

I.3. Physical Planning and Funding Committee

Thursday, November 6, 1997
Room 1920 Van Hise Hall
1:00 p.m.

- a. Approval of minutes of the October 9, 1997 meeting of the Physical Planning and Funding Committee
- b. Vice President's Report

Report on Building Commission Actions
- c. UW-Madison: Environmental Management Center - Phase II (Design Report)
\$4,179,375 (\$3,300,000 General Fund Supported Borrowing - WISTAR and
\$879,375 Program Revenue Borrowing)
[Resolution No. I.3.c.]
- d. UW-Madison: School of Pharmacy Building (Design Report)
\$45,000,000 (\$15,000,000 General Fund Supported Borrowing - WISTAR,
\$15,000,000 General Fund Supported Borrowing - Healthstar, and \$15,000,000
Gifts/Grants.)
[Resolution No. I.3.d.]
- e. UW-Madison: Observatory Drive Reconfiguration
\$1,200,000 Institutional Funds
[Resolution No. I.3.e.]
- f. UW-Madison: Lathrop Hall Renovation - expand scope and increase budget
\$200,000 Gift Funds
[Resolution No. I.3.f.]
- g. Authority to conduct public hearings on proposed revisions to UWS18,
"Conduct on University Lands"
[Resolution No. I.3.g.]
- x. Additional items which may be presented to the Committee with its approval
- z. Closed session for purposes of considering personal histories, as permitted by
s. 19.85(1)(f), *Wis. Stats.*, related to naming two facilities at UW-Madison

Approval of the Design Report and
Construction Authority for an
Environmental Management Center -
Phase II Project, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority be granted to construct an Environmental Management Center - Phase II project at an estimated total project cost of \$4,179,375 (\$3,300,000 General Fund Supported Borrowing-WISTAR and \$879,375 Program Revenue Borrowing).

THE UNIVERSITY OF WISCONSIN SYSTEM

Agency Request for
Board of Regents Action

November 1997

1. Institution: The University of Wisconsin - Madison
2. Request: Request approval of the Design Report and authority to construct an Environmental Management Center - Phase II project at an estimated total project cost of \$4,179,375 (\$3,300,000 General Fund Supported Borrowing-WISTAR and \$879,375 Program Revenue Borrowing).
3. Description and Scope of the Project: This is the final phase of a two-phase project that will consolidate the UW-Madison Safety Department at a single campus location. Phase II will remodel warehouse space within the Stores/Extension Service Facility at 30 N. Murray Street to incorporate waste management operations from existing facilities located at 115 N. Mills Street and 2120 Herrick Drive. The remodeled warehouse facility will accommodate Environmental Management Operations (Chemical, Radiation, Bio-Safety), and general safety programs of Fire Safety and Asbestos Management and provide approximately 500 ASF in storage space for a unit of the Wisconsin Department of Health and Family Services (DHFS).

Phase II work will construct a second floor level within existing high bay warehouse space to provide a total of 28,330 ASF/41,152 GSF. Facility operation, material handling and storage will be located on the first floor. The new second level will provide a new locker room and toilet/shower facilities adjacent to the administrative offices, a Bio-Safety Calibration Laboratory, long-term storage and mechanical equipment space. Work also includes construction of a new concrete floor with a perimeter dike at the exterior walls and interior dikes in the flammable solvent areas on the ground floor for fire flow containment. Entrances over the dikes will be by ramp or stair, with at least one entrance being a ramp for accessibility. Security, fire alarm and fire suppression systems will also be installed.

When completed, the Center will include short-term storage to accommodate the processing and storage of hazardous chemicals and radioactive materials; long-term storage of hazardous waste and empty containers; containment of fire flow in the event of a fire; and office space.

Phase II will require relocation of the existing Stores/Extension Services facility functions prior to start of construction. The Stores/Extension Services operation will be moved to a consolidated facility with other state agencies to a site off campus selected by the Department of Administration.

