

CHAPTER 36

UNIVERSITY OF WISCONSIN SYSTEM

36 01	Statement of purpose and mission.	36 31	Coordination with other educational agencies.
36 03	System.	36 33	Sale and relocation of agricultural lands.
36 05	Definitions.	36 34	Minority student programs.
36 07	Corporate title, officers, meetings, records	36 35	Misconduct; campus security.
36 09	Responsibilities.	36 37	Downer Woods and buildings preservation.
36 11	Powers and duties of the board of regents	36 39	Complimentary and reduced price tickets prohibited.
36 12	Student discrimination prohibited.	36 39S	Fees for use of facilities.
36 13	Faculty tenure and probationary appointments	36 40	Use of animals for research purposes.
36 14	Wisconsin distinguished professorships.	36 42	Minority doctoral student loans.
36 15	Academic staff appointments.	36 43	Accommodation of religious beliefs.
36 17	Limited appointments.	36 44	License plate scholarship programs.
36 19	Other appointments.	36 45	Research funding.
36 21	Lapse of appointments.	36 46	Auxiliary reserves.
36 23	Conflict of interest.	36 47	Report on use of base resources.
36 25	Special programs.	36 48	Alcohol and other drug abuse prevention and intervention programs.
36 27	Tuition.	36 50	State policy regarding the long-term disposal of high-level radioactive waste and transuranic waste.
36 27S	Medical school tuition rates.	36 51	Nutritional improvement for elderly.
36 28	Medical school enrollment.	36 52	Reimbursement of pay supplements.
36 29	Gifts; golf course.		
36 30	Sick leave.		

36.01 Statement of purpose and mission. (1) The legislature finds it in the public interest to provide a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

History: 1973 c. 335

36.03 System. There is created in this state a system of institutions of learning to be known as the university of Wisconsin system. The principal office and one university of the system shall be located at or near the seat of state government.

History: 1973 c. 335

36.05 Definitions. In this chapter:

(1) "Academic staff" means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include faculty and staff provided under s. 16.57.

(2) "Board of regents" or "board" means the board of regents of the university of Wisconsin system.

(3) "Campus" means the publicly owned or leased buildings and grounds which comprise all or part of a university, a center or the extension.

(4) "Center" means any one of the 2-year collegiate campuses of the system.

(5) "Chancellor" means the chief executive of an institution.

(6) "Classified staff" means all employes of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and student hourly help.

(7) "Extension" means the community outreach, public service and extension services of the system.

(8) "Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution, persons described under s. 36.13 (4) (c) and such academic staff as may be designated by the chancellor and faculty of the institution.

(9) "Institution" means any university or an organizational equivalent designated by the board.

(9m) "Instructional academic staff" means academic staff members with teaching responsibilities.

(10) "President" means the chief executive of the system.

(11) "Student" means any person who is registered for study in any institution for the current academic period. For the purpose of administering particular programs or functions involving students, the board shall promulgate rules defining continuation or termination of student status during periods between academic periods.

(12) "System" means the university of Wisconsin system.

(13) "University" means any baccalaureate or graduate degree granting institution.

History: 1973 c. 335; 1985 a. 332 s. 251 (3); 1989 a. 31, 67; 1991 a. 39.

36.07 Corporate title, officers, meetings, records. (1) CORPORATE STATUS AND TITLE. The board and their successors in office shall constitute a body corporate by the name of "Board of Regents of the University of Wisconsin System".

(2) SECRETARY. The board shall appoint a secretary of the board who shall keep a faithful record of all its transactions.

(3) TREASURER. The state treasurer shall be the treasurer of the board, but the board may appoint other persons to receive other moneys that may be due or remitted from any source.

(4) **MEETINGS, TIMES, NOTICE.** The times for holding the regular annual meeting and such other meetings as are required, and the manner of providing notice for such meetings, shall be determined by the board's bylaws.

(5) **ACCESS TO THE BOARD.** The board shall provide in its operating policies for access to the board by the public, faculty, students and chancellors.

(6) **MEETINGS AND RECORDS PUBLIC.** The board meetings shall be open and all records of such meetings and of all proceedings of the board shall be open to inspection in accordance with subchs. II and V of ch. 19.

History: 1973 c. 335; 1975 c. 426 s. 3; 1981 c. 335 s. 26; 1991 a. 39.

36.09 Responsibilities. (1) THE BOARD OF REGENTS. (a) The primary responsibility for governance of the system shall be vested in the board which shall enact policies and promulgate rules for governing the system, plan for the future needs of the state for university education, ensure the diversity of quality undergraduate programs while preserving the strength of the state's graduate training and research centers and promote the widest degree of institutional autonomy within the controlling limits of system-wide policies and priorities established by the board.

(b) The board, after public hearing at each institution, shall establish for each institution a mission statement delineating specific program responsibilities and types of degrees to be granted.

(c) The board shall determine the educational programs to be offered in the system and may discontinue educational programs as it deems necessary.

(d) The board shall establish policies to guide program activities to ensure that they will be compatible with the missions of the institutions of the system. To this end, the board shall make all reasonable effort to provide night courses.

(e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each center; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer with the advice of the land information board; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4), (4m) and (5) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4), (4m) and (5) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employees of the system.

(f) The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution within the policies and guidelines established by the board. The board may also delegate or rescind other authority to chancellors, committees of the board, administrative officers, members of the faculty and students or such other groups as it deems appropriate.

(gm) The board shall not create, except as specifically authorized by the legislature in each instance, any new college, school or its functional equivalent if such college, school or functional equivalent has academic programs at the graduate or professional, post-baccalaureate level.

1. For the purposes of this paragraph, college or school means an academic unit below the institutional level but above the departmental level, including but not limited to a

graduate school, law school, medical school, social work school, architecture school, business school and a public administration school.

2. For the purposes of this paragraph, a new college or school shall be deemed to have been created if an administrative position of dean or its functional equivalent is established and if a new instructional program, separate and distinct from the programs currently available at that institution, is established.

3. This paragraph does not apply to the redesignation or reorganization of existing colleges or schools if accomplished through the reclassification of existing positions or the restructuring of existing organizational entities.

(h) The board shall allocate funds and adopt budgets for the respective institutions giving consideration to the principles of comparable budgetary support for similar programs and equitable compensation for faculty and academic staff with comparable training, experience and responsibilities and recognizing competitive ability to recruit and retain qualified faculty and academic staff. If the board ceases or suspends operation of any institution or center, the appropriations to the board for operation of the institution or center may be utilized by the board for any other purpose authorized by the appropriations within the period for which the appropriations are made.

(hm) The board shall develop policies for the purpose of specifically identifying the general purpose revenue and nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of governing the allocation of funds to those noninstructional student activities supported by both general purpose and nongeneral purpose revenue.

(i) Upon recommendation of the president and the administrator of the division of merit recruitment and selection in the department of employment relations, the board and the secretary of employment relations shall jointly adopt general policies governing the designation of positions to be exempt from the classified service as academic staff as defined in s. 36.15 (1) (a) and (b). No position in the classified service may be designated as an academic staff position under the general policies unless the secretary of employment relations approves the designation.

(j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4) (j) or (4m) under this paragraph unless the salary increase conforms to the compensation plan for executive salary group positions as approved under 230.12 (3) (b) or the board

authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

(k) 1. The board shall, with respect to academic staff, correct pay inequities based on gender or race.

2. The board shall do all of the following:

a. Establish and maintain job categories in which to place academic staff positions. The job categories shall be described in sufficient detail to enable the board to comply with subd. 1.

b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and, using the job evaluation system developed by the secretary of employment relations, assign the job categories established under subd. 2. a. to those pay ranges. This subd. 2. b. does not apply to appointments under s. 36.13 (4).

c. Submit the job categories and pay ranges established under subd. 2. a. and b. to the secretary of employment relations for review and approval. In reviewing the job categories and pay ranges, the secretary of employment relations shall determine whether the board complied with subd. 1 in establishing the job categories and pay ranges.

d. Submit a request for any change in the job categories or the pay ranges established under subd. 2. a. and b. to the secretary of employment relations for review and approval. In reviewing a request for such a change, the secretary of employment relations shall determine whether the requested change requires the board to comply with subd. 1. The secretary of employment relations shall annually report to the joint committee on employment relations regarding any approved changes in the job categories or pay ranges.

(L) The board shall possess all powers necessary or convenient for the operation of the system except as limited in this chapter.

(2) **THE PRESIDENT.** The president shall be president of all the faculties and shall be vested with the responsibility of administering the system under board policies and shall direct a central administration which shall assist the board and the president in establishing system-wide policies in monitoring, reviewing and evaluating these policies, in coordinating program development and operation among institutions, in planning the programmatic, financial and physical development of the system, in maintaining fiscal control and compiling and recommending educational programs, operating budgets and building programs for the board. The president shall appoint each vice president, associate vice president and assistant vice president of the system. The president shall fix the term of office for each vice president, associate vice president and assistant vice president of the system.

(3) **THE CHANCELLORS.** (a) The chancellors shall be the executive heads of their respective faculties and institutions and shall be vested with the responsibility of administering board policies under the coordinating direction of the president and be accountable and report to the president and the board on the operation and administration of their institutions. Subject to board policy the chancellors of the institutions in consultation with their faculties shall be responsible for designing curricula and setting degree requirements; determining academic standards and establishing grading

systems; defining and administering institutional standards for faculty peer evaluation and screening candidates for appointment, promotion and tenure; recommending individual merit increases; administering associated auxiliary services; and administering all funds, from whatever source, allocated, generated or intended for use of their institutions.

(b) The chancellor may designate a person as provost, to act as chief executive officer of the institution in the chancellor's absence, if the person currently holds a limited appointment as vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor or assistant vice chancellor. The chancellor may not create an additional administrative position for the purpose of this paragraph.

(4) **FACULTY.** The faculty of each institution, subject to the responsibilities and powers of the board, the president and the chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for academic and educational activities and faculty personnel matters. The faculty of each institution shall have the right to determine their own faculty organizational structure and to select representatives to participate in institutional governance.

(4m) **ACADEMIC STAFF.** The academic staff members of each institution, subject to the responsibilities and powers of the board, the president and the chancellor and faculty of the institution, shall be active participants in the immediate governance of and policy development for the institution. The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

(5) **STUDENTS.** The students of each institution or campus subject to the responsibilities and powers of the board, the president, the chancellor and the faculty shall be active participants in the immediate governance of and policy development for such institutions. As such, students shall have primary responsibility for the formulation and review of policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute substantial support for campus student activities. The students of each institution or campus shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

History: 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39.

Sub (5) construed to give student organization, rather than student body, the right to select representatives to participate in institutional governance. *Student Asso., U.W.-Milw. v. Baum*, 74 W (2d) 283, 246 NW (2d) 622.

The board of regents has no authority to provide a deferred salary plan for employees other than through the state teachers retirement system or the Wisconsin retirement fund. 61 Atty. Gen. 6.

Ruling by chancellor of university of Wisconsin-Eau Claire denying request to conduct door-to-door solicitation in residence halls did not violate constitutional rights. 61 Atty. Gen. 373.

Classified audit fee structure may be established by university regents using age for classification purposes. 62 Atty. Gen. 1.

See note to art. I, sec. 18, citing 63 Atty. Gen. 374, concerning lease of space to church.

