

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

Mark,
Here are additional items for revision in P2.

1. 20.285(1)(u) and 20.285(1)(w) also need to be repealed. They are SEG appropriations and there is no reason to keep them in ch. 20 once the UW is an authority.
2. Section 230: 20.866(2)(z)4m should be repealed when the UW becomes an authority. Related to this, a provision needs to be included in the lease agreement that the UW is responsible for maintenance and upkeep for state-owned facilities and properties that are leased to the authority. We would like this to be clearly stated and added to Section 347 of P2.
3. Section 279: 36.01(1) needs to read as follows:

"In recognition of its constitutional obligation to provide by law for the establishment of a state university at or near the seat of state government, and for connecting with the same, from time to time, such colleges in different parts of the state as the interests of education may require, there is hereby created a state system of higher education, provided by the authority, to be known as the University of Wisconsin System; which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; fosters diversity of educational opportunity; promotes service to the public; and promotes internal coordination and the wisest possible use of resources. The principal office and one university shall be located at or near the seat of state government."
4. To address the issue of the UW authority being able to collect forfeitures, we would like to have the UW authority added to pre-existing municipal statutes in ch. 66. I think the impacted section are 66.0101-66.0115. Adding the UW authority to these sections will allow them to enact ordinances and collect forfeitures while not creating a due process concern. Additionally, we would like to create UW authority's police power under the municipal police authority statutes in ch. 66 and ch. 62. This would remove the UW authority's police power from ch 175 as created in P2. These changes were recommendations from DOA Legal based on requests and concerns that the UW has while balancing the fact they cannot have rulemaking power as an authority. If you have any questions about these changes please let me know.
5. Section 347: Currently, all DOA leases greater than 5 years must be approved under current law by the State Building Commission. We would like to exempt the lease between the UW authority and the state from needing Building Commission approval so that only JFC will be required to approve the lease.
6. Sections 585-585: The language in these sections needs to reflect that the residence halls and dorms are owned by the state. The state will continue to own them but lease them to the UW authority. There is no need to apply these sections to residence halls and dorms built and owned by the UW authority since the sections apply to residence halls and dorms built prior to January 7, 2006.
7. UW employees will not be subject to SELRA but we would like to have the following change made to subject them to MERA: Amend 66.0508(1) as follows:

"In this section, 'local governmental unit' means any city, village, town, county, metropolitan sewerage district, long-term care district, local cultural arts district under subch. V of ch. 229, the University of Wisconsin System Authority or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state."
8. To address the issue of sovereign immunity, we would like the following changes to be made:
 - Amend 893.82 to add subsection (2)(d)4 to read: "officers and employees of the University of Wisconsin System Authority."