

P3 → P5

(P4 was LRB
internal for effective

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 3:43 PM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: The P3

LRB-0971

date)
-MOR

To get this out quickly, we used a nonbudget bill delayed effective date, which says that the act takes effect on July 1, 2016, with specified exceptions.

When we compile the draft into the budget bill, we will list out all of the many changes that take effect on July 1, 2016, and then separately list the smaller number of changes that take effect on different dates.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Tuesday, January 27, 2015 3:39 PM
To: Kunkel, Mark
Subject: RE: The P3

Mark,

How is the start date of the authority and related changes handled in the draft? Being new to this I am not sure how that aspect works.

Thanks.

Nathan

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 3:48 PM
To: Schwanz, Nathan E - DOA
Subject: RE: The P3

You might have missed it because we moved it to the very end of the P3.

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 3:47 PM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: The P3

SECTION 726.0Effective dates. This act takes effect on July 1, 2016, except as follows:

- (1) GENERAL PROGRAM OPERATIONS. The repeal and recreation of section 20.285 (1) (a) of the statutes takes effect on July 1, 2017, or on the 2nd day after publication of the 2017–19 biennial budget act, whichever is later.
- (2) PAYMENTS FOR MUNICIPAL SERVICES. Section 9148 (1) (g) of this act takes effect on the day after publication.
- (3) MEDICAL ASSISTANCE TRUST FUND TRANSFER. The amendment of section 20.285 (1) (gb) takes effect on the day after publication.
- (4) RESIDENT UNDERGRADUATE TUITION. Section 9148 (4) of this act takes effect on the day after publication.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Tuesday, January 27, 2015 3:46 PM
To: Kunkel, Mark
Subject: RE: The P3

OK. So not seeing effective dates in this draft does not change the fact that about 99% of it is effective July 1, 2016. Thanks.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Tuesday, January 27, 2015 3:44 PM
To: Schwanz, Nathan E - DOA
Subject: RE: The P3

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When we compile the draft into the budget bill, we will list out all of the many changes that take effect on July 1, 2016, and then separately list the smaller number of changes that take effect on different dates.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
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How is the start date of the authority and related changes handled in the draft? Being new to this I am not sure how that aspect works.

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--Mark

Kunkel, Mark

From: Kunkel, Mark
Sent: Tuesday, January 27, 2015 7:45 PM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: the P3

Okay, thanks for the update.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Tuesday, January 27, 2015 6:51 PM
To: Kunkel, Mark
Subject: RE: the P3

I think there might be some minor changes. I am about half way through the draft right now. I will have my review done either tonight or early tomorrow morning and I hope to have any changes to you by noon tomorrow. Is that OK?

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Tuesday, January 27, 2015 5:42 PM
To: Schwanz, Nathan E - DOA
Subject: the P3

Nathan: Do you think you will have changes to make to the P3? If so, do you know when you might be able to send them to me. Just curious.

--Mark

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 11:13 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: P3 Changes

see subsequent emails

1. Sections 19 and 20 of P2: Since we aren't repealing 13.48(25) and (25r), do the changes in P2 (adding Authority) need to be included in P3? *YES (insert 8-10)*

2. Section 136 of P2: 16.865(4) needs to be amended to reflect that the UW Authority can continue to participate in liability and property insurance but not worker's compensation (I think my instructions on this were conflicting in previous emails). I think it should read something like this:

"Except as provided in sub. (10), manage the worker's compensation program for state employees and the statewide self-funded programs to protect the state and the University of Wisconsin Authority from losses of and damage to state and authority property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.44(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3)."

I am waiting to hear from the DOA analyst that this is correct, but I am pretty confident it is.

see subsequent email

3. Section 241: 20.866(2)(z)4m should not be repealed (sorry for the back and forth on this). It needs to be maintained to reflect outstanding debt issued under it.

4. Section 274: I think the references are OK, but I am checking with the UW to ensure they accomplish what we want them to.

5. Do we need to explicitly state that the Board can employ anyone, similar to 233.03(7)? I think it is implied, but the UW read Section 313 to mean they can only appoint the positions listed.

6. Section 705: Yes to both questions in your note.

7. Section 9148: Do we need to specify, in the nonstat language, that rules promulgated by the UW System carry over to the UW Authority? *Yes*

8. Section 9148: In (1)(h), the date, on page 162, line 1, needs to be changed to July 1, 2017. Fiscal year 2015-16 payments for municipal services are made in fiscal year 2016-17 so the UW should be required to make those payments to the state prior to July 1, 2017, the start of fiscal year 2017-18. *also change Authority*

9. Section 726: I think (2) should refer to 9148(1)(h) instead of 9148(1)(g). *Yes*

That's what I have on P3, everything else looks great. Having said that, other analysts and interested parties may have changes. I have asked them to get changes back to me as soon as possible recognizing the deadline you are on to finalize this. I will make every effort to ensure that happens.

Let me know if you have any questions and thanks again for all your help.

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

Transfer 342.40(4) (b) 2.

*36.11 (1)(a) 2013 stats
(c)
(CM)
(8) (9)*

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 11:28 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

Yes, we want to maintain that. Good catch. ✓

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 28, 2015 11:23 AM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

I just now realized that the P3 lets the governor appoint board of regents members, but does not require advice and consent of the senate for the appointments, which is required under current law (see s. 15.07 (1) (a)) . If you want to maintain the senate's role, I can make the necessary revisions in the next version.