Regents should identify how compulsory fees will be used to necessarily and conveniently further the objects of the university before approving a segregated fee, under 37.11 (8) (1971 Stats.), to finance a legal services program for Oshkosh student association. Regent's duties are unchanged under (5). 63 Atty. Gen. 385.

Board of Regents' proposed one percent raise of the pay range minima and maxima of academic staff required prior approval of secretary of employment relations. OAG 21-91.

36.11 Powers and duties of the board of regents. (1) PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY. (a) The board may promulgate rules under ch. 227 to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned not more than 90 days or both.

(b) The board may purchase, have custody of, hold, control, possess, lease, grant easements and enjoy any lands, buildings, books, records and all other property of any nature which may be necessary and required for the purposes, objects and uses of the system authorized by law. The board may sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the best interests of the system and the state, except that purchases and sales of real property shall be subject to the approval of the building commission.

(c) The board may promulgate rules under ch. 227 for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. Forfeitures shall not exceed \$500.

(cm) The board shall promulgate rules under ch. 227 prescribing the times, places and manner in which political literature may be distributed and political campaigning may be conducted in state-owned residence halls. No such rule may authorize any activity prohibited under s. 11.36 (3) or (4).

(d) All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with s. 59.20 (5) and (8). All forfeitures, including forfeitures of posted bail if any, imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.

(e) The board, with the approval of the building commission, may sell or lease state-owned residence halls to another state agency or nonstate nonprofit agency for purposes of alternate use.

(2) POLICE AUTHORITY. (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction, and all property contiguous to such property at the university of Wisconsin-Parkside if owned by a nonprofit corporation the primary purpose of which, as determined by the board, is to benefit the system. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which a campus may be located. All campus police officers shall cooperate with and be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on such property.

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

(3) ADMISSION OF APPLICANTS. (a) The board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

(b) The board shall establish policies for the appropriate transfer of credits between institutions within the system, including the designation of those courses which shall be transferable between and within institutions without loss of credit toward graduation or toward completion of a specific course of study.

(c) The board may establish policies for the appropriate transfer of credits with other educational institutions outside the system.

(cm) The board shall establish and maintain a computer-based credit transfer system that shall include, but not be limited to, the following:

1. All transfers of credit between institutions within the system.
2. Program-specific course requirements in the system.
3. Vocational, technical and adult education collegiate transfer program offerings, as defined in s. 38.01 (3).
4. Other courses for which the transfer of credits is accepted under par. (b) or (c).

(d) 1. Except as provided in subd. 2, the board shall require that a \$10 fee accompany each application for admittance from persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system. The board may exempt from the fee under this subdivision, on the basis of financial need, a maximum of 5% of the applications in any school year.

2. The board shall require that a \$20 fee accompany each application for admittance to a graduate school, law school or medical school within the system.

(4) INJUNCTIVE RELIEF. The board may obtain injunctive relief to enforce this chapter or any rules promulgated under this chapter.

(5) INSURANCE. (a) The board may procure liability insurance covering the members of the board, any officer, employe or such students whose activities may constitute an obligation or responsibility of the system.

(b) The board may procure insurance to cover injuries sustained by students as a result of their participation in intercollegiate athletics. The board may not use general purpose revenue to pay for such insurance. With respect to any of the risks to be covered by the insurance, the board may contract for the services of a claims administrator and may obtain coverage by any combination of self-insurance, excess or stop-loss insurance or blanket insurance.

(6) FINANCIAL AIDS. (a) The board may:

1. Make grants to students from funds budgeted to or controlled by the system and formulate policies and promulgate rules for the grants.

2. Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are recommended and supervised by the department of health and social services under s. 47.02.

(b) The board may not make a grant under par. (a) to a person if it receives a certification under s. 46.255 (7) that the person is delinquent in child support or maintenance payments.

(7) **CONFER DEGREES.** The board may confer such degrees and grant such diplomas as are usual in universities or as it deems appropriate.

(8) **PARKING RULES.** (a) The board may make general policies and shall authorize the chancellors to adopt rules regulating the parking of motor vehicles on property under their jurisdiction. Such rules shall not be subject to ch. 227.

(b) The board shall establish fines for the violation of any rule made under par. (a). The institutions are authorized to collect such fines together with moneys collected from the sale of parking permits and other fees established under par. (a) and such moneys shall be paid into the state treasury and credited to s. 20.285 (1) (h), 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).

(8e) **PARKING FEES.** The board shall direct each institution and center within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. Center campus facilities owned by a county are not required to charge a parking fee.

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

(9) **CONDEMNATION.** The board may acquire by condemnation proceedings under ch. 32 such parcels of land as it deems necessary for the use of any institution whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays, such agreement.

(10) **UNIVERSITY FUND.** The board may expend such portion of the income of the university fund on or at the university of Wisconsin-Madison as is appropriated by the legislature for the erection of buildings and the purchase of equipment or books.

(11) **SURPLUS MONEY.** The board may invest any of the surplus money designated in s. 20.285 (1) (h) in such securities as are legal for trust fund investments; or invest such funds or any part thereof, in the senior or junior bonds or obligations which may be issued by such nonprofit-sharing corporation

as may be contracted with by the board for the construction or equipment of dormitories, commons or field houses, which bonds or obligations shall be secured by a mortgage or pledge of the buildings or improvements erected or to be erected by such corporations and by a mortgage or pledge of its leasehold interest. Any interest on any of such bonds or securities shall when received be added to the revolving funds and may be used for the purposes set forth in this subsection.

(12) **LIBRARY DEPOSITORY.** (a) The board may participate in the formation and maintenance of a nonprofit-sharing corporation sponsored by participating colleges, universities and libraries for the purpose of providing and operating a central library depository at a location in a midwestern state for the storage of little used books and other library and research materials of participating institutions, and which corporation may also perform other functions for the benefit of participating institutions such as, without limitation because of enumeration, the correlating of library catalogs of the participating institutions, the coordinating and planning of the purchasing by each institution of costly or infrequently used books and research materials in order to avoid unnecessary duplication and facilitating the loaning of library books and other library and research materials between participating institutions. The board shall possess all powers necessary or convenient to accomplish the foregoing, including the authority to designate representatives or members of such corporation in accordance with its articles and bylaws.

(b) The board may make use of and pay for the use of the facilities and services of such nonprofit-sharing corporation, but the board shall retain title to all books and materials deposited with such corporation for storage or loaned to other participating institutions and the authority of the board to expend funds for the purchase of land, the construction of buildings and additions to buildings and the purchase of equipment for the purpose of providing such facilities shall be limited to funds appropriated under s. 20.285. Except as hereinbefore provided, the appropriations to the board are to be available for the purposes of this subsection to the extent that such appropriation may be applicable and without reference to whether any particular appropriation is available for expenditure at any institution.

(13) **AUXILIARY RESERVES.** Auxiliary enterprise reserve funds established prior to merger of this state's public institutions of higher education for the benefit or support of an institution or group of institutions shall not be utilized for any other purpose.

(15) **TAX DEFERRED ANNUITIES.** The board may continue all salary reduction agreements with its employees pursuant to section 403 (b) of the internal revenue code. The board may enter into new salary reduction agreements with its employees pursuant to section 403 (b) of the internal revenue code or other applicable federal law and may purchase annuities for its employees pursuant to these agreements from such annuity providers, both public and private, as the board deems appropriate.

(15m) **FOOTBALL COACHES PENSION PLAN.** The board may deduct contributions from the salaries of football coaches employed in the system who are eligible and wish to participate in the qualified pension plan for football coaches established as the American football coaches retirement trust, and remit the deductions to the administrator of that plan, if the American football coaches retirement trust or the administrator or agent of the plan indemnifies the board and its employees against, and holds the board and its employees harmless from, all claims and demands associated with the plan.

(16) **COMMENCEMENT OF FALL SEMESTER.** The board shall ensure that no fall semester classes at any center or institution within the system, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

(17) **SABBATICAL LEAVE FOR INSTRUCTIONAL FACULTY.** The board may grant sabbatical leave of up to one year to instructional faculty, in order to recognize and enhance teaching efforts and excellence, under rules and procedures adopted by the board, subject to the following conditions:

(a) Sabbatical leave may be granted only to those faculty members who have completed 6 or more years, or the equivalent, of full-time instructional service in the system.

(b) Only one sabbatical leave may be granted for each 6 years of full-time instructional service in the system with preference given to those who have been making significant contributions to teaching and have not had a leave of absence except under s. 103.10, regardless of source of funding, in the previous 4 years.

(c) Sabbatical leave shall be granted for the purposes of enhancing teaching, course and curriculum development or conducting research or any other scholarly activities related to instructional programs within the field of expertise of the faculty member taking such leave.

(d) Sabbatical leave shall be approved by appropriate faculty and administrative committees.

(e) A faculty member shall receive compensation while on sabbatical leave, but such compensation, when combined with outside compensation earned while on leave, shall not exceed the full compensation normally received from the system.

(f) The faculty member taking a sabbatical leave shall agree to return to the institution from which leave was granted for at least one year after the termination of the sabbatical or return any compensation received from the system during the sabbatical.

(g) Funding for the sabbatical leave program shall be provided from the existing general operations appropriation for the system.

(18) The board may maintain membership of this state in the midwest technology development institute.

(21) **CONTROLLED SUBSTANCES; DISCIPLINE.** Any student who engages in an activity, on campus or at an event sponsored by a center or institution or by the system, that constitutes a violation of ch. 161 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a system environment that is free from controlled substances, as defined in s. 161.01 (4).

(22) **ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT.** (a) The board shall direct each institution and center to:

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

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

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

c. The rights of victims under ch. 950 and the services available at the institution or center and in the community to assist a student who is the victim of sexual assault or sexual harassment.

d. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual harassment and locations in the community where courses on protective behaviors are provided.

2. Annually supply to all students enrolled in the institution or center printed material that includes all of the information under par. (a).

(b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall indicate the methods each institution and center have used to comply with par. (a).

(c) Any person employed at an institution or center who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution or center that the student has been sexually assaulted shall report to the dean of students of the institution or to the dean of the center. The dean of students or dean shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

(d) Annually, each institution and center shall report to the office of justice assistance in the department of administration statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on the campus of the institution or center in the previous year. The office of justice assistance shall include the statistics in appropriate crime reports published by the office.

(23) **BOARD STAFF.** The board shall provide office space, furnishings and supplies for the staff provided by the department of administration under s. 16.57.

(24) **STATE DOCUMENTS.** The board shall assure that each campus identifies and collects significant state documents, as defined in s. 35.81 (3), relating to administration and academic programs of that campus. The board shall provide for the identification and collection of significant state documents, as defined in s. 35.81 (3), published by the board or the system administration.

(25) **TRAINING OF HEALTH PROFESSIONALS.** The board shall promote public awareness of, access to and training of health professionals for rural and underserved urban areas.

(26) **BUILDING PROGRAM PLANNING AND APPROVAL.** The board shall establish a process for submission to the building commission for approval. No building project for the system may be submitted by the board to the building commission unless the project is developed and approved by the board in conformity with this subsection.

NOTE: Sub. (26) was created as (25) and renumbered by the revisor under s. 13.93 (1) (b).

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; s. 13.93 (1) (b).

Board of regents has power to make reasonable rules governing student use of automobiles on university property and can enforce them by imposing reasonable monetary penalties and withholding records. Student court can be designated by board of regents as an auxiliary enterprise. Moneys thereby collected must be paid into general fund. By regent action, they may be appropriated therefrom for operation of that activity. 59 Atty. Gen. 82.

