
Subject: RE: Draft 2 Questions/Feedback

Nathan,

Did we ever answer your question in item 2? If not, the answer is "yes." Is that your intent?

--Mark

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Friday, January 16, 2015 4:33 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Draft 2 Questions/Feedback

Hi Mark,

I've taken a look through the second draft and here are some questions I have. The list is getting shorter, so that's a good sign, I think.

1. Can you explain to me what the draft does with the UW's building processes and the Building Commission's relationship with them? I don't quite understand the current statutes let alone what the draft does.
2. Does Section 11 require the UW to report all proposed projects to the Building Commission?
3. I assume that many sections of P1 were removed due to the change in ch. 36 with referring to the authority as the University of Wisconsin System.
4. Section 128: DOA does not need to oversee the bidding process for projects funded by gifts and grants.
5. Section 133: I think the word "provide" on line 11 should be "provided."
6. Is Section 164 of P1 now addressed elsewhere in P2?
7. Section 211: The UW should no longer get the money in this statute.
8. Section 347: A couple items for this section:
 - a. The term of the lease should be 75 years instead of 30.
 - b. Subdivision 4 (lines 8-10 on page 87) refer to land the referenced statute, 16.85(12) refers to facilities. We would like it to apply to facilities, not land.
9. Section 567: Yes, the reference to leased is OK.
10. Section 700: Yes, your reference to leased or owned property is OK.

That's all for now. Thank you for all your help with this.

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

Kunkel, Mark

From: Tradewell, Becky
Sent: Monday, January 26, 2015 3:26 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

My thoughts : There must have been concern at some time that there might not be enough money from s. 20.285 (1) (gj) to pay off the bonds. Perhaps it was thought this provision was necessary to reassure bond holders. If it was important to have this backup source of payment before this change, then maybe it is still important. If they don't think so, I guess it can be repealed.

From: Kunkel, Mark
Sent: Monday, January 26, 2015 2:56 PM
To: Tradewell, Becky
Subject: FW: New Appropriation

Can you respond to the 20.285 (1) (d) 2. question?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 2:48 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Mark,
Yes, put it under sub. (5) of 20.505.

Out of curiosity, is there a reason to keep 20.285(1)(d)2 when the UW becomes an authority?

We would like Section 347 of P2 to cover the duty for UWSA to pay the amounts that will be received under 20.505(5)(h). Something to the effect of: A provision requiring the Authority to reimburse the state for any outstanding non-GPR debt service paid under 20.505(5)(h).

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Monday, January 26, 2015 1:46 PM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Do you want it under sub. (5) of 20.505? If so, I'd create par. (h), as it will be a PR appropriation (moneys received from UWSA).

We'll have to amend s. 20.866 (1) (u) to refer to the new appropriation, as well as s. 20.285 (1) (d) 2.

Also, where do we create the duty for the UWSA to pay the amounts that will be received under 20.505 (5) (h)?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 11:41 AM

To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

Mark,

We need a new appropriation created under 20.505 since 20.285(1)(gj) is being repealed. The new appropriation should be similar to 20.505(5)(kc) except that it should reference the University of Wisconsin System Authority instead of "par. (ka)." The new appropriation should be a continuing appropriation and the reference to 20.866(1)(u) that is currently in 20.285(1)(gj) should be in the new appropriation.

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Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 26, 2015 4:08 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: UW Cash Flow

Mark,

There is another change for Section 262 of P2. We would like the UW's funds 128 and 228 to be exempt from the requirement to deposit funds into the LGIP. These funds are auxiliary enterprises revenues and part of what is currently 20.285(1)(gb) – the Program Revenue block grant.

I am not sure how to appropriately refer to these two funds in the statutes. I have contacted the UW to see what they think. Any suggestions you have are welcome.

Let me know if you have any questions about this.

Thanks.

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

Kunkel, Mark

From: Shovers, Marc
Sent: Monday, January 26, 2015 4:24 PM
To: Kunkel, Mark
Subject: FW: Additional Draft Changes

Maybe I'm just missing it, but I can't see what in s. 13.48 needs to be exempted. I don't see any Building Commission authority over leases between DOA and UWSA that needs to be addressed here.