My apologies for the late notice.

--Mark

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Wednesday, January 28, 2015 11:13 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: P3 Changes

1. Sections 19 and 20 of P2: Since we aren't repealing 13.48(25) and (25r), do the changes in P2 (adding Authority) need to be included in P3?
2. Section 136 of P2: 16.865(4) needs to be amended to reflect that the UW Authority can continue to participate in liability and property insurance but not worker's compensation (I think my instructions on this were conflicting in previous emails). I think it should read something like this:
"Except as provided in sub. (10), manage the worker's compensation program for state employees and the statewide self-funded programs to protect the state and the University of Wisconsin Authority from losses of and damage to state and authority property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.44(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3)."
I am waiting to hear from the DOA analyst that this is correct, but I am pretty confident it is.
3. Section 241: 20.866(2)(z)4m should not be repealed (sorry for the back and forth on this). It needs to be maintained to reflect outstanding debt issued under it.
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6. Section 705: Yes to both questions in your note.
7. Section 9148: Do we need to specify, in the nonstat language, that rules promulgated by the UW System carry over to the UW Authority?

8. Section 9148: In (1)(h), the date, on page 162, line 1, needs to be changed to July 1, 2017. Fiscal year 2015-16 payments for municipal services are made in fiscal year 2016-17 so the UW should be required to make those payments to the state prior to July 1, 2017, the start of fiscal year 2017-18.
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That's what I have on P3, everything else looks great. Having said that, other analysts and interested parties may have changes. I have asked them to get changes back to me as soon as possible recognizing the deadline you are on to finalize this. I will make every effort to ensure that happens.

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State Budget Office
608-266-2843

15.07(1)(a)

(a) (intro.) If a department or independent agency is under the direction and supervision of a board, the members of the board, other than the members serving on the board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for terms prescribed by law, except:

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 12:24 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

✓ Mark,
Regarding #4, please remove the word "revenues" then it will be good to go.

Nathan

From: Schwanz, Nathan E - DOA
Sent: Wednesday, January 28, 2015 11:13 AM
To: Kunkel, Mark - LEGIS
Cc: Hynek, Sara - DOA
Subject: P3 Changes

1. Sections 19 and 20 of P2: Since we aren't repealing 13.48(25) and (25r), do the changes in P2 (adding Authority) need to be included in P3?
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Let me know if you have any questions and thanks again for all your help.

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Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 4:38 PM
To: Kunkel, Mark
Subject: RE: P3

Yes, I am told that is their intent. ✓

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 28, 2015 4:15 PM
To: Schwanz, Nathan E - DOA
Subject: RE: P3

The state lab of hygiene section refers to charging agencies for services under s. 250.08 (2), which requires the lab to charge DNR and DATCP, and allows, but does not require, the lab to charge other agencies. The hygiene lab has to report on the agencies that it didn't charge for services. The vet lab is required to charge for services under current law in s. 36.58 (3) (a), except is provided in s. 36.58 (3) (b) and (c), which cover services to DATCP and the federal ag dept animal health subunits, as well as services that the lab designates as necessary to protect human health. So, do you want the vet lab to report on the charges that are exempt under s. 36.5 (3) (b) and (c) and submit a proposal for amending those statutes?

93.13(3)(b) (c)

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Wednesday, January 28, 2015 3:31 PM
To: Kunkel, Mark
Subject: RE: P3

Another change that was brought to my attention:

In Section 9148, we would like the State agency services portion of the state lab of hygiene ((3)(f)) to also be included in the vet lab's section (2). In the end we would like this same section for both the lab of hygiene and the vet lab.

Thanks

Nathan

From: Schwanz, Nathan E - DOA
Sent: Wednesday, January 28, 2015 3:24 PM
To: Kunkel, Mark - LEGIS
Subject: P3

Mark,

In Section 85, we leave intact the authority's ability to accept moneys on behalf of the state from the feds. Are they really accepting on behalf of the state if they're an authority? Do we need this statute if the UW is an authority or do we just remove the reference to accepting the money on behalf of the state?

Also, I think Section 17 prohibits the Building Commission from selling leased property. Is that right? If so, does Section 19 conflict with Section 17?

Sorry if we are getting picky. Just want to make sure we have everything right.

Nathan Schwanz
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Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 4:49 PM
To: Kunkel, Mark
Subject: RE: Risk Management

The cross-reference can stay as is. ✓

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 28, 2015 4:36 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Risk Management

Can you ask how that affects the cross reference to s. 16.865 (4) in s. 601.415(5): "COOPERATION WITH DEPARTMENT OF ADMINISTRATION. The commissioner shall cooperate with the department of administration in placing insurance under s. 16.865 (4)."

Is it still okay to refer to all of 16.865 (4) or would you amend that to refer to only the new (4) (b)?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Wednesday, January 28, 2015 4:28 PM
To: Kunkel, Mark
Subject: FW: Risk Management

Mark,

I brought up Section 136 of the P2 to one of the DOA attorneys who has been looking into general risk management issues. Below is his suggestion for how to handle 16.865(4) in P3.

Let me know if you have any questions.