The collective bargaining agreement between the university of Wisconsin and the teaching assistants association is valid. 59 Atty. Gen. 200.

A valid collective bargaining contract between the board of regents and union representing unclassified employees may not be impaired, during its term, by the current or a future board of regents or the legislature. 60 Atty. Gen. 64.

Legality of having students and faculty voting participation on board of regents discussed. 60 Atty. Gen. 395.

The university of Wisconsin system may sell a dormitory which no longer is needed for educational purposes upon such terms as are agreeable to the Wisconsin state agencies building corporation and H.U.D. to guarantee the payment of the bonds issued for the initial construction of the building. 63 Atty. Gen. 252.

36.11 UNIVERSITY OF WISCONSIN SYSTEM

91-92 Wis. Stats. 840

Campus police have jurisdiction under (2) to arrest only on campus unless deputized by a sheriff. Local ordinances are not applicable on campus. 68 Atty Gen 67.

36.12 Student discrimination prohibited. (1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions or centers because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

(2) (a) The board shall direct each institution and center to establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the institution or center within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the institution or center must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution or dean of the center.

(b) The board shall establish policies and procedures for the appeal of the chancellor's or dean's decision to the board.

(3) By September 1, 1991, 1992, 1993, and 1994, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall specify all of the following for the previous academic year:

(a) The number of complaints received at each institution and center alleging a violation of sub. (1) and the disposition of each such complaint.

(b) The number of requests for review received by the board and the disposition of each such request.

History: 1989 a. 186.

36.13 Faculty tenure and probationary appointments. (1) DEFINITIONS. In this section:

(a) "Probationary appointment" means an appointment by the board held by a faculty member during the period which may precede a decision on a tenure appointment.

(b) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board.

(2) APPOINTMENTS. (a) Except as provided under par. (b), the board may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent. Neither the chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.

(b) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:

1. The board has the affirmative recommendation of the appropriate chancellor.

2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.

3. The board has the affirmative recommendation of a committee appointed according to the policies and proce-

dures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

(c) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to sub. (5) and s. 36.21.

(d) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.

(3) RULES. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

(4) CONTINUATION OF APPOINTMENT. (a) Any person who holds a tenure appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.

(b) Any person who holds the equivalent of a probationary appointment under ch. 36, 1971 stats., and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under sub. (2).

(c) Any person who is not a ranked faculty member on August 15, 1991, and who is also described under subd. 1 or 2 shall be treated as a faculty member with the rank of associate professor for all purposes:

1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under ch. 37, 1971 stats., prior to July 10, 1974.

2. Any person who held an unranked probationary appointment under ch. 37, 1971 stats., prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.

(5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

(6) LIMITATION. Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

History: 1973 c. 335; 1983 a. 189; 1985 a. 332 s. 251 (1); 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 39, 118.

See note to Art. I, sec. 1, citing *Patterson v. University Board of Regents*, 119 W (2d) 570, 350 NW (2d) 612 (1984).

Board did not have authority to grant tenure without affirmative recommendation of academic department under (1) (b). *Trojan v. Univ. Wis. Regents Bd.* 128 W (2d) 270, 382 NW (2d) 75 (Ct. App. 1985).

Under 37.31, Stats. 1971, the faculty acquires tenure in the system as distinct from tenure at one particular institution within the system. 60 Atty. Gen. 116.

A nontenured teacher who is not rehired has no constitutional right to a statement of the reason for not renewing his contract nor to a hearing on the matter. *Board of Regents v. Roth*, 408 US 564.

36.14 Wisconsin distinguished professorships. (1) The board may establish distinguished professorships under this section.

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

(3) The board may pay the costs specified under sub. (2) only from the appropriations under s. 20.285 (1) (a), (am) and (jm). The board may pay any of the costs specified under sub. (2) from the appropriation under s. 20.285 (1) (jm). The board may pay from the appropriation under s. 20.285 (1) (am) only the salary and fringe benefit costs of the professor but may not pay more than 50% of those costs from that appropriation. Annually the board shall report to the department of administration all expenditures from the appropriation under s. 20.285 (1) (a) made for the purposes of this section.

(4) The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after August 9, 1989, are not employed by the board when they are awarded the professorships.

History: 1987 a. 27; 1989 a. 31.

36.15 Academic staff appointments. (1) DEFINITIONS. In this section:

(a) "Administrative appointment" means an academic staff appointment for a fixed or indefinite term granted to a system, campus, college, school or other divisional officer involved in policy development or execution and to persons involved in directing, organizing or supervising higher education related activities.

(b) "Professional appointment" means an academic staff appointment for a fixed or indefinite term granted to a professional employe who is involved in the guidance or counseling of students, assisting the faculty in research, public service or in the instruction of students or who is involved in other professional duties which are primarily associated with institutions of higher education; including, but not limited to, such employment titles as visiting faculty, clinical staff, lecturer, scientist, specialist and such other equivalent titles as the board approves.

(2) APPOINTMENTS. Appointments under this section shall be made by the board, or by an appropriate official authorized by the board, under policies and procedures established by the board and subject to s. 36.09 (1) (i). The policies for indefinite appointments shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

(2m) LIBRARIAN APPOINTMENTS. If in any institution all professional librarians with appropriate graduate degrees as determined in accordance with that institution's policies, have formerly been ranked faculty, all present and future

appointments of professional librarians with appropriate graduate degrees in such institution shall be as ranked faculty, except in those institutions where the chancellor and faculty designate that such appointments shall be as academic staff.

(3) PROCEDURAL GUARANTEES. A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures for notice and hearing which shall be promulgated as rules under ch. 227.

History: 1973 c. 335 and Supp.; 1985 a. 332; 1989 a. 31

36.17 Limited appointments. (1) An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not lose that appointment by accepting a limited appointment.

(2) Limited appointments apply to the following positions: president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, center system dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the board determines at the time of the appointment.

History: 1973 c. 335

36.19 Other appointments. The board may make or authorize fixed term appointments for student assistants and employes in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to ss. 36.13 and 36.15.

History: 1973 c. 335

36.21 Lapse of appointments. Notwithstanding ss. 36.13 (4) and 36.15, the board may, with appropriate notice, terminate any faculty or academic staff appointment when a financial emergency exists. No person may be employed at the institution within 2 years to perform reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a reappointment. The board, after consultation with the faculty and chancellor of each institution, shall adopt procedures to be followed in the event of termination under this section.

History: 1973 c. 335

36.23 Conflict of interest. No regent or officer or other person appointed or employed in any position in the system may at any time act as agent for any person or organization where such act would create a conflict of interest with the terms of the person's service in the system. The board shall define conflicts of interest and promulgate rules related thereto.

History: 1973 c. 335; 1985 a. 332 s. 251 (1)

A regent of the university of Wisconsin is not precluded by law from attending the university as a student or from receiving a degree from the university, but he must guard against and refrain from any possible conflict of interest. 58 Atty. Gen. 158.

36.25 Special programs. (2) WISCONSIN RESIDENTS PREFERENCE IN HOUSING. Preference as to rooming, boarding and apartment facilities in the use of living units operated by any

university shall, for the following school year, be given to students who are residents of this state and who apply before March 15, unless a later date is set by the board. Such preference shall be granted in accordance with categories of priority established by the board. Leases or other agreements for occupancy of such living units shall not exceed a term of one calendar year. The board may promulgate rules for the execution of this subsection.

(3) AGRICULTURAL DEMONSTRATION STATIONS, EXPERIMENTS, DEMONSTRATIONS. (a) The board may establish through the college of agricultural and life sciences of the university of Wisconsin-Madison demonstration stations for the purpose of aiding in agricultural development. The location of the stations shall be determined by the board which shall consider the opportunities for agricultural development in various regions of the state.

(b) The board may authorize experimental work in agriculture at points within the state and carry on demonstrations and such other extension work as it deems advisable for the improvement of agricultural knowledge. The board may conduct extension schools and courses and provide for the compensation and traveling fees of instructors whose functions shall be to assist in the improvement of agricultural education and the dissemination of agricultural knowledge.

(c) The board shall, under the supervision of the dean of the college of agricultural and life sciences of the university of Wisconsin-Madison, foster research and experimentation in the control of bovine brucellosis (Bang's disease), at various points within this state as it deems advisable. To facilitate such work, contracts may be entered into with owners of bovine animals of various classes for the supervised control of the animals and for the purchase of animals under conditions to be specified in such contracts which shall be retained for control purposes. Payment for such animals shall be made out of the appropriation in s. 20.285 (1) (a).

(d) The board may establish such agriculturally related research and instructional programs at any institution as it deems advisable so long as such programs are compatible with a single statewide integrated research and extension program.

(3m) SOLID WASTE EXPERIMENT CENTERS. (a) In this subsection, "solid waste disposal" has the meaning given in s. 144.43 (4r).

(b) The board may establish one or more solid waste experiment centers for the purpose of developing, demonstrating, promoting and assessing the costs and environmental effects of alternatives to solid waste disposal. The board shall determine the location of the solid waste experiment centers. In making the determination, the board shall consider the solid waste disposal needs of the various regions of the state. The board may establish, through cooperative agreements, solid waste experiment centers at existing publicly owned or privately owned storage, treatment or disposal facilities.

(c) The board shall conduct research into alternatives to solid waste disposal, including the reuse and recycling of materials, composting, source separation and the disposal of household hazardous wastes. The board shall also conduct research into the safe disposal of solid waste that cannot be composted or recycled. Research conducted under this paragraph shall include technologies suitable for application to waste streams of less than 50 tons of solid waste per day and shall consider the environmental effects of the technologies being researched and measures which could be taken to mitigate such effects. Research conducted under this paragraph shall be designed for the benefit of all public and private entities responsible for the collection, storage, trans-

portation, treatment or disposal of solid waste and all persons who generate solid waste.

(d) The board shall appoint a solid waste research council under s. 15.04 (1) (c) consisting of the chancellor of each institution that has faculty with expertise in solid waste disposal or his or her designee. The council shall advise the board concerning the awarding of funds for research projects under par. (c) proposed by institutions.

(e) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) on all activities undertaken under this subsection.

(4) DUTCH ELM DISEASE STUDIES. The board shall, through the college of agricultural and life sciences of the university of Wisconsin-Madison, authorize laboratory and field studies, research and experiments to determine the cause and control of Dutch elm disease. The various departments of the state shall cooperate with the university in this program.

(5) BROADCASTING STATION WHA AND WHA-TV, EXPERIMENTAL TELEVISION. (a) The board of regents, as licensee, shall manage, operate and maintain broadcasting station WHA and WHA-TV and shall enter into an affiliation agreement with the educational communications board pursuant to s. 39.14. Except as provided under par. (b), the agreement shall provide that the board of regents shall grant the educational communications board the part-time use of equipment and space necessary for the operations of the state educational radio and television networks. The board of regents shall maintain a separate account for each revenue source for broadcasting station WHA and for WHA-TV which permits identification of the functions or activities for which expenditures are made. The board of regents shall maintain annual records of its expenditures for programming purposes by type of programming and by source of revenue.

(b) The board of regents may rent space on the Madison public broadcast transmission tower to the educational communications board and to other public and commercial broadcasters.

(6) GEOLOGICAL AND NATURAL HISTORY SURVEY. (a) The board shall have charge of the geological and natural history survey. Under the supervision of the state geologist, the survey shall study the geology, water, soils, plants, fish and animal life of the state and shall continue the topographic mapping of the state begun by the U.S. geological survey, but no money may be expended for topography unless an equivalent amount is expended for this purpose in the state by the U.S. government.