4. Project Justification: The UW-Madison Safety Department provides essential chemical, biological, fire, radiation and environmental safety services to the research, teaching and outreach activities of the

University community, and helps the University maintain responsible stewardship over its sensitive lakeshore environment.

This project was enumerated at \$4,725,000 as part of the 1995-97 Capital Budget. A detailed justification was provided at that time. In summary, the project will provide a consolidated, single location for processing and storage of regulated materials managed by the Department. These functions are presently dispersed in several locations, all of which are inadequate. The latter facilities are used to manage wastes generated primarily by the university's research faculty and staff.

The Environmental Management Center - Phase I Safety Department Relocation project was approved at a total cost of \$700,000. The project converted 7,069 AS/9,759 GSF of existing space in the Stores/Extension Service Facility for the Department's administrative offices, which were moved from temporary prefabricated module units located on the site of the Kohl Center arena. Work under Phase I was completed in April, 1996 at a total cost of \$545,625.

Approval of the Design Report at this time will enable the Architect/Engineer to complete design and bid documents to minimize design delay fees. The Environmental Management Center - Phase II project will not be bid until the new Stores facility is substantially complete.

5. Budget:

	<u>Phase I</u>	<u>Phase II</u>	<u>Total</u>
Construction:	\$429,587	\$3,325,413	\$3,755,000
Architect/Engineering Fees:	90,602	317,398	408,000
DFD Supervision Fees:	25,436	134,564	160,000
Movable Equipment:		172,400	172,400
Energy Management:		50,000	50,000
Contingency:		170,000	170,000
Percent for Art:		<u>9,600</u>	<u>9,600</u>
Estimated Total Project Cost:	\$545,625	\$4,179,375	\$4,725,000

6. Previous Action:

The Environmental Management Center project was enumerated in the 1995-97 Capital Budget at an estimated total project cost of \$4,725,000 (\$3,300,000 General Fund Supported Borrowing - WISTAR and \$1,425,000 Program Revenue Borrowing).

February 9, 1996: Approved the Design Report and authority to construct Resolution 7103 the Environmental Management Center - Phase I Safety Department Relocation project, at an estimated total project cost of \$700,000 of Program Revenue Borrowing.

Approval of the Design Report and
Construction Authority for a School
of Pharmacy Building, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, the Design Report be approved and authority be granted to construct a School of Pharmacy Building at an estimated total project cost of \$45,000,000 (\$15,000,000 General Fund Supported Borrowing - WISTAR, \$15,000,000 General Fund Supported Borrowing - Healthstar, and \$15,000,000 Gifts/Grants.)

THE UNIVERSITY OF WISCONSIN SYSTEM

Agency Request for
Board of Regents Action

November 1997

1. Institution: The University of Wisconsin - Madison
2. Request: Requests approval of the Design Report and authority to construct a School of Pharmacy Building at an estimated total project cost of \$45,000,000 (\$15,000,000 General Fund Supported Borrowing - WISTAR, \$15,000,000 General Fund Supported Borrowing - Healthstar, and \$15,000,000 Gifts/Grants.)
3. Description and Project Scope: The proposed project will provide a new facility for the School of Pharmacy. The 130,630 ASF/209,488 GSF facility will provide modern, state-of-the-art space for clinical pharmacy education, basic science instruction and research, and expansion of pharmacy programs and initiatives for undergraduate and graduate level education.

The main footprint of the building will consist of two stories plus a five-story tower. The first floor will contain an administration/extension/student services wing, a professional practice division, an animal facility, an analytical instrumentation center, support space, and a loading dock. The second floor will provide instructional laboratories, two lecture halls designed for 150 occupants each, a temporary library area, offices and laboratories for the Social and Administrative Sciences/Sonderger Research Center. The library space will be converted into three 50-person classrooms after the future Learning Center is constructed as part of the Healthstar Program. The third level is reserved for mechanical support for the building. Levels four through seven of the tower will provide faculty offices, research laboratories, laboratory support and conference rooms.