Nathan

From: Lovejoy, Doug - DOA
Sent: Wednesday, January 28, 2015 4:26 PM
To: Schwanz, Nathan E - DOA
Subject: RE: Risk Management

Nathan,

I think the best way is to separate the worker's comp. and statewide self-funded programs into two separate subparagraphs. Here is my suggestion:

16.865(4) of the statutes is amended to read:

(4) Manage the:

- (a) The state employees' worker's compensation program and the statewide self-funded programs to protect the state from losses of and damage to state property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.344(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3); and
- (b) The statewide self-funded programs to protect the state and University of Wisconsin System Authority from losses of and damage to state property and liability.

From: Schwanz, Nathan E - DOA
Sent: Wednesday, January 28, 2015 3:57 PM
To: Lovejoy, Doug - DOA
Subject: Risk Management

Doug,
Here is the risk management change from P2 to P3 that I mentioned.

Section 136 of P2: 16.865(4) needs to be amended to reflect that the UW Authority can continue to participate in liability and property insurance but not worker's compensation (I think my instructions on this were conflicting in previous emails). I think it should read something like this:

"Except as provided in sub. (10), manage the worker's compensation program for state employees and the statewide self-funded programs to protect the state and the University of Wisconsin Authority from losses of and damage to state and authority property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.44(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3)."

I am waiting to hear from the DOA analyst that this is correct, but I am pretty confident it is.

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Executive Policy & Budget Analyst
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608-266-2843

Kunkel, Mark

From: Shovers, Marc
Sent: Wednesday, January 28, 2015 4:55 PM
To: Kunkel, Mark
Subject: RE: P3

The short answer is, I agree with your assessment of the 2 statutes.

The confusing part is the phrase "Except as provided in sub. (14) (am) . . ." in bill Section 19, which amends s. 13.48 (20). Because of Section 19, which says s. 13.14 (am) does not apply to real property subject to the lease, there is really no reason for that "Except as provided . . ." clause. If you're redrafting for any reason, maybe we should strike through that so s. 13.48 (20) starts out "The building commission may approve . . ." But if you're not redrafting, I think it's OK as it is and there is no conflict for the reason you stated.

Marc

From: Kunkel, Mark
Sent: Wednesday, January 28, 2015 4:26 PM
To: Shovers, Marc
Subject: FW: P3

I would answer Nathan's question regarding sections 17 and 19 of the P3 (now P4, but same section numbers) as follows:

Section 17 creates an exemption from a statute allowing, under certain circumstances, the building commission to sell or lease agency property without the agency's approval. There is no conflict because section 19 deals with sales or leases by the UWSA, not the building commission.

Do you agree or am I starting to misread things?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Wednesday, January 28, 2015 3:24 PM
To: Kunkel, Mark
Subject: P3

Mark,

In Section 85, we leave intact the authority's ability to accept moneys on behalf of the state from the feds. Are they really accepting on behalf of the state if they're an authority? Do we need this statute if the UW is an authority or do we just remove the reference to accepting the money on behalf of the state?

Also, I think Section 17 prohibits the Building Commission from selling leased property. Is that right? If so, does Section 19 conflict with Section 17?

Sorry if we are getting picky. Just want to make sure we have everything right.

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Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Wednesday, January 28, 2015 7:13 PM
To: Kunkel, Mark
Subject: RE: P3

Thank you for clarifying section 17 and 19.

The change to 13.48(20) makes sense. ✓

From: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Sent: Wednesday, January 28, 2015 5:25 PM
To: Schwanz, Nathan E - DOA
Subject: RE: P3

Regarding sections 17 and 19, there is no conflict, as section 17 deals with s. 13.48 (14) (am), which allows the building commission, under certain circumstances, to sell or lease agency property without the agency's approval. Section 17 exempts property subject to the UWSA lease from that power of the building commission. Section 19 (s. 13.48 (20)) deals with sales or leases by the UWSA, which are approved by the building commission.

However, it is confusing to retain the "except as provided in sub. (14) (am)" clause in s.13.48 (20). Because the residence halls will be subject to the lease, sub. (14) (am) won't apply to them under the section 17 exemption. So the exception doesn't accomplish anything, and I would strike it.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Wednesday, January 28, 2015 3:31 PM
To: Kunkel, Mark
Subject: RE: P3

Another change that was brought to my attention:

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Nathan

From: Schwanz, Nathan E - DOA
Sent: Wednesday, January 28, 2015 3:24 PM
To: Kunkel, Mark - LEGIS
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Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, January 29, 2015 8:46 AM
To: Dodge, Tamara; Champagne, Rick; Tradewell, Becky; Hanaman, Cathlene
Subject: RE: UWSA and acceptance of federal money

Just FYI, here's what I said Nathan yesterday, putting the ball back in his court for the time being:

"Regarding section 85, I think it depends on the particular circumstances under which the feds make money available to the state. If a federal law that granted money referred to "states" as recipients, rather than universities, then you might need the language to allow the feds to give it to the UWSA, instead of the state. I don't think the language would force the feds to do that, but it wouldn't hurt.

You might want to get the UW's input on this. Is fed money usually provided to the state on behalf of the UW, or do the feds usually directly provide money to the UW?"