(b) The state geologist shall examine the lands of the state and classify them in accordance with their mineral content and geological and other evidences of the presence of minerals. For this purpose, competent agents and employes of the survey are authorized to enter upon any and all lands within the state.

(c) The geological and natural history survey shall examine the mines and explored mineral lands of the state by persons competent to make such examinations and make an accurate determination of the amount of ore therein, the expense of mining, the probable life of the mine and such other factors as may be necessary, in the judgment of the department of revenue and the geological and natural history survey, for a proper valuation thereof. For the purpose of this investigation all books, inventories, waybills, maps, plats, correspondence and memoranda relating to or used in the transaction of the business of any person owning or operating any mine or explored mineral land, shall, on demand by the geological and natural history survey, or its authorized representative, be open to inspection or examination. Any person owning or

operating any mine or explored mineral lands shall furnish for inspection to the geological and natural history survey, upon request, copies of all maps and plats that relate to the workings of the mine or the explored mineral lands.

(d) Any officer, agent, clerk or employe of the survey or department of revenue who makes known to any person except the officers of the survey or department of revenue, in any manner, any information given to such person in the discharge of such person's duties under par. (c), which information was given to such person with the request that it not be made known, upon conviction thereof, shall be fined not less than \$50 nor more than \$500, or imprisoned in the county jail for not less than one month nor more than 6 months, or imprisoned in the Wisconsin state prisons for not more than 2 years. This paragraph shall not prevent the use for assessment purposes of any information obtained under this subsection.

(e) The state geologist shall carry out the responsibilities specified for him or her under s. 107.15.

(7) SOIL AND WATER CONSERVATION. The board is responsible for research and educational programs regarding soil and water conservation. The board shall cooperate with the land conservation board, the department of agriculture, trade and consumer protection and the counties in carrying out its soil and water conservation programs. The board shall prepare annually a written program of planned educational activities in soil and water conservation.

(8) WATER RESOURCES RESEARCH. Funds made available to the various state agencies for joint water resources research and data collection programs shall be administered and coordinated by the director of the water resources center of the university of Wisconsin-Madison. Such funds shall be made available, on application from the state agencies concerned, when the director, after seeking the advice of the department of natural resources, finds the proposed projects to be consistent with other state projects and the needs of the state. The director shall make biennial reports to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), at the convening of the legislature.

(9) STATE SOILS LABORATORY. The board shall establish a state soils and plant analysis laboratory in connection with the college of agricultural and life sciences of the university of Wisconsin-Madison and the university of Wisconsin-extension. The laboratory shall, at the request of the owner or occupant of any lands in the state and upon the payment of such fees as are prescribed, make field examinations and analyses of the soil and plant tissue and when possible interpret the results of such investigation and make appropriate recommendations. The board through the college of agricultural and life sciences of the university of Wisconsin-Madison may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith and provide related services to individual citizens at cost.

(10) PHARMACEUTICAL EXPERIMENT STATION. The board may establish, equip and maintain a pharmaceutical experiment station in the school of pharmacy of the university of Wisconsin-Madison for the purpose of cooperating with other state agencies in the cultivation of medicinal plants, the synthesis and production of high-grade drugs and the dissemination of related information and service to the citizens of the state.

(11) STATE LABORATORY OF HYGIENE. (a) The laboratory of hygiene shall be attached to the university of Wisconsin-Madison. The laboratory of hygiene board shall meet at least quarterly and may promulgate rules under ch. 227, approve

the laboratory of hygiene budget, set fees, set priorities and make final approval of laboratory resources so that the laboratory can act in response to agencies' planned objectives and program priorities.

(b) The laboratory shall provide complete laboratory services in the areas of water quality, air quality, public health and contagious diseases for appropriate state agencies, and may perform examinations for licensed physicians, veterinarians, health officers and resource management officials as may be necessary for the prevention and control of those diseases and environmental hazards which cause concern for public health and environmental quality.

(c) The laboratory shall provide analytical support to the appropriate state agencies charged with water supply evaluation. The support service shall include an evaluation from a public health standpoint and analytical support to ascertain the water's suitability for manufacturing, commercial and recreational purposes as determined by the rules promulgated by the department of health and social services, the department of natural resources and the department of agriculture, trade and consumer protection.

(d) The laboratory shall be operated to furnish a complete laboratory service to the department of health and social services and the department of natural resources in the areas of water quality, air quality, public health and contagious diseases and to make available to the system, the department of health and social services and the department of natural resources such facilities for teaching in the fields of public health and environmental protection as may be derived from such a laboratory.

(e) The technical staff and other employes necessary to the operation of the laboratory shall be employed under the classified service by the director. The board, upon the recommendation of the chancellor of the university of Wisconsin-Madison, with the approval of the laboratory of hygiene board, shall appoint the director of the laboratory and such other members of its professional staff as are required for the administration of the laboratory.

(f) The laboratory of hygiene board may impose a fee for each test conducted by the laboratory. Any test conducted for a local unit of government is exempt from the fee unless the test is outside the state public health care mission or is required under 42 USC 300f to 300j, as determined by the laboratory of hygiene board. The laboratory may charge state agencies through contractual arrangements for the actual services rendered.

(g) The laboratory of hygiene board shall submit biennial budget requests reflecting joint budgetary planning with agencies served, and any information required by the department of administration under s. 16.43, directly to the department of administration.

(12) PSYCHIATRIC RESEARCH INSTITUTE. (a) The board shall house, equip and maintain the psychiatric research institute as a program of the university of Wisconsin-Madison center for health sciences. The psychiatric research institute shall be a facility for research, development and service to the state in the field of mental health. The institute may exercise the powers granted under s. 46.044.

(b) All property used by the Wisconsin psychiatric institute established under s. 46.044, except real property used by the institute and except property of the university of Wisconsin hospital and clinics, is transferred to the board which shall hold such property for the use of the psychiatric research institute.

(c) The institute shall investigate medical and social conditions which directly or indirectly result in state care; develop and promote measures to relieve and prevent the need for

state care; undertake special education and training; and generally seek by research and investigation to prevent conditions which result in state care. The institute shall render, under mutual agreement, services to the state institutions under the jurisdiction of the department of health and social services and the department of public instruction. Such state institutions are open to the institute for research and training.

(12m) STATE CARTOGRAPHER. In coordination and consultation with the land information board, the state cartographer shall:

(a) Establish and maintain a union catalog of current and historical reference and thematic maps of all scales available in municipal, county, state and federal agencies relating to this state.

(b) Promote liaison among the municipal, county, state and federal mapping agencies and surveyors to facilitate coordination and to exchange information on mapping and cartographic activities.

(c) Keep abreast of the progress made by mapping agencies and their mapping developments.

(d) Collect, maintain and disseminate information regarding innovation in cartographic techniques and mapping procedures, map and air photo indexes and control data, map accuracy standards, legal aspects of map publication and such other matters as will facilitate an effective cartographic program for the state.

(e) Publish and distribute such special maps and map information as will promote the mapping of the state and preparation and use of maps by individuals, only to the extent, however, that such publication and distribution is not appropriately within the activities of any other state or commercial agency.

(f) Assist the department of natural resources in its work as the state representative of the U.S. geographic board and its other functions under s. 23.25.

(13) UNIVERSITY OF WISCONSIN HOSPITAL AND CLINICS. (a) The board shall establish at the university of Wisconsin-Madison the "University of Wisconsin Hospital and Clinics" including the state of Wisconsin general hospital and the Wisconsin orthopedic hospital for children.

(b) The board shall maintain, control and supervise the use of such hospitals for the purposes of:

1. Delivering comprehensive, high-quality health care to patients using the hospitals and to those seeking care from its programs.

2. Instructing medical students, physicians, nurses and members of other health-related disciplines.

3. Sponsoring and supporting research in the delivery of health care to promote the welfare of the patients treated and applying the advances in health knowledge to alleviate human suffering.

4. Assisting health programs and personnel throughout the state in the delivery of health care.

(c) Outpatient housing may be established in connection with the hospitals.

(d) General provisions for the operation of the hospital and admission of patients shall be consistent with ch. 142.

(13m) MEDICAL STUDENT TRANSFER PROGRAM. The board shall establish a program in the center for health sciences of the university of Wisconsin-Madison involving the transfer of residents of this state from foreign medical schools after their 2nd year of study or involving a 5th year of clerkship following their completion of 4 years of study at a foreign school.

(14) ADVANCED OPPORTUNITY PROGRAM. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be

awarded from the appropriation under s. 20.285 (4) (b). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. 46.255 (7) that the person is delinquent in child support or maintenance payments.

(14m) MINORITY AND DISADVANTAGED PROGRAMS. (a) The board shall allocate funds under s. 20.285 (4) (a) to fund programs for recruiting minority and disadvantaged students and to fund programs for minority and disadvantaged students enrolled in the system. The funding under s. 20.285 (4) (a) for these programs is in addition to any other funding provided by law.

(b) By April 15, 1992, and annually thereafter, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the system. The plan shall include allocations from the appropriation under s. 20.285 (4) (a).

(c) By April 15, 1992, and annually thereafter by April 15, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall include all of the following:

1. The plan adopted under par. (b).

2. All financial aid distributed to students, categorized by ethnic group, class level and dependency status. The report shall include information on financial need, percentage of need satisfied by loan, percentage of need satisfied by grant and the percentage remaining unsatisfied.

(15) MILITARY INSTRUCTION. The board may provide courses in military science and tactics.

(16) MINORITY TEACHER LOAN PROGRAM. (a) In this subsection, "minority student" means a student who:

1. Is a Black American.

2. Is an American Indian.

3. Is a Hispanic, as defined in s. 560.036 (1) (d).

4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a loan program for minority students who meet all of the following requirements:

1. Are registered as juniors or seniors, or hold a bachelor's degree and are registered as special students.

2. Are enrolled in programs of study leading to licensure as a teacher and are not currently licensed as teachers.

3. Meet academic criteria specified by the board.

4. Agree to teach in a school district in which minority students constitute at least 29% of the membership or in a school district participating in the interdistrict transfer program under s. 121.85 for the first 4 years after licensure as a teacher. In this subdivision, "membership" has the meaning given in s. 121.004 (5).

(c) Loans under par. (b) shall be made from the appropriation under s. 20.285 (4) (dc). The board shall forgive 25% of the loan and 25% of the interest on the loan for each school year the recipient teaches in a school district described under par. (b) 4 during the first 4 years after licensure as a teacher.

(d) The board shall deposit in the general fund as general purpose revenue-earned all repayments of loans made under par. (b) and the interest on the loans.

(18) SCHOOL OF VETERINARY MEDICINE. The board shall establish and maintain a school of veterinary medicine at the university of Wisconsin-Madison. Existing facilities shall be used to the maximum possible extent for auxiliary instructional and research support of the veterinary program.

(19) MODEL SCHOOL SPECIAL EDUCATION PROGRAM. (a) The board may establish at the university of Wisconsin-Madison a model school for children with exceptional educational needs as defined in s. 115.76 (3). The school shall utilize practical demonstration techniques to train teachers and other support personnel under s. 115.28 (7) (c).

(b) The board may enter into an agreement with the school board of any school district to provide special education and other related services through the model school to children with exceptional educational needs. The board may charge tuition for children served in the model school. Tuition charges made under such agreements shall be based on the net cost of providing the special education and other related services.