S. 13.48 (14) (am) 1. says, in part,:

The building commission does not have the authority to sell or lease any state-owned real property under this paragraph after the department of administration notifies the commission in writing that an offer of sale or sale or lease agreement with respect to a property is pending under s. 16.848 (1).

So once DOA notifies the BC that DOA and UWSA have a lease, the BC seems to be out of the picture.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 1:28 PM
To: Kunkel, Mark
Cc: Shovers, Marc
Subject: RE: Additional Draft Changes

Mark,

I am being told that we do need to include an exemption in 13.48(14). If, in your opinion, we also need an exemption in 16.848(1), then one can be added there as well.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Monday, January 26, 2015 11:35 AM
To: Schwanz, Nathan E - DOA
Cc: Shovers, Marc - LEGIS
Subject: RE: Additional Draft Changes

Section 13.48 (14) deals with the sale or lease by the building commission. Do you mean instead s. 16.848 (1), which allows DOA to sell or lease, but only with approval of the building commission? If so, I can create a new exception to 16.848 (1) in 16.848 (2). But do we also need to prohibit the building commission from using s. 13.48 (14) to sell or lease property that is subject to the UWSA-DOA lease?

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From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Sunday, January 25, 2015 2:59 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Additional Draft Changes

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To: Kunkel, Mark
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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.

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To: Kunkel, Mark
Cc: Hynek, Sara - DOA
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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: Monday, January 26, 2015 5:05 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

I think so. I am running it past the DOA analyst and will let you know if they think differently.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 5:02 PM
To: Schwanz, Nathan E - DOA
Subject: RE: New Appropriation

How about "Self-amortizing facilities; University of Wisconsin System Authority"?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 4:07 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

Mark,
What will be the title of this appropriation?

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 1:46 PM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Do you want it under sub. (5) of 20.505? If so, I'd create par. (h), as it will be a PR appropriation (moneys received from UWSA).

We'll have to amend s. 20.866 (1) (u) to refer to the new appropriation, as well as s. 20.285 (1) (d) 2.

Also, where do we create the duty for the UWSA to pay the amounts that will be received under 20.505 (5) (h)?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 11:41 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, January 26, 2015 5:46 PM
To: Hanaman, Cathlene; Champagne, Rick; Tradewell, Becky
Subject: UWSA appropriation question

We haven't repealed s. 20.285 (1) (d), but how does it make sense to continue to make a sum sufficient appropriation to the authority for these purposes?

I'm asking because we did repeal s. 20.285 (1) (gj), but we forgot to fix the cross reference in s. 20.285 (1) (d) 2. DOA has asked for an appropriation to DOA, of moneys received from the UWSA under its lease, to take the place of s. 20.285 (1) (gj). Now I'm trying to figure out how to fix the cross reference in s. 20.285 (1) (d) 2., but am not sure what to do.

Thoughts?

*per RCT,
The appropriation isn't
really to UWSA,
but for debt
payment
purpose.
-MOT*

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Monday, January 26, 2015 6:23 PM
To: Kunkel, Mark; Shovers, Marc
Cc: Hynek, Sara - DOA; Hanaman, Cathlene
Subject: RE: UW Authority: additional changes

Yes, I think we need those put back in, unless there are objections to that (the UW also asked for both of them to be put back in). I think the UW needs 36.11(8) to have and collect parking fees and 36.35 allows them to restrict access to campuses which I think is something they need in certain situations.

If we put them back in they should maintain the references to rules.

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Monday, January 26, 2015 5:10 PM
To: Schwanz, Nathan E - DOA; Shovers, Marc - LEGIS
Cc: Hynek, Sara - DOA; Hanaman, Cathlene - LEGIS
Subject: RE: UW Authority: additional changes

Regarding the put-backs, I understand that 36.11(2) should be put back to maintain the UW's police power. As for 36.11 (8) and 36.35, do you want those put back in? If so, you probably want to maintain the reference to rules, right?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 4:06 PM
To: Kunkel, Mark; Shovers, Marc
Cc: Hynek, Sara - DOA; Hanaman, Cathlene
Subject: RE: UW Authority: additional changes

Mark,

We agree with your assessment of where to include the UW in ch. 227. We want them included in portions that deal with rule-making but not for others, such as 227.42.