From: Dodge, Tamara
Sent: Thursday, January 29, 2015 8:32 AM
To: Champagne, Rick; Tradewell, Becky; Kunkel, Mark; Hanaman, Cathlene
Subject: RE: UWSA and acceptance of federal money

There are circumstances in which a local entity can receive federal Medicaid funding directly. Cuyahoga County in Ohio took the Medicaid expansion on its own instead of waiting for the state, but there were special circumstances. Cleveland has some of the worst health in the country. There is one predominant health care system serving lower-income individuals in the county and that system is public. And, the hospital system already had "certified public expenditure" which allowed its funds to be the state share for federal matching purposes. I'm still not completely sure that any federal reimbursement went directly to the health system or county though. If it is necessary, I can look.

The county was seeking a waiver of the single, state agency requirement, which requires that Medicaid be handled by a single state agency.

In Wisconsin, I think the Medical Assistance and mental health reimbursements to counties are funneled through DHS as well. The counties can pay the "state share" but the federal share, I believe, comes entirely back to the state treasury. Most of a county's mental health funding comes through community aids which is a complicated block grant-style allocation, but it is appropriated.

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: Champagne, Rick
Sent: Wednesday, January 28, 2015 4:16 PM
To: Tradewell, Becky; Kunkel, Mark; Hanaman, Cathlene
Cc: Dodge, Tamara
Subject: RE: UWSA and acceptance of federal money

You're right and my response was entirely unclear. The usual process is that the state accepts federal funds and then appropriates to locals. There are times I believe, though, when the state directs the feds to send moneys directly a local unit of government.

From: Tradewell, Becky
Sent: Wednesday, January 28, 2015 4:13 PM
To: Champagne, Rick; Kunkel, Mark; Hanaman, Cathlene
Cc: Dodge, Tamara
Subject: RE: UWSA and acceptance of federal money

I know that DNR has some appropriations for federal funds that it in turn provides to local governments. See, for example, s. 20.370 (5) (cy). I guess I thought that was how it was done.

From: Champagne, Rick
Sent: Wednesday, January 28, 2015 4:04 PM
To: Tradewell, Becky; Kunkel, Mark; Hanaman, Cathlene
Cc: Dodge, Tamara
Subject: RE: UWSA and acceptance of federal money

Most often, yes. Though I think sometimes counties receive on behalf of the state (via. S. 16.54 approval) for some things. Mental health and community care come to mind. What do you think Tami?

From: Tradewell, Becky
Sent: Wednesday, January 28, 2015 4:01 PM
To: Champagne, Rick; Kunkel, Mark; Hanaman, Cathlene
Subject: RE: UWSA and acceptance of federal money

Rick,

Does the state receive federal money and distribute it to local governments without any appropriation?

Becky

From: Champagne, Rick
Sent: Wednesday, January 28, 2015 3:52 PM
To: Kunkel, Mark; Tradewell, Becky; Hanaman, Cathlene
Subject: RE: UWSA and acceptance of federal money

I would remove it; same issue possibly with (8g). State can always make those moneys available to UW Authority through a pass-through mechanism as they do with many federal dollars that go to local governments, like counties.

From: Kunkel, Mark
Sent: Wednesday, January 28, 2015 3:48 PM
To: Champagne, Rick; Tradewell, Becky; Hanaman, Cathlene
Subject: UWSA and acceptance of federal money

Nathan at DOA has a question about the following provision in the UWSA draft:

SECTION 85. 16.54 (8r) (a) of the statutes is renumbered 16.54 (8r) and amended to read:

16.54 (8r) Whenever the federal government makes available moneys for instruction, extension, special projects or emergency employment opportunities, the board of regents of the University of Wisconsin System Authority may accept the moneys on behalf of the state. The board of regents shall, in the administration of the expenditure of such moneys, comply with the requirements of the act of congress making the moneys available and with the regulations prescribed by the federal government or the federal agency administering the act, insofar as the act or regulations are consistent with state law. The board of regents may submit any plan, budget, application or proposal required by the federal agency as a precondition to receipt of the moneys. The board of regents may, consistent with state law, perform any act required by the act of congress or the federal agency to carry out the purpose of the act of congress. ~~The board of regents shall deposit all moneys received under this paragraph in the appropriation account under s. 20.285 (1) (m).~~

Here is Nathan's question:

"In Section 85, we leave intact the authority's ability to accept moneys on behalf of the state from the feds. Are they really accepting on behalf of the state if they're an authority? Do we need this statute if the UW is an authority or do we just remove the reference to accepting the money on behalf of the state?"

Any thoughts on this?

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Thursday, January 29, 2015 9:40 AM
To: Kunkel, Mark
Subject: RE: Couple More Changes

Great, thanks.

Also, on this topic, Jenny talked to Rick Champagne and we would like to make the following change:

Define "state agency" in s. 16.529 to mean a "state agency" under s. 40.02 (54) and provide that each state agency that does not have an appropriation from which money can be lapsed shall instead pay DOA the amount calculated under s. 16.529 (3).

This will also rope in the Hospitals and Clinics Authority into making pension obligation bond payments, something I am told they are not doing for giving the state a hard time about.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 29, 2015 8:36 AM
To: Schwanz, Nathan E - DOA
Subject: RE: Couple More Changes

Yes, your more comprehensive section 57 language sounds okay to me. I could say, "and any other payments for any obligation otherwise due to the state." ✓

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 7:27 AM
To: Kunkel, Mark
Subject: Couple More Changes

Mark,

In Section 588, we would like the "shall" changed to "may." The authority should have the option to conduct aquaculture related research, outreach and other activities. ✓

Second, in Section 57 on page 16, the catch all is "any other payments due the state for service provided." There are some payments the authority will owe the state that are necessarily for "services provided." Pension obligation bond payments being one of them. Could that catch all be re-worded a bit to be more comprehensive. Maybe something along the lines of "any obligation otherwise due to the State." We are open to any of your suggestions on this item.