(20) PHARMACY INTERNSHIP PROGRAM. The board shall determine the administrative placement within the system of the pharmacy internship program. The pharmacy internship program shall be supervised by the pharmacy internship board. The pharmacy internship board shall appoint an unclassified director of pharmacy internship who shall administer the pharmacy internship program. The pharmacy internship board shall determine the amount of the fee to be charged to interns under the program. The pharmacy internship board may promulgate rules, and, notwithstanding s. 227.01 (13) (f), rules promulgated and determinations made relating to the pharmacy internship program shall be subject to ch. 227.

(21) SCHOOL OF LAW; PART-TIME ENROLLMENT AND NIGHT COURSES. The board shall direct the school of law to:

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

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

(c) Offer to resident students who are admitted to law school a range of courses in the evening, including required courses necessary to be admitted to the state bar under SCR 40.03.

(21m) GREAT LAKES INDIAN LAW PROGRAM. The board shall establish a Great Lakes Indian law program at the university of Wisconsin-Madison law school.

(22) SCHOOL OF ALLIED HEALTH PROFESSIONS. The board may establish a school of allied health professions at the university of Wisconsin-Milwaukee.

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

(23m) WILDER CRANE PROFESSORSHIP OF GOVERNMENT. The board shall establish the Wilder Crane professorship of government at the university of Wisconsin-Milwaukee department of political science.

(24) EMPLOYEE-OWNED BUSINESSES PROGRAM. Through the university of Wisconsin small business development center, in cooperation with the department of development under s. 560.07 (2m), the board of vocational, technical and adult education and the university of Wisconsin-extension, the board shall create, as needed, educational programs to provide training in the management of employee-owned businesses and shall provide technical assistance to employee-owned businesses in matters affecting their management and business operations, including assistance with governmental relations and assistance in obtaining management, technical and financial assistance.

(25) INDUSTRIAL AND ECONOMIC DEVELOPMENT RESEARCH PROGRAM. (a) The board shall award industrial and economic grants to fund industrial and economic development research projects and outreach activities.

(b) In awarding grants under par. (a) the board shall:

1. Receive project proposals from system researchers.

2. Provide for a review process for project proposals by appropriate professionally qualified reviewers.

3. Specify the duration of the project to be funded by the grant.

(c) Annually by November 1, the board shall submit a report to the joint committee on finance specifying the projects funded under this subsection in the previous fiscal year, the duration of the funded projects and the relationship of the funded projects to this state's economy.

(26) DAY CARE CENTERS. A center may establish a day care center and may use funds received from the appropriation under s. 20.285 (1) (a) to operate it.

(27) INTEGRATED AGRICULTURE PROGRAM. The board shall establish an integrated agriculture program and shall report to the joint committee on finance on the progress of the program annually by November 1.

(28) SCHOOLS OF BUSINESS. The board shall use the funds in the appropriations under s. 20.285 (1) (em) and (Ls) to support improvements in master's level business programs. The board may spend funds in those appropriations only if it receives matching funds for the same purpose from private contributions.

(29) ENVIRONMENTAL EDUCATION. The board shall seek the advice of the environmental education board on the development of environmental education programs.

(29m) CENTER FOR ENVIRONMENTAL EDUCATION. There is established in the college of natural resources at the university of Wisconsin-Stevens Point a center for environmental education to assist in the development, dissemination, implementation and evaluation of environmental education programs for elementary and secondary school teachers and pupils. The center shall do all of the following:

(a) Assist the environmental education board in addressing statewide teacher training needs in environmental education.

(b) Assist the department of public instruction to periodically assess and report to the environmental education board on the environmental literacy of this state's teachers and students.

(c) Develop, offer and evaluate environmental education courses for teachers.

(d) Select and train natural resource and environmental education specialists with teaching experience to assist in providing environmental education courses and programs to teachers in this state.

(e) Assist the department of public instruction and cooperative educational service agencies to assist school districts in conducting environmental education needs assessments.

(f) Provide environmental education workshops and consulting services to teacher educators from teacher training institutions located in this state.

(g) Establish an environmental education curriculum and materials center for use by school teachers, faculty of teacher training institutions located in this state and others in educational programs who need such materials.

(h) Assist the university of Wisconsin-Stevens Point college of natural resources in providing opportunities for teachers to complete advanced training in environmental education through the college's master's degree program.

(30) HAZARDOUS POLLUTION PREVENTION PROGRAM. The board shall establish in the extension a hazardous pollution prevention program to promote hazardous pollution preven-

tion, as defined in s. 144.955 (1) (c). In cooperation with the department of natural resources and the hazardous pollution prevention board, the program shall do all of the following:

(a) Conduct an education and technical assistance program to promote hazardous pollution prevention in this state.

(b) Consult with the department of development concerning requirements for audit summaries under s. 560.19 (5) (c) and for implementation summaries under s. 560.19 (5) (d).

(c) Assist the hazardous pollution prevention board in preparing the report under s. 144.955 (3) (f).

(30m) AGRICULTURAL TECHNOLOGY AND FAMILY FARM INSTITUTE. The board shall establish an agricultural technology and family farm institute in the college of agriculture and life sciences at the university of Wisconsin-Madison to do all of the following:

(a) Evaluate the effects of new technology, state and federal policies and other factors on family farm agriculture.

(b) Recommend policies to take advantage of new technologies and mitigate their disadvantages.

(c) Assist farmers in meeting the challenges of new technology.

(d) Ensure that farmers have access to new technology.

(31) BIOTECHNOLOGY EDUCATION; CONSUMERS. The board shall establish extension programs to educate consumers about biotechnology processes and products and risk assessment techniques.

(33) QUALITY IMPROVEMENT AWARDS. From the appropriation under s. 20.285 (1) (a), the board annually may award up to \$500 each to no more than 10 system employees who make suggestions that result in significant quality improvements for the system relating to supplies and expenses. The board shall appoint a council under s. 15.04 (1) (c) to nominate recipients for the awards. The board shall not make more than one award to an employe in the same fiscal year. An award is not part of an employe's base pay.

(34) CENTER FOR URBAN LAND ECONOMICS RESEARCH. The board shall establish a center for urban land economics research in the school of business at the university of Wisconsin-Madison to conduct research and undertake educational, public outreach and grant activities related to real estate and urban land economics.

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269

36.27 Tuition. (1) BOARD OF REGENTS TO ESTABLISH. (a) Subject to par. (c), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for the extension and summer sessions and such other studies or courses of instruction as the board deems advisable.

(c) The board may not charge a student registered as a master's level business school student prior to the first semester of the 1989-90 academic year higher fees than other graduate students at the same institution.

(2) NONRESIDENT TUITION EXCEPTIONS. (a) Students qualifying under any of the following categories, while they continue to be residents of this state, are entitled to exemption from nonresident tuition but not from incidental or other fees:

1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any

semester or session for which such student registers at a university or center.

2. Any minor student whose parents have been bona fide residents of the state for 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

3. Any minor student, or adult student who is a dependent of his or her parents or guardian under 26 USC 152 (a), whose natural parents are divorced or legally separated, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at a university or center.

4. Any minor student who is an orphan and who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at a university or center or whose legal guardian has been a bona fide resident for 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

5. Any minor student under guardianship in this state pursuant to ch. 48 or 880 who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at a university or center.

6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at a university or center, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at a university or center, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90 (5).

(am) Any person who is a refugee, as defined under 8 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then is entitled to the exemption under par. (a) if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e).

(b) 1. Nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state and their spouses and children are entitled to the exemption under par. (a) during the period that such persons are stationed in this state.

2. Members of the armed forces who reside in this state and are stationed at a federal military installation located within 90 miles of the borders of this state, and their spouses and children, are entitled to the exemption under par. (a).

(c) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for 12 months next preceding the beginning of any semester or session for which the student registers at a university or center or whose last surviving parent was a bona fide resident of this state for the 12 months preceding death is entitled to the exemption under par. (a).

(cm) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to an institution or center and before moving, and the spouse and dependents of any such person, are entitled to the exemption under par. (a) if the student

demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

(d) Any person who has not been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such person registers at a university or center, except as provided in this subsection, is not exempt from the payment of the nonresident tuition.

(e) In determining bona fide residence at the time of the beginning of any semester or session and for the preceding 12 months the intent of the person to establish and maintain a permanent home in Wisconsin is determinative. In addition to representations by the student, intent may be demonstrated or disproved by factors including, but not limited to, filing of Wisconsin income tax returns, eligibility to vote in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's license, place of employment, and self-support. Notwithstanding par. (a), a student who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of bona fide residence.

(2m) APPEALS. Any body designated by the board to hear appeals regarding nonresident tuition exemptions under sub. (2) may require a student who has been granted such an exemption to submit information from which the body may determine the student's continuing eligibility for the exemption, the student's eligibility for a different exemption or the student's residency status.

(3) TUITION REMISSIONS. Within the limits established by s. 20.285 (2) (d), the board may remit nonresident tuition either in whole or in part at each institution, but not other fees:

(a) To a number of needy and worthy nonresident students upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment. The aggregate amount of these nonresident remissions of tuition shall not exceed an amount equal to full remissions for 8% of the number of nonresident students registered at that institution in the preceding year, excluding those students participating in interstate agreements under s. 39.42.

(b) To additional individual students who, in the judgment of the board, are deserving of relief from the assessment of nonresident tuition because of extraordinary circumstances. The aggregate amount of these nonresident remissions of tuition shall not exceed an amount equal to full remissions for 2% of the number of nonresident students registered in the preceding year, excluding those students participating in interstate agreements under s. 39.42.

(c) The board may remit nonresident tuition, in whole or in part, but no other fees, except in special circumstances as approved by the chancellor, to worthy and needy foreign students and to students who are United States citizens but whose residence is not in the United States. The number of such remissions which may be awarded in any academic year at an institution shall not exceed 2% of the total full-time enrollment of students at that institution for the preceding academic year.

(f) In addition to the remissions of nonresident tuition under this subsection, the board may, as athletic scholarships, grant full remission of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the chancellor of each university.

(g) The board may remit nonresident tuition, in whole or part, to graduate students who are fellows or who are

employed within the system as faculty, instructional academic staff or assistants with an appointment equal to at least 33% of a full-time equivalent position.

(4) TUITION AWARD PROGRAM. (a) In the 1991-92 and 1992-93 academic years, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the university of Wisconsin-Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to 150 students enrolled at the university of Wisconsin-Superior in programs identified by that institution as having surplus capacity.

(b) A student who received an exemption from nonresident tuition under 1987 Wisconsin Act 27, section 3054 (2g) (a) during the 1987-88 and 1988-89 academic years, or who receives an exemption from nonresident tuition under par. (a), shall continue to receive an exemption from nonresident tuition until the completion of his or her degree program.

History: 1973 c. 333 ss. 68g, 68k, 201f (2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169.

A student who challenges his nonresident status unsuccessfully must reapply before the beginning of any new semester when he claims his status has changed. *Hancock v. Regents of University of Wis.* 61 W (2d) 484, 213 NW (2d) 45.

The board of regents may only charge student fees for activities that relate to a legitimate educational purpose. 61 Atty. Gen. 120.

36.275 Medical school tuition rates. The board shall establish tuition rates at the university of Wisconsin medical school at 26% of instructional cost for resident students and 38% of instructional cost for nonresident students in association with the grant provisions of the Wisconsin health education loan program under s. 39.377, 1981 stats.