The new facility will be located on the western end of the campus in close proximity to the Clinical Science Center. The site is immediately east of Highland Avenue, between the existing storm water detention pond and the McClimon Track. The northern boundary of the site is along the southern edge of Lot 60, where visitor parking will occur. The main entrance to the building will be on the south end of the site. A separate project will be considered by the Board of Regents and State Building Commission this month to reroute a portion of Observatory Drive, between Marsh Terrace and Lot 60, to accommodate the Pharmacy Building site.

4. Project Justification: The Pharmacy Building project was enumerated in two phases. The initial enumeration occurred as part of the 1995-97 Capital Budget and provided \$30,000,000, and the remaining \$15,000,000 was enumerated in the 1997-99 Capital Budget. A detailed justification was provided at that time. In summary, the new facility will provide the School of Pharmacy with the first, dedicated, state-of-the-art facility

in the School's 114-year history. The new School of Pharmacy will address the following issues:

- a. Health and Safety Deficiencies: The School of Pharmacy occupies the oldest sections of Chamberlin Hall, which was constructed in 1905. The most pressing issues involve higher safety standards for research personnel; lack of adequate storage space for toxic chemicals and solvents; lack of adequate safety areas for workers utilizing radioactive and toxic reagents; and general inadequacies of air handling, water, plumbing and electrical systems.
- b. Expansion of Programs and Activities: Additional space is needed to modernize the Pharmacy Practice Instructional Laboratory to meet accreditation standards for the professional programs, such as the new Pharm D program, and to provide adequate research laboratory facilities for chemically based research programs.
- c. Meet Accreditation Requirements: The 1992 Professional Accreditation Review strongly criticized the inadequacy of the current Pharmacy Practice Laboratory and the safety issues associated with the research laboratories.
- d. Clinical Pharmacy Education: Contemporary professional pharmacy practice places a high priority on assuring the safe, effective and rational use of drugs for individual patients. Today, pharmacists must counsel patients on the use of medications, advise patients on the use of diagnostic aids, detect adverse drug reactions and monitor drug therapy regimens. Clinical pharmacy education will be specifically addressed in the new facility by providing distinct space for clinical faculty and staff, research laboratories, support areas and instructional spaces.

Construction of a new facility for the School of Pharmacy will also provide UW-Madison with an opportunity to address critical space needs in the central campus area. Chamberlin Hall contains approximately 186,000 ASF/310,000 GSF of space. It currently houses the School of Pharmacy, a portion of the Department of Physics, the Space Astronomy Lab, General Library System collections for Pharmacy and Physics, and general assignment classrooms. The School of Pharmacy will vacate about 89,500 ASF. Staff are currently working with several programs to prepare a reuse plan for consideration by the Campus Planning Committee in late fall 1997 and inclusion in UW-Madison's 1999-2005 Capital Building Program. The University will forward a cost-effective option that will address recognized campus space issues and benefit programs where few comparable alternatives exist.

It is anticipated that the Observatory Drive relocation project will be undertaken during spring 1998 to enable construction of the Pharmacy Building to commence during late summer 1998 for completion in September 2000.

5. Estimated Project Cost:

Construction	\$35,825,000
A/E Design	3,007,000
DFD Supervision	1,504,700
Testing, Consulting & Other Fees	218,800
Movable Equipment	2,563,300
Contingency	1,791,200
Percent for Art	<u>90,000</u>
Estimated Total Project Cost	\$45,000,000

6. Previous Action:

August 23, 1996 Resolution #7257	Approved a School of Pharmacy Completion project at \$15 million of General Fund Supported Borrowing - WISTAR and recommended enumeration of the project as part of the 1997-99 Capital Budget, for a total School of Pharmacy project cost of \$45 million.
August 19, 1994 Resolution #6736	Approved a School of Pharmacy project, at an initial funding phase of \$30 million (\$15 million General Fund Supported Borrowing - WISTAR and \$15 million Gifts and Grants) and recommended enumeration of the project as part of the 1995-97 Capital Budget.