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: Thursday, January 29, 2015 10:27 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: 16.147

Mark,

Section 68 repeals 16.417(2)(f)2. We would like to keep this in the statutes and add "Authority" behind University of Wisconsin System. This will maintain UW's exemption from the dual employment rule.

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

Kunkel, Mark

From: Kreye, Joseph
Sent: Thursday, January 29, 2015 10:47 AM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark
Subject: RE: P3 Changes

Nathan,

I reworked the language to make clear that, for subsequent fiscal years, the appropriated amount is the amount appropriated in the previous year, adjusted for changes in the CPI.

This should accomplish the "base building" that you're looking for.

Joe

Joseph T. Kreye
Legal Section Administrator
Legislative Reference Bureau
608 266-2263

From: Kunkel, Mark
Sent: Wednesday, January 28, 2015 1:32 PM
To: Kreye, Joseph
Subject: FW: P3 Changes

Joe: can you answer this one?

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Wednesday, January 28, 2015 1:15 PM
To: Kunkel, Mark
Subject: RE: P3 Changes

Mark,

In Section 576, which creates the CPI adjustment for the UW Authority's GPR block grant, are the CPI adjustments base building? That is our intent, but I am not sure it reads that way.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Wednesday, January 28, 2015 11:31 AM
To: Schwanz, Nathan E - DOA
Subject: RE: P3 Changes

Whew.

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Kunkel, Mark

Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

Yes, we want to maintain that. Good catch.

Nathan

From: Kunkel, Mark [<mailto:Mark.Kunkel@legis.wisconsin.gov>]
Sent: Wednesday, January 28, 2015 11:23 AM
To: Schwanz, Nathan E - DOA
Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

I just now realized that the P3 lets the governor appoint board of regents members, but does not require advice and consent of the senate for the appointments, which is required under current law (see s. 15.07 (1) (a)). If you want to maintain the senate's role, I can make the necessary revisions in the next version.

My apologies for the late notice.

--Mark

From: Schwanz, Nathan E - DOA [<mailto:Nathan.Schwanz@wisconsin.gov>]
Sent: Wednesday, January 28, 2015 11:13 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: P3 Changes

1. Sections 19 and 20 of P2: Since we aren't repealing 13.48(25) and (25r), do the changes in P2 (adding Authority) need to be included in P3?
2. Section 136 of P2: 16.865(4) needs to be amended to reflect that the UW Authority can continue to participate in liability and property insurance but not worker's compensation (I think my instructions on this were conflicting in previous emails). I think it should read something like this:
"Except as provided in sub. (10), manage the worker's compensation program for state employees and the statewide self-funded programs to protect the state and the University of Wisconsin Authority from losses of and damage to state and authority property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.44(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3)."
I am waiting to hear from the DOA analyst that this is correct, but I am pretty confident it is.
3. Section 241: 20.866(2)(z)4m should not be repealed (sorry for the back and forth on this). It needs to be maintained to reflect outstanding debt issued under it.
4. Section 274: I think the references are OK, but I am checking with the UW to ensure they accomplish what we want them to.
5. Do we need to explicitly state that the Board can employ anyone, similar to 233.03(7)? I think it is implied, but the UW read Section 313 to mean they can only appoint the positions listed.
6. Section 705: Yes to both questions in your note.
7. Section 9148: Do we need to specify, in the nonstat language, that rules promulgated by the UW System carry over to the UW Authority?
8. Section 9148: In (1)(h), the date, on page 162, line 1, needs to be changed to July 1, 2017. Fiscal year 2015-16 payments for municipal services are made in fiscal year 2016-17 so the UW should be required to make those payments to the state prior to July 1, 2017, the start of fiscal year 2017-18.
9. Section 726: I think (2) should refer to 9148(1)(h) instead of 9148(1)(g).

That's what I have on P3, everything else looks great. Having said that, other analysts and interested parties may have changes. I have asked them to get changes back to me as soon as possible recognizing the deadline you are on to finalize this. I will make every effort to ensure that happens.

Let me know if you have any questions and thanks again for all your help.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, January 29, 2015 11:15 AM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: More changes

The change to policies and procedures looks okay to me. ✓

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 11:04 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: More changes

Mark,

Section 24 repeals an exemption to lobbying laws for the UW. The statute is 16.625(6s). We would like to keep this exemption in statutes and update it to reflect the Authority.

Second, in 36.35(1), there is a reference to the Board being able to promulgate rules governing the student conduct and procedures for the administration of violations. The UW would like the reference to promulgate rules changed to policies and procedures. They state that since there is no reference to forfeitures, they do not need the ability to promulgate rules. We would like to make the change unless you have any objections to it.

INSERT 24-24

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: Thursday, January 29, 2015 12:00 PM
To: Kunkel, Mark
Subject: Parking Rules

✓ → insert 84-14 ✓

Mark,

In 36.11(8)(b), we would like to strike the following language: "to be used only for the purpose of developing and operating parking or other transportation facilities at the institution at which collected and for enforcing parking rules under par. (a)." We believe deleting this language which states how institutions can spend fees and fines related to parking is counter to the authority model.