History: 1979 c. 34; 1981 c. 20; 1983 a. 27 s. 2202 (53); 1989 a. 56

36.28 Medical school enrollment. Beginning with the class entering the university of Wisconsin medical school in the 1984-85 academic year, and ending with the class entering the university of Wisconsin medical school in the 1987-88 academic year, the board shall reduce the size of the class by 2.5% each year as compared with the size of the class entering the medical school in the 1983-84 academic year, so as to ensure a 10% total reduction by the 1987-88 academic year. The board shall make every effort to ensure that the number of minority students enrolled at the medical school shall not be decreased as a result of the reduction in class size, including, if necessary, adjusting the proportion of nonresident enrollment.

History: 1983 a. 27

36.29 Gifts; golf course. (1) All gifts, grants and bequests for the benefit or advantage of the system or any of its institutions, departments or facilities or to provide any means of instruction, illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except as otherwise provided in this subsection and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such income accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts, grants or bequests include common stocks or other investments which are not authorized by ch. 881, the board may continue to hold such common stocks or other investments and exchange, invest or reinvest the funds of such gift, grant or bequest in similar types of investments without being subject to the limitations and restrictions provided by law in other cases. No such

investment shall knowingly be made in any company, corporation, subsidiary or affiliate which practices or condones through its actions discrimination on the basis of race, religion, color, creed or sex. Except as otherwise provided in this section, the board may invest not to exceed 75% of trust funds held and administered by the board in common stocks, the limitation of 50% in s. 881.01 (2) to the contrary notwithstanding. This subsection does not apply to a gift, grant or bequest that the board declines to accept or that the board is not authorized to accept under this section.

(2) All gifts, grants or bequests under sub. (1) may be made to the board, the president, a chancellor or any officer, or to any person as trustee, or may be charged upon any executor, trustee, heir, devisee or legatee, or made in any other manner indicating an intention to create a trust, and may be made as well for the benefit of the system or any of its institutions, colleges, schools, departments or facilities to provide any means of instruction, illustration or knowledge in connection therewith, or for the benefit of any students or any class or group of students whether by way of scholarship, fellowship or otherwise, or whether for the benefit of students or any class or group of students in any course, subcourse, special course, postgraduate course, summer school or teachers course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium or any other like division or department of study, experiment, research, observation, travel or mental or physical improvement in any manner connected with the system, or to provide for the voluntary retirement of any of the faculty.

(3) It shall not be necessary for a gift, grant, devise or bequest to exactly or particularly describe the members of a class or group of students intended to be the beneficiaries, but it shall be sufficient to describe the class or group. In such case, the board shall divide, graduate or otherwise categorize the students into such classes or groups as are necessary to select and determine those students belonging to the class or group intended.

(4) Any grant, contract, gift, endowment, trust or segregated funds bequeathed or assigned to an institution or its component parts for any purpose whatsoever shall not be commingled or reassigned.

(5) (a) Except as provided in par. (b), the board may not acquire or make a commitment to operate any golf course not owned by the board prior to July 2, 1983, without specific authorization by the legislature.

(b) Notwithstanding s. 20.924 (1), the board may accept a gift of a golf course for the university of Wisconsin-Madison if no general purpose revenues are used in the acquisition, development or operation of that golf course.

(6) The board may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 except as provided in s. 13.48 (2) (b) 1m.

(7) The board may not accept any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution unless acceptance is first approved by the building commission, or unless the plans and specifications for the building or structure are reviewed and approved by the department of administration and the building or structure is inspected as provided in s. 16.85 (12).

History: 1973 c. 335; 1983 a. 27, 192; 1987 a. 27; 1989 a. 31; 1991 a. 39
Board of regents' use of gifts and bequests, effective prior to ch. 100, laws of 1971, discussed 61 Atty. Gen. 162.

Student loan funds established by gift for the benefit of students are trust funds. 62 Atty. Gen. 109.

Sub (1), which prohibits investment of university funds in companies which practice or condone discrimination is not unconstitutional. 67 Atty. Gen. 20.

Constitutionality of the no discrimination clause regulating university of Wisconsin investments. Guynn, 1978 WLR 1059.

36.30 Sick leave. Leave of absence for faculty and academic staff personnel with pay, owing to sickness, shall be regulated by rules of the board, except that unused sick leave shall accumulate from year to year.

History: 1975 c. 88; 1981 c. 96 ss. 22, 67; 1981 c. 386

36.31 Coordination with other educational agencies. (1)

The board shall not, without the approval of the board of vocational, technical and adult education, broaden the system's post-high school training mission to include the preparation of persons for semiprofessional or skilled-trade occupations beyond those offered during the 1972-73 academic year. The board of vocational, technical and adult education shall not, without the approval of the board of regents, broaden its system's collegiate transfer program offerings beyond those in existence during the 1972-73 academic year. In this section, "collegiate transfer program" has the meaning given in s. 38.01 (3).

(2) The board of vocational, technical and adult education, in agreement with the board may designate courses other than those covered under sub. (1) as transferable for collegiate credit between the 2 systems.

(3) The fees for services charged in the national direct student loan servicing contract to the board by the higher education aids board must be approved by the secretary of administration.

History: 1973 c. 335; 1977 c. 29; 1979 c. 34; 1991 a. 39.

36.33 Sale and relocation of agricultural lands. (1) LEGISLATIVE INTENT.

The legislature finds and determines that, because of the problems resulting from the development of the city of Madison around certain agricultural lands of the university of Wisconsin-Madison, the desirability of consolidating lands used for agricultural instruction, research and extension purposes, the desirability of disposing of agricultural lands no longer needed by the university and the need for land of better quality and of greater quantity for the purpose of improving and expanding agricultural research, it is in the public interest for the board to sell or lease, in whole or in part, the agricultural lands and improvements thereon owned by the board and located in sections 19, 20 and 30, township 7 north, range 9 east, Dane county; sections 25 and 27, township 7 north, range 8 east, Dane county; sections 34 and 35, township 38 north, range 11 east, Oneida county; and section 22, township 22 north, range 8 east, Portage county; and to purchase other agricultural lands outside of the Madison urban area and to construct thereon the necessary buildings and improvements. The foregoing policy determination is made without reference to or intention of limiting the powers which the board may otherwise have.

(2) **METHOD OF SALE; ASSESSMENTS.** The board, in selling or leasing any part of the agricultural lands and improvements thereon, mentioned in sub. (1), shall sell or lease on the basis of either a) public bids, with the board reserving the right to reject any or all bids in the best interest of the state, or b) negotiated prices. Notwithstanding any provisions of law to the contrary, the lands in Dane county mentioned in sub. (1) shall be subject to special assessments for public improvements by the city of Madison, in the same manner and to the same extent as privately owned lands, if such public improvements are of direct and substantial benefit to such portions as have been platted for sale.

(3) **BUILDING COMMISSION APPROVAL.** The sale, lease and purchase of agricultural lands mentioned in sub. (1) shall be subject to the approval of the building commission.

(4) **PROCEEDS.** The net proceeds from the sale of agricultural lands and improvements authorized by this section shall be devoted to the purchase of land and construction of

improvements contemplated in sub. (1) but of any excess of revenue beyond the amount required for this purpose a sum not to exceed \$7,200,000 shall constitute a nonlapsible fund for the purpose of erecting facilities for research and instruction in animal husbandry, agricultural engineering and agriculture and life sciences at the university of Wisconsin-Madison, and such funds shall become available upon consent and recommendation of the board and authorization by the building commission.

(5) **LOCAL TAXES.** The lands mentioned in sub. (1) which are located in the city of Madison shall be subject to all general property taxes levied by the city of Madison in the event that they are used for commercial purposes. "Commercial purposes" does not include official use by the state or any of its agencies.

History: 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 (4)

36.34 Minority student programs. (1) BEN R. LAWTON MINORITY UNDERGRADUATE GRANT PROGRAM. (a) In this subsection "minority undergraduate" means an undergraduate student who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s. 560.036 (1) (d).
4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 (4) (dd). The board may not make a grant under this subsection to a person if it receives a certification under s. 46.255 (7) that the person is delinquent in child support or maintenance payments.

(2) **PILOT MINORITY STUDENT TUITION AWARD PROGRAM.** (a) In this subsection, "minority pupil" means a pupil who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s. 560.036 (1) (d).
4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(am) The board shall establish a pilot minority student tuition award program for minority pupils who meet academic criteria specified by the board, who need financial assistance and who are enrolled in high schools selected by the board. The board may select a high school only if it has an enrollment of at least 50% minority pupils. The board shall select at least 3 high schools in school districts organized under ch. 119. Awards shall be made from the appropriation under s. 20.285 (4) (de).

(b) The board shall provide an evaluation of the program under par. (am) to the governor and the joint committee on finance on October 1, 1991.

(c) No award may be made under par. (am) for periods beginning after June 30, 1994.

History: 1985 a. 29; 1987 a. 27 ss. 666g, 666i, 670 to 673, 675; 1989 a. 31; 1991 a. 39.

36.35 Misconduct; campus security. (1) POWER TO SUSPEND; RULES. The board may delegate the power to suspend or expel students for misconduct or other cause prescribed by the board. The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations.

(2) **AUTHORITY TO RESTRICT PRESENCE OF PERSONS ON CAMPUS.** The chancellor of each institution or the chief security officer thereof during a period of immediate danger or disruption may designate periods of time during which the campus and designated buildings and facilities connected therewith are off limits to all persons who are not faculty, academic staff, employees, students or any other personnel authorized by the above named officials. Any person violating such order shall be subject to the penalties provided by law for criminal trespass.

(3) **REQUIRING PERMISSION FOR PRESENCE ON CAMPUS.** Any person who is convicted of any crime involving danger to property or persons as a result of conduct by that person which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both.

History: 1973 c. 335; 1985 a. 332 s. 251 (1); 1991 a. 316.

36.37 Downer Woods and buildings preservation. (1)

STATEMENT OF PURPOSE. The purpose of this section is to promote the permanent conservation and enhancement, by the university of Wisconsin-Milwaukee, of the area known as Downer Woods; to designate and protect, as a permanent conservancy area, at least 10 acres of the woods; and to permit limited modification, in a manner consistent with the aforesaid purposes, of that portion of the woods whose present character as park and woodland lends itself to utilization, by the university and the surrounding community, as essential recreational and aesthetic corridors.

(2) **LEGISLATIVE FINDINGS.** The legislature finds it in the public interest to recognize and foster the principle of environmental quality in the area known as Downer Woods by preserving it as a conservancy area and protecting it, consistent with sub. (4), from encroachment or disparate uses. The woods is the sole remaining natural area remaining on the campus of the university of Wisconsin-Milwaukee, and as such, its preservation and enhancement is consistent with the university's recognition of its need to protect and enhance its own physical environment, and to serve the pressing human need of its faculty, students and staff, as well as the greater Milwaukee community, to live and work in an urban environment which respects those portions of unspoiled nature which yet exist. The woods is a unique asset; it provides visual relief to the concentrated building pattern surrounding it, complements the urban landscape and affords aesthetically and psychologically attractive places for people to congregate and relax. In addition, the woods serves as a refuge for wildlife and vegetation, and is, therefore, an important educational, scientific and ecological resource to the university and the community. Its presence imparts priceless recreational and aesthetic values.