Regarding the statute changes from "rules" to "policies and procedures":

36.11(1)(b), (c), (cm) should be changed to "rules"

36.11(4) should refer to both "rules" and "policies and procedures"

All others should refer to "policies and procedures"

Will 36.11(2), 36.11(8), and 36.35 be put back into the draft?

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 2:37 PM
To: Schwanz, Nathan E - DOA; Shovers, Marc - LEGIS
Cc: Hynek, Sara - DOA; Hanaman, Cathlene - LEGIS
Subject: RE: UW Authority: additional changes

Regarding rules, you could limit yourself to only those rules for which ch. 36 specifies forfeitures, which are those under 36.11 (1) and (c), and continue to let the UWSA adopt its own policies and procedures for other things that, under

current law, must be by rule. If you go that route, we need to make sure the “agency” includes the UWSA only for purposes of rule-making under ch. 227 (which is subch. II and ss. 227.40 and 227.41 in subch. II). I don’t think you want the UWSA to be agency for other parts of ch. 227, such as s. 227.42, which allows for contested cases against agencies. Is that correct? You also need to make sure that the definition of “rule” in s. 227.01 (13) does not include the policies and procedures that were formerly done by rule.

On the other hand, you could revert back to rules in all cases. If you go that route, we still have to make sure that only the rule-making provisions of ch. 227 apply to UWSA.

FYI: here are the statutes in which we changed “rules” to “policies and procedures”:

36.05 (11)
36.09 (1) (a)
36.11 (1) (a), (c), (cm)
36.11 (4)
36.23
36.25 (2)
36.30
36.43 (intro.) and (1)
36.51 (9)

All other references to rules in ch. 36 are being repealed or moved to a different chapter (e.g., state laboratory of hygiene board)

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 1:55 PM
To: Shovers, Marc
Cc: Kunkel, Mark; Hynek, Sara - DOA; Hanaman, Cathlene
Subject: RE: UW Authority: additional changes

Marc,

As I discussed on the phone, after chatting with the UW legal team, we think adding the UW Authority to the definition of “agency” in ch. 227, to grant the Board of Regents rule making authority, will address the due process concerns while also addressing the UW’s concerns about being able to collect forfeitures and have police power. While you are correct that the authority is not a state entity, it is also not a private entity. It is a public entity created by the legislature, and its rules would be subject to review by both the legislature and governor.

In addition to the appropriate change in ch. 227, sections of ch 36, namely 36.11(1) and (2), will need to be added back in to reflect the ability to promulgate rules and have police authority.

Mark K., in P2, you changed all references to “policies and procedures” from “promulgate rules.” Do those changes get reversed now or will the Board of Regents continue to make policies and procedures for items outside of collecting forfeitures and police authority?

Thank you again for your patience with this and your feedback. Please let me know if you have any questions about this.

Nathan

From: Shovers, Marc [<mailto:Marc.Shovers@legis.wisconsin.gov>]
Sent: Sunday, January 25, 2015 2:28 PM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark - LEGIS
Subject: FW: UW Authority: additional changes

Hi Nathan:

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

Frankly, I don't think the idea of adding the Authority to chs. 62 and 66 is workable. The whole point of becoming an authority is to not be the state. As an entity that is not a unit of government, the statutes can not simply give governmental authority to a private entity. It would not be appropriate, much less legally sound, to allow such an entity to exercise governmental authority. Your instructions suggest that the Authority could exercise the chapter 62 and chapter 66 powers without any public process or public involvement in their development, and that governmental power exercised by the Authority could deprive the residents of this state and other states of their liberty interests without action being taken by elective public officials whose authority derives from the consent of the governed. And as Mark has discussed with you, this would result in due process problems as well as other assorted legal, practical, and administrative problems.

Item 4 is similar to a request that chs. 62 and 66 be amended to give governmental authority to American Family Insurance or Sears, so these private companies could exercise home rule authority, create ordinances, write citations, arrest people, set bail for detainees, and impose forfeitures on customers. There would be no due process for those arrested or detained, and there would be no public process involving elective officials in the development of the ordinances, arrest procedures, or penalty process.

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.

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 section 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.