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: Thursday, January 29, 2015 1:19 PM
To: Kunkel, Mark
Subject: RE: P3

Mark,
I think we will leave this as is. I will let you know if I hear differently.

I also wanted to let you know that I will probably have some changes for risk management coming in this afternoon. Other than that, as of right now, I don't anticipate any more changes. If any come in I will get them to you as quickly as possible.

+ CMH collective bargaining changes

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 28, 2015 5:38 PM
To: Schwanz, Nathan E - DOA
Subject: RE: P3

Regarding section 85, I think it depends on the particular circumstances under which the feds makes money available to the state. If a federal law that granted money referred to "states" as recipients, rather than universities, then you might need the language to allow the feds to give it to the UWSA, instead of the state. I don't think the language would force the feds to do that, but it wouldn't hurt.

You might want to get the UW's input on this. Is fed money usually provided to the state on behalf of the UW, or do the feds usually directly provide money to the UW?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Wednesday, January 28, 2015 3:24 PM
To: Kunkel, Mark
Subject: P3

Mark,
In Section 85, we leave intact the authority's ability to accept moneys on behalf of the state from the feds. Are they really accepting on behalf of the state if they're an authority? Do we need this statute if the UW is an authority or do we just remove the reference to accepting the money on behalf of the state?

Also, I think Section 17 prohibits the Building Commission from selling leased property. Is that right? If so, does Section 19 conflict with Section 17?

Sorry if we are getting picky. Just want to make sure we have everything right.

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

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Thursday, January 29, 2015 1:20 PM
To: Kreye, Joseph
Cc: Kunkel, Mark
Subject: RE: P3 Changes

Looks great Joe. Thanks!

Nathan

From: Kreye, Joseph [mailto:Joseph.Kreye@legis.wisconsin.gov]
Sent: Thursday, January 29, 2015 11:58 AM
To: Schwanz, Nathan E - DOA
Cc: Kunkel, Mark - LEGIS
Subject: RE: P3 Changes

Nathan,

This is how I changed the language:

77.665 Educational programs. (1) In fiscal year 2017-18, \$753,533,000 of the taxes collected under this subchapter shall be used to pay the amounts under s. 20.285 (1) (a).

(2) In fiscal year 2018-19, and in each fiscal year thereafter, the amount of the taxes collected under this subchapter to be used to pay the amounts under s. 20.285 (1) (a) is the amount used in the previous fiscal year, adjusted annually on July 1 to reflect...etc.

Joe

Joseph T. Kreye
Legal Section Administrator
Legislative Reference Bureau
608 266-2263

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 11:24 AM
To: Kreye, Joseph
Subject: RE: P3 Changes

Thanks Joe.

Can you share with me the updated language that will be in the draft so I can run it by my colleagues here? Thanks.

Nathan

From: Kreye, Joseph [mailto:Joseph.Kreye@legis.wisconsin.gov]
Sent: Thursday, January 29, 2015 10:47 AM
To: Schwanz, Nathan E - DOA

Cc: Kunkel, Mark - LEGIS
Subject: RE: P3 Changes

Nathan,

I reworked the language to make clear that, for subsequent fiscal years, the appropriated amount is the amount appropriated in the previous year, adjusted for changes in the CPI.

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To: Kreye, Joseph
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Nathan

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Sent: Wednesday, January 28, 2015 11:31 AM
To: Schwanz, Nathan E - DOA
Subject: RE: P3 Changes

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Sent: Wednesday, January 28, 2015 11:28 AM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: RE: P3 Changes

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Nathan

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To: Schwanz, Nathan E - DOA
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Let me know if you have any questions and thanks again for all your help.

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

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Thursday, January 29, 2015 3:37 PM
To: Hanaman, Cathlene
Cc: Kunkel, Mark; Hynek, Sara - DOA
Subject: MERA

Cathlene,

With the change to putting UW employees under MERA, we would also like language added that is consistent with how faculty, academic staff, and UW law enforcement are treated currently in SELRA. In other words, faculty, academic staff and UW law enforcement should not be allowed to collectively bargain when they are placed in MERA. This is what Jenny and I called you about this morning.

Please let me know if you have any questions about this.

Thank you.

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

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Thursday, January 29, 2015 3:38 PM
To: Kunkel, Mark
Subject: FW: UW draft bill
Attachments: Proposed amendments - Risk Management.docx

Mark,

Attached are the recommendations from DOA Legal regarding risk management issues. Please let me know if you have any questions. Thanks.

Nathan

165-25

~~16.25~~ (6) (a) of the statutes is amended to read:

16.25 (6) (a) At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employee, or agent of the department in any civil action or other matter brought before a court or an administrative agency which is brought against the state department, or officer, employee, or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employee's, or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. Except where the attorney general appears for or defends the University of Wisconsin System Authority, The the attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. Members, officers, and employees of the Wisconsin state agencies building corporation and the Wisconsin state public building corporation are covered by this section. Members of the board of governors created under s. 619.04 (3), members of a committee or subcommittee of that board of governors, members of the injured patients and families compensation fund peer review council created under s. 655.275 (2), and persons consulting with that council under s. 655.275 (5) (b) are covered by this section with respect to actions, claims, or other matters arising before, on, or after April 25, 1990. The attorney general may compromise and settle claims asserted before such actions or matters formally are brought or may delegate such authority to the department of administration. This paragraph may not be construed as a consent to sue the state or any department thereof or as a waiver of state sovereign immunity.