(3) **DEFINITIONS.** In this section, "Downer Woods" or "the woods" means those parcels of wood, parkland and buildings comprising more than 18.805 acres located on the campus of the university of Wisconsin-Milwaukee, and divided into 4 separate and distinct categories, which categories shall define the proper and permissible uses of the parcels, as follows:

(a) Permanent conservation area, consisting of 11.101 acres, which is to be physically defined by means of fencing or other suitable means.

(b) Permanently reserved woodland, consisting of 3.018 acres.

36.37 UNIVERSITY OF WISCONSIN SYSTEM

(c) Park and woodland areas, consisting of 4 686 acres, which may be subject to limited modification, such as landscaping, but which are to be protected from disparate uses and encroachment.

(d) The buildings and grounds of the former Downer college with any reconstruction or renovation which may be authorized by the board.

(4) DOWNER WOODS CONSERVATION. (a) That portion of Downer Woods designated a permanent conservation area is to be forever protected from encroachment or disparate uses, and its boundaries are to be defined and protected by fencing or other suitable means.

(b) That portion of Downer Woods designated as permanently reserved woodland shall be set aside exclusively for purposes of community enhancement and relaxation, and any disparate uses to or encroachments upon such land is prohibited.

(c) That portion of Downer Woods designated as park and woodland areas may be used by the university of Wisconsin-Milwaukee as recreational and aesthetic corridors, if any modifications made to such portions of the woods do not significantly alter the present character of such land, and any disparate uses to or encroachments upon such land is prohibited.

(d) The buildings of the former Downer college shall be preserved and no portion thereof may be razed without prior approval of the building commission.

History: 1973 c. 335; 1975 c. 386

36.39 Complimentary and reduced price tickets prohibited. Complimentary and reduced price tickets to any system athletic event for which an admission fee is normally charged are prohibited with the following exceptions:

(1) Reduced price tickets for persons 62 years of age or older, minors and students;

(2) Complimentary and reduced price tickets required by rules of intercollegiate athletic conferences in which the system participates; and

(3) Complimentary and reduced price tickets for individuals who perform duties directly related to the conduct of the athletic event for which they are issued.

History: 1975 c. 224; 1977 c. 29

36.395 Fees for use of facilities. The board shall ensure that, beginning January 1, 1992, the fees for using the university ridge golf course at the university of Wisconsin-Madison are set at no more than 2 levels. If there are 2 levels of fees, the lower fee level shall be for students and the other fee level shall be for all others eligible to use the facility.

History: 1991 a. 39

36.40 Use of animals for research purposes. The board shall adopt criteria for researchers to follow regarding humane treatment of animals for scientific research purposes.

History: 1983 a. 27

36.42 Minority doctoral student loans. (1) In this section "minority doctoral student" means a student who:

(a) Is a Black American.

(b) Is an American Indian.

(c) Is a Hispanic, as defined in s. 560.036 (1) (d).

(d) Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(1m) The board may make educational loans to selected minority doctoral students who are interested in teaching within the system. The board shall establish the amount and

rates of interest of such loans and the criteria and procedures for selecting loan recipients.

(2) If the loan recipient accepts a faculty or instructional academic staff position in the system within 9 months after receiving his or her doctoral degree, the board shall forgive the loan at the rate of 25% of the total amount borrowed plus accrued interest for each year of such employment, up to 4 years.

(3) Loans shall be made from the appropriations under s. 20.285 (1) (jL) and (4) (cm).

History: 1987 a. 27; 1989 a. 31

36.43 Accommodation of religious beliefs. The board shall promulgate rules providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements. The rules shall include all of the following:

(1) Written and timely notification of all students and instructors of the rules and complaint process.

(2) A means by which a student can conveniently and confidentially notify an instructor of potential conflicts.

(3) A means by which a student is permitted to make up an examination or academic requirement at another time or by an alternative means without any prejudicial effect.

(4) A procedure for handling and resolving complaints within each center and institution.

History: 1991 a. 227

36.44 License plate scholarship programs. (1) The board shall establish a scholarship program at each of the institutions specified in s. 341.14 (6r) (f) 35 to 47. The program at each institution shall be funded by the fees collected under s. 341.14 (6r) (b) 4 for that institution and the scholarships shall be awarded by the chancellor of each institution according to criteria developed by the chancellor.

(2) Notwithstanding sub. (1), the board shall use the fees collected under s. 341.14 (6r) (b) 4 for the university of Wisconsin-Madison scholarship program to provide funds for the university of Wisconsin-Madison division of intercollegiate athletics. When the board determines that the division's deficit has been eliminated, the board shall use such fees as provided under sub. (1).

History: 1989 a. 31

36.45 Research funding. (1) In its biennial budget request under s. 16.42, the board shall specify the anticipated completion date of all research and public service projects for which the board is requesting general purpose revenue.

(2) When the board prepares a fiscal estimate under s. 13.093 (2) (a) with respect to the provisions of any bill that involves the appropriation of general purpose revenue to the board for a research or public service project, the board shall specify in its fiscal estimate the anticipated completion date of the project.

(3) By September 1, 1992, and biennially thereafter by September 1, the board shall report to the governor and the joint committee on finance the purpose, duration, cost and anticipated completion date of all research and public service projects for which the board is expending general purpose revenue.

History: 1991 a. 39

36.46 Auxiliary reserves. (1) The board may not accumulate any auxiliary reserve funds from student fees unless the fees and the reserve funds are approved by the secretary of administration and the joint committee on finance under this section. A request by the board for such approval for any academic year shall be filed by the board with the secretary of administration and the cochairpersons of the joint committee

on finance no later than July 10 preceding that year. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved. Within 14 working days of receipt of the request, the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of whether the secretary proposes to approve the fees or reserve fund accumulation.

(2) Notwithstanding sub. (1), if, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed fees may be levied and the proposed reserve funds may be accumulated. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed fees may not be levied and the proposed reserve funds may not be accumulated unless the committee approves that action.

History: 1985 a. 29; 1987 a. 27

36.47 Report on use of base resources. Annually by June 1, the board shall submit to the joint committee on finance a report on the board's proposed use, in the next fiscal year, of base resources and staff vacancies available from enrollment reductions. The report shall include all of the following:

(1) The planned level of enrollment at each center and institution in the next academic year.

(2) The amounts available and the number of staff vacancies by appropriation.

(3) The proposed one-time uses of the funds and how those uses relate to academic quality.

(4) The proposed uses of the funds for continuing purposes and how those uses relate to academic quality and future funding needs.

History: 1991 a. 39

36.48 Alcohol and other drug abuse prevention and intervention programs. The board shall appoint alcohol and other drug abuse prevention and intervention program counselors for the university of Wisconsin-Madison and the university of Wisconsin-Milwaukee. The counselors shall develop alcohol and other drug abuse prevention and intervention programs and train faculty, academic staff and classified staff in the prevention of and early intervention in alcohol and other drug abuse.

History: 1989 a. 31

36.50 State policy regarding the long-term disposal of high-level radioactive waste and transuranic waste. (1) DEFINITIONS. As used in this section unless the context requires otherwise:

(a) "Board" means the radioactive waste review board.

(b) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste and transuranic waste.

(c) "High-level radioactive waste" means:

1. Fuel that is withdrawn from a nuclear reactor after irradiation and which is packaged and prepared for disposal; or

2. Highly radioactive waste resulting from reprocessing irradiated nuclear fuel including both the liquid waste which is produced directly in reprocessing and any solid material into which the liquid waste is transformed.

(d) "Transuranic waste" means waste material containing alpha-emitting radioactive elements having an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram.

(2) **COORDINATION.** (a) *Initial agency to be contacted* The board shall serve as the initial agency in this state to be contacted by the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Receipt of information* The board shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal department of energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste. Notification of proposed plans include notification of proposals to conduct field work, on-site evaluation, on-site testing or similar activities.

(c) *Dissemination of information* The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received under par. (b) to appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, interested citizen groups and persons who have requested in writing to receive this information.

(d) *Response* The board shall respond to contacts under par. (a) and information received under par. (b) if a response is appropriate. The board shall consult with the radioactive waste policy council and the radioactive waste technical council and with appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups in preparing this response. The radioactive waste policy council and the radioactive waste technical council shall prepare written comments for use in this response if requested to do so by the board.

(3) **ADVOCATE.** The board shall serve as an advocate on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the long-term disposal of radioactive waste and transuranic waste.

(4) **EDUCATIONAL PROGRAMS.** The board shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste and transuranic waste, the long-term disposal of these wastes, the activities of the board, the activities of the federal department of energy and other federal agencies related to the long-term disposal of high-level radioactive waste and transuranic waste and the opportunities of the public to participate in procedures and decisions related to the long-term disposal of high-level radioactive waste and transuranic waste.

(5) **REVIEW OF APPLICATIONS FOR FEDERAL FUNDS.** The board shall review any application to the federal department of energy or other federal agency by a state agency, local unit of government or regional planning commission for funds for any program related to the long-term disposal of high-level radioactive waste or transuranic waste. If the board finds that the application is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic waste or that the application is not in the best interest of the state, the board shall forward its findings to the governor, the joint committee on finance and the federal agency to which the application for funds is being made. If the board finds that the application of a state agency is not consistent with the board's policy related to the long-term disposal of high-level radioactive waste or transuranic

waste or that the application of a state agency is not in the best interest of the state, the findings forwarded to the governor shall include a recommendation that the governor act under s. 16.54 (1) and stipulate conditions for the acceptance of the funds which are necessary to safeguard the interests of the state.

(6) **MONITOR FEDERAL ACTIVITY.** The board shall monitor activity in congress and the federal government related to the long-term disposal of high-level radioactive waste and transuranic waste. The board may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(7) **REQUEST ATTORNEY GENERAL TO INTERVENE.** If appropriate the board shall request the attorney general to intervene in federal proceedings to protect the state's interests and present the state's point of view on matters related to the long-term disposal of high-level radioactive waste or transuranic waste.

(8) **NEGOTIATION OF AGREEMENTS.** (a) *Negotiations with the federal department of energy.* The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Negotiations with other federal agencies.* The board shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with any federal agency other than the federal department of energy on any matter related to the long-term disposal of high-level radioactive waste or transuranic waste.

(c) *Consultation.* The board shall consult with the radioactive waste policy council and the radioactive waste technical council during the negotiation of any agreement or modification to an agreement under par. (a) or (b). The radioactive waste policy council and the radioactive waste technical council shall prepare written comments on any agreement or draft agreement being negotiated by the board if requested to do so by the board.

(d) *Hearings.* The board shall conduct more than one public hearing on any proposed agreement or modification to an agreement negotiated under par. (a) or (b). The board shall provide 30 days' notice of the date and location of hearings conducted under this paragraph. The board shall prepare a written summary of testimony presented at hearings conducted under this paragraph and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

(e) *Approval of agreements and modifications by the board.* No agreement or modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved by a majority of the members of the full board.

(f) *Approval of agreements and modifications by the legislature and governor.* No agreement or modification to an agreement negotiated under par. (a) or (b) may take effect unless it is approved under sub. (10).

(g) *Technical revisions.* The board may negotiate what in the board's judgment are technical revisions to any agreement approved under sub. (10).

(h) *Approval of technical revisions by the board.* No technical revision to an agreement negotiated under par. (g) may take effect unless it is approved by a majority of the members of the full board.

(i) *Review of technical revisions by the legislature and governor.* No technical revision to an agreement negotiated under par. (g) may take effect unless it is considered approved under sub. (11).