10. Section 139: We would like the 6 mo notice to be changed to 1 year.
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: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Tuesday, January 27, 2015 8:54 AM
To: Kunkel, Mark
Subject: RE: New Appropriation

Mark,
Just wanted to circle back and let you know that title is OK.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 5:02 PM
To: Schwanz, Nathan E - DOA
Subject: RE: New Appropriation

How about "Self-amortizing facilities; University of Wisconsin System Authority"?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 4:07 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

Mark,
What will be the title of this appropriation?

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 1:46 PM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Do you want it under sub. (5) of 20.505? If so, I'd create par. (h), as it will be a PR appropriation (moneys received from UWSA).

We'll have to amend s. 20.866 (1) (u) to refer to the new appropriation, as well as s. 20.285 (1) (d) 2.

Also, where do we create the duty for the UWSA to pay the amounts that will be received under 20.505 (5) (h)?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 11:41 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

Mark,
We need a new appropriation created under 20.505 since 20.285(1)(gj) is being repealed. The new appropriation should be similar to 20.505(5)(kc) except that it should reference the University of Wisconsin System Authority instead of "par.

(ka)." The new appropriation should be a continuing appropriation and the reference to 20.866(1)(u) that is currently in 20.285(1)(gj) should be in the new appropriation.

We would appreciate it if you can let me know what the alpha is for this new appropriation as soon as possible so we can do the budget system file maintenance associated with it.

Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 9:47 AM
To: Tradewell, Becky
Subject: RE: UWSA appropriation question

per subsequent discussion w/ Becky, do NOT repeal (need GPR for debt)

Thanks, I'll repeal, let them figure out what has to be fixed, and correct the note's reference to GPR.

From: Tradewell, Becky
Sent: Tuesday, January 27, 2015 8:01 AM
To: Kunkel, Mark
Subject: RE: UWSA appropriation question

Mark,

Well, (1) (d) 1. covers academic facilities, not those that directly generate revenue. This is GRP supported borrowing rather than PR supported. I assumed that they were not planning to change the status quo in that respect. I don't know whether it is OK for them to change from GPR to PR supported (at least without a GPR backup, but there sure does have to be an appropriation to pay the debt service on those bonds. If the draft still contemplates some UW building being funded from GPR (a quick look makes me think that it does), then I think that there needs to be a GPR appropriation to pay the debt service.

Also, about your note: if they are going to get money from the UW Authority to pay debt service, that isn't GPR, it's PR.

Let me know if you want to talk about this.

Becky

From: Kunkel, Mark
Sent: Monday, January 26, 2015 8:14 PM
To: Hanaman, Cathlene; Champagne, Rick; Tradewell, Becky
Subject: RE: UWSA appropriation question

For the time being, I am repealing s. 20.285 (1) (d), and putting in the following explanatory note. Let me know what you think.

****Note: I repealed the above [i.e. 20.285 (1) (d)] because it is an open-ended GPR sum sufficient appropriation to the UWSA, and I don't think you want that. If you want to appropriate GPR to accomplish the same purposes as the above, we may have to require the UWSA to pay the necessary funds to DOA and create an appropriation that requires DOA to use the payments to accomplish those purposes. Let us know what you think.

From: Kunkel, Mark
Sent: Monday, January 26, 2015 5:46 PM
To: Hanaman, Cathlene; Champagne, Rick; Tradewell, Becky
Subject: UWSA appropriation question

We haven't repealed s. 20.285 (1) (d), but how does it make sense to continue to make a sum sufficient appropriation to the authority for these purposes?

I'm asking because we did repeal s. 20.285 (1) (gj), but we forgot to fix the cross reference in s. 20.285 (1) (d) 2. DOA has asked for an appropriation to DOA, of moneys received from the UWSA under its lease, to take the place of s. 20.285 (1) (gj). Now I'm trying to figure out how to fix the cross reference in s. 20.285 (1) (d) 2., but am not sure what to do.

Thoughts?

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 10:19 AM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: New Appropriation

Nathan:

We've thought about this a bit more and need some clarification on what to do with s. 20.285 (1) (d).

Section 20.285 (1) (d) 1. appropriates a sum sufficient of GPR to pay off bonds for academic facilities. Should we maintain the GPR funding source and move the appropriation to DOA? Or do you want to change the funding source to PR by having the UWSA pay DOA whatever is required, and having DOA use the PR to pay off the bonds? Or would changing the funding source disrupt the expectations of bondholders?