Authority to Construct an
Observatory Drive Reconfiguration
Project, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to construct an Observatory Drive Reconfiguration project, at an estimated total project cost of \$1,200,000, using Institutional Funds.

THE UNIVERSITY OF WISCONSIN SYSTEM

Agency Request for
Board of Regents Action

November 1997

1. Institution: The University of Wisconsin - Madison
2. Request: Requests authority to construct an Observatory Drive Reconfiguration project, at an estimated total project cost of \$1,200,000, using Institutional Funds.
3. Description and Project Scope: This project will reconfigure a western section of Observatory Drive on the UW-Madison campus from Walnut Street to Highland Avenue. The realigned roadway will provide a new, direct link from Observatory Drive to Highland Avenue along the north boundary of the U.S. Forest Products Laboratory. The Highland Avenue median will be modified at the new intersection to provide for traffic turns north and south onto Highland Avenue (from Observatory Drive) and east onto Observatory (from Highland Avenue). A new road will also be constructed north of the new Pharmacy building from Observatory Drive to Highland Avenue.

Marsh Terrace Road and the portion of Observatory Drive from Marsh Terrace Road to Forest Products will be removed. A driveway and cul-de-sac will be constructed to provide access to the front of the new Pharmacy building. In addition, the southwest corner of Lot 60 will be modified to create access to the Pharmacy Building loading docks.

This project will be coordinated with extensions of the campus utility infrastructure from Walnut Street to Lot 85 and the Pharmacy building site.

4. Project Justification: The new Pharmacy Building project was enumerated as part of the 1995-97 and 1997-99 Capital Budgets at a total cost of \$45 million. A site had not been selected when the project was proposed as a WISTAR project during development of the 1995-97 Capital Budget, and a Master Planning effort was initiated soon after. The selected Pharmacy Building site necessitates re-routing of Observatory Drive and closure of Marsh Terrace, all in conformance with the UW-Madison Master Plan.

Timing of this project is critical, as construction of the Pharmacy Building is scheduled to begin during summer 1998. The new roads to the north and south of the Pharmacy Building site must be completed prior to the start of the Pharmacy Building in order to clear the site for facility construction and to provide bus, vehicle and pedestrian access to facilities on the west end of campus.

5. Estimated Project Cost:

Construction	\$ 966,500
A/E Design	108,000
DFD Supervision	42,000
Telecommunications Equipment	13,500
Contingency	<u>70,000</u>
Total Project Budget	\$1,200,000

6. Previous Action: None.

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Approval to Expand the Scope and
Increase the Budget of the Lathrop
Hall Renovation Project, UW-Madison

PHYSICAL PLANNING AND FUNDING COMMITTEE

Resolution:

That, upon the recommendation of the UW-Madison Chancellor and the President of the University of Wisconsin System, authority be granted to expand the scope and increase the budget of the Lathrop Hall Renovation project by \$200,000 of Gift Funds, for a total revised budget of \$5,130,000 (\$2,730,000 General Fund Supported Borrowing, \$1,500,000 Gift/Grant Funds, \$700,000 Residual Program Revenue Supported Borrowing, and \$200,000 Program Revenue Cash - Recreation Sports).