(9) **AGREEMENTS WITH THE FEDERAL DEPARTMENT OF ENERGY.** (a) *Separate agreements.* The board may negotiate

separate agreements with the federal department of energy concerning different stages of the process of evaluating and selecting a site for the long-term disposal of high-level radioactive waste or transuranic waste. The board shall negotiate a separate agreement with the federal department of energy for the final stages of the selection of any site for the long-term disposal of high-level radioactive waste or transuranic waste.

(b) *Contents.* Any agreement negotiated by the board with the federal department of energy under sub. (8) (a) shall include:

1. A general description of the roles of the state and the federal department of energy.

2. A compliance schedule which includes a list of significant events and stages which are expected to be reached as the federal department of energy assesses the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste and a description of the actions to be taken by the federal department of energy and the state at each event and stage.

3. The criteria that the department of energy shall use in evaluating the suitability of any site in the state for the long-term disposal of high-level radioactive waste or transuranic waste.

4. A requirement that the federal department of energy shall comply with all federal laws, American Indian laws, state laws and local ordinances and shall respect state sovereignty consistent with the 10th amendment to the U.S. constitution and the U.S. constitution, regardless of the ownership of the land on which the activity takes place.

5. A requirement that the federal department of energy and any of its contractors or subcontractors shall provide the board with all reports and documents the board requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation or rule. The requirement shall specify that the federal department of energy may not charge a fee for searching for or for supplying reports and documents requested by the board. The requirement shall specify that the federal department of energy shall provide the board with all reports and documents the board requests and any other relevant reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal department of energy regardless of whether the reports and documents have received the department of energy's final approval.

6. A requirement that, upon request by the board, the federal department of energy shall provide the data, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation or rule.

7. A requirement that the federal department of energy shall notify the board of any grants related to the long-term disposal of high-level radioactive waste and transuranic waste from the federal department of energy to any person in this state.

8. A requirement that the federal department of energy shall notify the board in a timely manner of any proposed field work, on-site evaluation, on-site testing or similar activities it or any contractor or subcontractor intends to conduct and a requirement that the federal department of energy shall allow the board to monitor these activities by designating a reasonable number of persons to observe the activities or by any other appropriate means.

9. A requirement that the federal department of energy shall provide the board in a timely manner with a copy of any requests for proposals and final contracts issued by the federal department of energy relating to the evaluation, selection or construction of a site for the long-term disposal

of high-level radioactive waste or transuranic waste in this state.

10. A provision that the federal department of energy shall agree to provide funds to be used to provide educational programs under sub. (4) and to review the activities of the federal department of energy and its contractors and subcontractors which relate to assessing the suitability of the state for the long-term disposal of high-level radioactive waste or transuranic waste.

11. A process for resolving disputes between the board and the federal department of energy including disputes concerning alleged violations of the written agreement and disputes concerning technical assessments made by the federal department of energy. The process for resolving disputes concerning technical assessments made by the federal department of energy may involve a process of scientific review and mediation.

12. A requirement that if the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive waste or transuranic waste, the federal department of energy shall prepare, prior to submission of an application to license or construct the repository, a repository plan which shall include descriptions of the federal department of energy's plans for construction of the repository, transportation of wastes to the repository, operation of the repository, closing of the repository and monitoring the repository after closure.

(c) *Objection to site selection.* Any agreement negotiated by the board with the federal department of energy under sub. (8) (a) shall include a list of reasons for which the board may object to the selection of a site within this state for the long-term disposal of high-level radioactive waste and transuranic waste. These reasons shall include the following:

1. The site or the transportation of waste to the site poses a danger to public health and safety or to the environment.

2. The federal department of energy fails to address to the satisfaction of the board the potential socioeconomic effects of the site or of the transportation of waste to the site.

3. The federal department of energy violates any written agreement or revision approved under sub. (10) or (11).

4. If, in the judgment of the board, the federal department of energy fails to comply with criteria, regulations or standards of other federal agencies concerning the long-term disposal of high-level radioactive waste or transuranic waste including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the disposal of high-level radioactive waste or transuranic waste at the site.

5. If, in the judgment of the board, the federal department of energy fails to use generally accepted scientific and technical practices in evaluating the suitability of a site for the long-term disposal of high-level radioactive waste or transuranic waste.

(10) **APPROVAL OF AGREEMENTS.** (a) *Submission.* The board shall submit any written agreement or modification to an agreement negotiated under sub. (8) (a) or (b), approved by the board and approved by the federal department of energy or other federal agency to the speaker of the assembly and the president of the senate. The board shall submit with the agreement or modification a written summary of the hearings held under sub. (8) (d).

(b) *Introduction of bill.* Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill to approve the agreement or modification to an agreement. The bill is not subject to s. 16.47 (2).

(c) *Legislative action required.* Within 120 days after the bill is introduced the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes the bill or passes a joint resolution which disapproves of the agreement or modification and returns the agreement or modification to the board for renegotiation. If the 120-day period extends beyond the date specified in s. 13.02 (1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill or joint resolution is passed prior to that time.

(d) *Veto review.* Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each house of the legislature shall schedule a veto review session.

(e) *Approval.* If the bill is enacted into law, the agreement or modification to the agreement is approved and shall take effect.

(11) **REVIEW OF TECHNICAL REVISIONS.** (a) *Submission.* The board shall submit any technical revision to a written agreement negotiated under sub. (8) (g), approved by the board and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

(b) *Referral to standing committees.* Each presiding officer shall refer the technical revision to one standing committee within 7 working days after the day on which the revision is received unless the revision is received on or after November 1 of an even-numbered year. If a revision is received on or after November 1 of an even-numbered year, each presiding officer shall refer the revision to one standing committee within 7 days after the first day of the next regular session of the legislature. Each presiding officer shall cause a statement to appear in the journal of the appropriate house that a technical revision to an agreement approved under sub. (6) is submitted for review.

(c) *Standing committee review.* Either standing committee may object to the technical revision by taking action in executive session within 30 days after the revision is referred to the committee. If a standing committee objects to the revision, it shall submit a written notice of the objection to the presiding officer of that house of the legislature and the presiding officer shall cause the written notice of the objection to appear in the journal of the house.

(d) *Review by the governor.* The governor may object to the technical revision by taking action within 30 days after the revision is received unless the revision is received on or after November 1 of an even-numbered year. If the revision is received on or after November 1 of an even-numbered year, the governor may object to the revision by taking action within 30 days after the first day of the next regular session of the legislature. If the governor objects to the revision, the governor shall submit a written notice of the objection to the presiding officer of each house of the legislature and each presiding officer shall cause the written notice of the objection to appear in the journal of each house.

(e) *Objection.* A standing committee to which a revision is referred or the governor may object to a technical revision for any reason including a belief that the revision is so substantial that the revised agreement should be approved under sub. (10) rather than this subsection. If either standing committee to which a revision is referred or the governor objects to a technical revision within the 30-day review period, the revision may not take effect.

36.50 UNIVERSITY OF WISCONSIN SYSTEM

91-92 Wis. Stats. 854

(f) *No objection.* If neither standing committee nor the governor objects to a technical revision within the 30-day review period, the revision is considered approved and shall take effect.

(11m) REVIEW OF FINAL SITE SELECTION AND SITE PLAN. (a) *Review by the board.* If the federal department of energy selects a site in the state for construction of a repository for the long-term disposal of high-level radioactive or transuranic waste, the board shall review the adequacy of the selected site and of the site plan prepared by the federal department of energy under sub. (9) (b) 12. The review shall include a full scientific review of the adequacy of the selected site and of the site plan. The board shall solicit written comments on the selected site and the site plan from the radioactive waste policy council and the radioactive waste technical council. The board shall utilize recognized experts in conducting its scientific review. The board shall conduct more than one public hearing on the site plan and shall make available to the public arguments and evidence for and against the site plan. The board shall provide 30 days' notice of the date and location of the public hearings. The board shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups on the adequacy of the selected site and the site plan. The board shall make these comments available to the public.

(b) *Recommendation to the legislature and the governor.* After completing this review, the board shall submit a recommendation to the speaker of the assembly, the president of the senate and the governor on whether the state should accept the site selected by the federal department of energy and the site plan. The reasons for which the board may recommend that the legislature and the governor object to the site selection or the site plan, or both, include those specified in sub. (9) (c). The recommendation to the speaker of the assembly and the president of the senate shall be accompanied by a request for the introduction of a bill to approve the site selected and the site plan or by a request for the introduction of a bill to disapprove the site or the site plan or both.

(c) *Introduction of legislation.* Upon request of the board, the speaker of the assembly or the president of the senate shall introduce a bill reflecting the recommendation of the board on whether to approve or disapprove the site selected by the federal department of energy and the site plan. The bill is not subject to s. 16.47 (2).

(d) *Legislative action required.* Within 120 days after the legislation is introduced under par. (c), the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes a bill which approves the site selected by the federal department of energy and the site plan or the legislature passes a bill which disapproves the site or the site plan or both. If the 120-day period extends beyond the date specified under s. 13.02 (1), the 120-day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill is passed prior to that time.

(e) *Veto review.* Within 10 days after the bill passes the legislature, the chief clerk of the house of origin shall refer the bill to the governor for executive action. If the governor vetoes the bill, the appropriate committees in each house of the legislature shall schedule a veto review session.

(f) *Transmittal of action by the legislature and the governor.* After the legislature takes action under par. (d) and after the governor takes any action under par. (e), the chief clerk of the

house of origin shall notify the board of the action taken and the board shall send a report to the president of the United States, the members of the U.S. senate, the members of the U.S. house of representatives, the federal department of energy and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the board in accordance with par. (a), the recommendation made by the board under par. (b), the action of the legislature under par. (d) and any action of the governor under par. (e).

(12) IMPLEMENTATION. The board shall implement agreements, modifications and technical revisions approved under subs. (10) and (11). In implementing these agreements, modifications and revisions, the board may solicit the views of appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups.

(13) FUNDING. The board shall attempt to finance all of its expenses from moneys received from the federal department of energy and other federal agencies and from gifts and grants received from other persons.

(14) STATE AGENCIES TO COOPERATE. The geological and natural history survey shall provide staff and other administrative services to assist the board in its duties. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible.

History: 1981 c. 62; 1985 a. 29; 1989 a. 31 ss. 107m, 713e; Stats. 1989 s. 36.50; 1991 a. 25

36.51 Nutritional improvement for elderly. (1) In this section:

(a) "Authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(b) "Institution" includes any private institution of higher education.

(2) Any center or institution approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a center or institution desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. Annually, the board shall notify the department of public instruction of the approved centers and institutions.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The center or institution may provide additional service at other times in its discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any center or institution that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every facility that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between centers and institutions and between schools if such a procedure will be convenient and economical.

(6) The center or institution may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no center or institution may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification

cards to such persons if necessary. A center or institution may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

History: 1989 a. 269, 359

36.52 Reimbursement of pay supplements. Whenever moneys become available from the federal government to finance the cost of pay and related adjustments for employees of the system in the unclassified service whose positions are wholly or partly funded from federal revenue under 7 USC 343 that have been paid from the appropriation under s. 20.865 (1) (cj) during the same fiscal year in which moneys are expended from that appropriation, the board shall reimburse the general fund for any expenditures made under s. 20.865 (1) (cj) from the appropriate appropriation to the board made from federal revenues.

NOTE: This section is created eff. 7-1-93 by 1991 Wis. Act 39.

History: 1991 a. 39.