Note: The purpose of this amendment is to make clear that when the AG represents UWSA it must get authorization from UWSA to settle cases. This is the normal attorney-client relationship where the attorney is not in-house.

165-25

~~16.25~~ (8r) of the statutes is amended to read:

16.25 (8r) BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM AUTHORITY. Except where the state and the Board of Regents of the University of Wisconsin System Authority are adverse parties in an action or proceeding, In in subs. (1), (1m), (6), and (6m), treat the Board of Regents of the University of Wisconsin System Authority as a department of state government and any official, employee, or agent of the Board of Regents as a state official, employee, or agent. *unless -*

Note: The purpose of this amendment is to make clear that DOJ will not represent UWSA where it is an adverse party to the state.

16.865 (1) (a) of the statutes is amended to read:

16. 865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the University of Wisconsin System Authority from losses which are catastrophic in nature and minimize total cost to the state and the University of Wisconsin System Authority of all activities related to the control of accidental loss.

Note: proposed change is to avoid a potential conflict of interest. As originally drafted, if there is a catastrophe the way to minimize cost to the state is to not provide coverage to UWSA, which conflicts with the first part of this section, which requires Risk Management to protect UWSA from losses.

16.865 (4) of the statutes is amended to read:

16.865 (4) Manage the:

(a) The state employees' worker's compensation program and the statewide self-funded programs to protect the state from losses of and damage to state property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.344(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3); and

(b) The statewide self-funded programs to protect the state and University of Wisconsin System Authority from losses of and damage to state property and liability.

Note: The purpose of this change is to make clear that the state is not providing worker's compensation coverage for UWSA.

16.865 (5) of the statutes is amended to read:

16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate insurance contracts for the transfer of risk of loss on the part of the state and the University of Wisconsin System Authority or its their employees, to the extent such loss cannot reasonably be assumed by the individual agencies or the authority or the self-funded programs. The placement of insurance may be by private negotiation rather than competitive bid, if such insurance has a restricted number of interested carriers. The department shall approve all insurance purchases. ~~Nothing in this paragraph shall be construed to require the department to arrange for worker's compensation insurance for the University of Wisconsin System Authority or its employees.~~ *does not*

Note: The purpose of this change is to make clear that the state is not providing worker's compensation coverage for UWSA.

10
893.82 (9) ¹⁰ ~~(9)~~ except for of the statutes is created to read:

(9) With the exception of subsection (6), this section does not apply where the claimant in the action or proceeding is the state and the person against whom such claim is brought is an officer or employee of the University of Wisconsin System Authority.

Note: The purpose of this change is to make clear that in instances where the state sues UWSA it is not subject to the notice requirements or the 120 time limit. The state would still be limited to a \$250,000 award of damages against UWSA.

Am 201505(2)(K)
New 7-100

895.46 (1)(a) of the statutes is amended to read:

895.46 (1) (a) If the defendant in any action or special proceeding is a public officer or employee and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employee, except as provided in s. 146.89 (4), in excess of any insurance applicable to the officer or employee shall be paid by the state or political subdivision of which the defendant is an officer or employee. For purposes of this section "political subdivision" includes the University of Wisconsin System Authority. Agents of any department of the state shall be covered by this section while acting within the scope of their agency. Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employee, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employee did not act within the scope of employment. Except as provided in s. 146.89 (4), the duty of a governmental unit to provide or pay for the provision of legal representation does not apply to the extent that applicable insurance provides that representation. If the employing state agency or the attorney general denies that the state officer, employee or agent was doing any act growing out of or committed in the course of the discharge of his or her duties, the attorney general may appear on behalf of the state to contest that issue without waiving the state's sovereign immunity to suit. Failure by the officer or employee to give notice to his or her department head of an action or special proceeding commenced against the defendant officer or employee as soon as reasonably possible is a bar to recovery by the officer or employee from the state or political subdivision of reasonable attorney fees and costs of defending the action. The attorney fees and expenses shall not be recoverable if the state or political subdivision offers the officer or employee legal counsel and the offer is refused by the defendant officer or employee. If the officer, employee or agent of the state refuses to cooperate in the defense of the litigation, the officer, employee or agent is not eligible for any indemnification or for the provision of legal counsel by the governmental unit under this section.

Note: The purpose of this change is to make clear that judgments as to damages and costs entered against officers and employees of UWSA in excess of any insurance applicable to the UWSA officer or employee will be paid by UWSA and not the state.

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Thursday, January 29, 2015 3:55 PM
To: Kunkel, Mark
Cc: Hynek, Sara - DOA
Subject: Couple More Items
Attachments: UWSA Powers.docx

Mark,
I promise we are nearing the end of the revisions.

DOA Legal raised a point about the Authority's ability to sue and be sued. From the stand point of enforcing the lease agreement and other portions of the statutes, not providing the Authority the ability to sue and be sued may take away a key enforcement lever. Furthermore, if the Authority is determined to be a state entity because it does not have the ability to sue or be sued, we would have a state entity staffed entirely by non-state employees.

Based on that, they recommended adding the language in the attached document. Could you add these items into the draft where appropriate.