Section 20.285 (1) (d) 2. appropriates GPR as a backup for PR-supported bonds for self-amortizing facilities, when the PR is not sufficient to pay the bonds. As above, do you want to maintain GPR as the funding source for this backup, and move the appropriation to DOA? Or do you want to convert the funding source to PR by having the UWSA pay DOA any backup that is needed? Or would changing the funding source disrupt bondholder expectations?

--Mark

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 4:53 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

OK. That is kind of what we were thinking, but wanted to ask to make sure. I think it should stay as long as it doesn't interfere with our intentions for how PR supported borrowing will be paid by the UW authority.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Monday, January 26, 2015 3:33 PM
To: Schwanz, Nathan E - DOA
Subject: FW: New Appropriation

I discussed this with a more senior attorney, Becky Tradewell. She thinks that there must have been concern at some time that there might not be enough money from s. 20.285 (1) (gj) to pay off the bonds. Perhaps it was thought this provision was necessary to reassure bond holders. If it was important to have this backup source of payment before the change to the authority, then maybe it is still important. However, if you think the backup is no longer important, we can repeal it.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Monday, January 26, 2015 2:48 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Mark,

Yes, put it under sub. (5) of 20.505.

Out of curiosity, is there a reason to keep 20.285(1)(d)2 when the UW becomes an authority?

We would like Section 347 of P2 to cover the duty for UWSA to pay the amounts that will be received under 20.505(5)(h). Something to the effect of: A provision requiring the Authority to reimburse the state for any outstanding non-GPR debt service paid under 20.505(5)(h).

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Monday, January 26, 2015 1:46 PM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: New Appropriation

Do you want it under sub. (5) of 20.505? If so, I'd create par. (h), as it will be a PR appropriation (moneys received from UWSA).

We'll have to amend s. 20.866 (1) (u) to refer to the new appropriation, as well as s. 20.285 (1) (d) 2.

Also, where do we create the duty for the UWSA to pay the amounts that will be received under 20.505 (5) (h)?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 11:41 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: New Appropriation

Mark,

We need a new appropriation created under 20.505 since 20.285(1)(gj) is being repealed. The new appropriation should be similar to 20.505(5)(kc) except that it should reference the University of Wisconsin System Authority instead of "par. (ka)." The new appropriation should be a continuing appropriation and the reference to 20.866(1)(u) that is currently in 20.285(1)(gj) should be in the new appropriation.

We would appreciate it if you can let me know what the alpha is for this new appropriation as soon as possible so we can do the budget system file maintenance associated with it.

Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 10:59 AM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: New Appropriation

Okay.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Tuesday, January 27, 2015 10:57 AM
To: Kunkel, Mark
Subject: RE: New Appropriation

Mark,
I think 20.285(1)(d) should stay with the UW and needs to remain GPR.

As we discussed yesterday, we think paragraph 2 needs to remain as is to maintain bondholder confidence.

I am confirming this with other and will let you know if anything changes, but I don't think it will.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Tuesday, January 27, 2015 10:19 AM
To: Schwanz, Nathan E - DOA
Subject: RE: New Appropriation

Nathan:

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Section 20.285 (1) (d) 2. appropriates GPR as a backup for PR-supported bonds for self-amortizing facilities, when the PR is not sufficient to pay the bonds. As above, do you want to maintain GPR as the funding source for this backup, and move the appropriation to DOA? Or do you want to convert the funding source to PR by having the UWSA pay DOA any backup that is needed? Or would changing the funding source disrupt bondholder expectations?

--Mark

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Monday, January 26, 2015 4:53 PM
To: Kunkel, Mark
Subject: RE: New Appropriation

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Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Monday, January 26, 2015 3:33 PM
To: Schwanz, Nathan E - DOA
Subject: FW: New Appropriation

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Nathan

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Sent: Monday, January 26, 2015 1:46 PM
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Cc: Hynek, Sara - DOA
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Let me know if you have any questions about this. Thanks.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 1:52 PM
To: Schwanz, Nathan E - DOA
Subject: The P3

Nathan,

I realize that you wanted us to hold off on the P3, but for our own purposes (getting ready for the compile of all drafts into one bill, etc.), we had to get a P3 out today. You should see it soon.

--Mark