Thanks, and I think that should be all. Unless you have any questions.

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

Attachment

36.11 of the statutes is amended to read:

36.11 Powers and duties of the ~~board~~ Board of regents Regents. The board shall have all powers necessary or convenient to implement this chapter, including the following powers in connection with its projects or programs, in addition to all other powers granted by this chapter:

36.11 (1a) of the statutes is created to read:

36.11 (1a) The board shall have the power to sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual existence; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the board; and to make, amend and repeal bylaws.

36.11 (1b) of the statutes is created to read:

36.11 (1b) The board shall have the power to accept gifts, loans or other aid.

Kunkel, Mark

From: Kunkel, Mark
Sent: Thursday, January 29, 2015 6:05 PM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: UW draft bill

16.865(4) Manage the:

(a) The state employees' worker's compensation program and the statewide self-funded programs to protect the state from losses of and damage to state property and liability and, if retained by the department of workforce development under s. 102.65(3), process, investigate, and pay claims under ss. 102.344(1), 102.49, 102.59, and 102.66 as provided in s. 102.65(3); and

(b) The statewide self-funded programs to protect the state and University of Wisconsin System Authority from losses of and damage to state property and liability.

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 6:04 PM
To: Kunkel, Mark
Subject: RE: UW draft bill

I think that is how it is in the attachment I sent, correct?

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 29, 2015 6:03 PM
To: Schwanz, Nathan E - DOA
Subject: RE: UW draft bill

ok

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 6:02 PM
To: Kunkel, Mark
Subject: RE: UW draft bill

It should refer to both the state and UWSA.

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 29, 2015 5:58 PM
To: Schwanz, Nathan E - DOA
Subject: RE: UW draft bill

Section 16.865 (4) (b) refers to state property and liability. Should it refer to state or UWSA property and liability, or is the omission of UWSA intentional?

From: Schwanz, Nathan E - DOA [mailto:Nathan.Schwanz@wisconsin.gov]
Sent: Thursday, January 29, 2015 3:38 PM

To: Kunkel, Mark
Subject: FW: UW draft bill

Mark,
Attached are the recommendations from DOA Legal regarding risk management issues. Please let me know if you have any questions. Thanks.

Nathan

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, January 30, 2015 9:21 AM
To: Schwanz, Nathan E - DOA
Subject: Nonstat language

Contracts and agreements. All contracts and agreements entered into by the University of Wisconsin System in effect on the effective date of this paragraph remain in effect and are transferred to the University of Wisconsin System Authority. The University of Wisconsin System Authority shall carry out any obligations under those contracts and agreements unless modified or rescinded to the extent allowed under the contract or agreement, except that the authority is not liable for any reimbursement obligation under a Minnesota–Wisconsin student reciprocity agreement under section 39.47, 2013 stats., that accrues before the effective date of this paragraph.

Kunkel, Mark

From: Schwanz, Nathan E - DOA <Nathan.Schwanz@wisconsin.gov>
Sent: Friday, January 30, 2015 9:45 AM
To: Kunkel, Mark
Subject: RE: P3

Great, thanks Mark.

Let me know if you need any help with the analysis or anything else. I told everyone to have changes to me by 5 pm yesterday and we shouldn't have anything to change at this point (knock on wood).

Nathan

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Friday, January 30, 2015 9:24 AM
To: Schwanz, Nathan E - DOA
Subject: RE: P3

You will probably get the P5 at 1 pm today.

From: Kunkel, Mark
Sent: Friday, January 30, 2015 9:21 AM
To: 'Schwanz, Nathan E - DOA'
Subject: RE: P3

Nathan:

Yes, later today there will be a P5. I'll check and try to give you an estimate on when it'll be done and sent to you.

You didn't see the P4, which we generated internally only for the purpose of fixing the effective dates. The P4 was identical to the P3, except for the effective dates. For the budget, for anything with a delay after July 1, 2015, we have to identify each statutory treatment that has a later effective date. So, for the UWSA, we have a few pages at the end of the bill that list the many statutory changes that will take effect on July 1, 2016.

The other thing that the P5 will do is to reconcile the UWSA changes with any other changes made by other budget drafts. So, for example, if the UWSA hits a statute with a reference to another state agency, and the budget changes the name of that agency, we had to take that name change into account. For anything that is reconciled, there will be note in the bill that points that out. Also, for the sake of reconciliation, some changes that were in the P3 and P4 will be taken out and put in another budget draft. Most of those take-outs dealt with statutes that list the different authorities. Another authority is created in the budget, with a Jan. 1, 2016 delayed effective date. The drafter's note will list the other affected drafts. If you have trouble figuring out what went where, I can help you sort that out.

After you review the P5, we should still be able to make changes. So if you see any issues, let me know.

One final thing, I am going to try to write the LRB analysis today, and you will eventually get to see that too. Usually we draft those a lot earlier, but due to time constraints, I had to wait until now.

--Mark

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

Sent: Friday, January 30, 2015 8:10 AM

To: Kunkel, Mark

Subject: P3

Mark,

This may be a stupid question, but will be get a draft with the revisions that have been made to P3 before everything is finalized? Being my first time through this, I am not sure how all the finalization works with the stat language.

Nathan Schwanz

Executive Policy & Budget Analyst

State Budget Office

608-266-2843