THE UNIVERSITY OF WISCONSIN SYSTEM

Agency Request for
Board of Regents Action

November 1997

1. Institution: The University of Wisconsin - Madison
2. Request: Requests authority to expand the scope and increase the budget of the Lathrop Hall Renovation project by \$200,000 of Gift Funds, for a total revised budget of \$5,130,000 (\$2,730,000 General Fund Supported Borrowing, \$1,500,000 Gift/Grant Funds, \$700,000 Residual Program Revenue Supported Borrowing, and \$200,000 Program Revenue Cash - Recreation Sports).
3. Description and Project Scope: An increase in budget is requested to allow for the renovation/restoration of the Lathrop Hall Parlor, Room 149, which consists of approximately 3,000 ASF. This area was not included in the original scope of the Lathrop Hall Renovation project. Work will include upgrading electrical and light fixtures; stripping and refinishing hardwood floorings; refinishing and painting all wall and ceiling surfaces; cleaning and upgrading the existing fireplace; and providing window treatments, area carpeting and wall hangings.
4. Project Justification: The Lathrop Hall Renovation project is enumerated as part of the 1995-97 Capital Budget at \$4,930,000. Under that project, building repairs and upgrades have been done, and approximately half of the 91,000 GSF in Lathrop Hall is being remodeled to continue to serve the Dance Program and to consolidate the Department of Continuing and Vocational Education (CAVE) in Lathrop Hall. It is anticipated that the project will be completed by spring 1998.

The School of Education recently received a gift specifically to enhance and remodel the central parlor room in Lathrop Hall. This gift will provide funds to restore the parlor to its original condition in accord with the historical style of the early 1900's when Lathrop Hall was constructed. Restoration will make the room once again usable for receptions, gatherings and informal lectures. The University requests that this design and construction work be completed in conjunction with the larger renovation project due to cost efficiencies realized by the use of the same project contractors currently on site.

5. Estimated Project Cost:

Construction	\$ 161,290
A/E Design	17,090
DFD Supervision	6,700
Contingency	4,920
Movable Equipment	10,000
Total Project Budget	\$ 200,000
Previously Approved	4,930,000
Revised Total Project Cost	\$5,130,000

6. Previous Action:

March 8, 1996
Resolution #7157

Approved the Design Report and authorized construction of the Lathrop Hall Renovation and Building Systems Improvement project at a cost of \$4,930,000 (\$2,730,000 General Fund Supported Borrowing, \$1,300,000 Gift/Grant Funds, and \$900,000 Program Revenues).

August 19, 1994
Resolution #6735

Recommended enumeration of \$1.5 million gift funds for remodeling of Lathrop Hall for CAVE, as part of the 1995-97 Capital Budget. Those gift funds are to be combined with \$700,000 of existing gifts plus \$2,730,000 All Agency funds to a total cost of \$4,930,000. The Building Commission subsequently enumerated the GPR portion, instead of using All Agency funds.

December 7, 1990
Resolution #5679

Recommended enumeration of \$3,624,000 General Fund Supported Borrowing and \$700,000 Gifts for renovation of Lathrop Hall, as part of the 1991-93 Capital Budget. The Building Commission enumerated the gift funds and recommended using All Agency funds for the GPR portion. All Agency funds did not become available.

December 9, 1988
Resolution #5122

Recommended enumeration of \$3,718,000 General Fund Supported Borrowing for renovation of Lathrop Hall as part of the 1989-91 Capital Budget. The project was deferred by the Building Commission.

Amendments to Chapter UWS 18,
Wisconsin Administrative Code

PHYSICAL PLANNING AND DEVELOPMENT COMMITTEE

Resolution:

That UW System staff be directed to prepare in proper form, and submit to the Legislative Council Rules Clearinghouse for review, proposed revisions to s. UWS 18.06, Wisconsin Administrative Code, concerning conduct on university lands; and further

That the Secretary of the Board of Regents be directed to file a notice of hearing with the Revisor of Statutes for inclusion in the Wisconsin Administrative Register, the purpose of the hearing being to consider the proposed revisions to s. UWS 18.06, Wisconsin Administrative Code, concerning conduct on university lands, said hearing to be held on February 5, 1998 in Room 1820 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin at 12:30 p.m.

November 7, 1997

Agenda Item I.3.g.

WISCONSIN ADMINISTRATIVE CODE

**SECTION UWS 18.06
CONDUCT ON UNIVERSITY LANDS
PROPOSED REVISIONS**

EXECUTIVE SUMMARY

Background

Under s. 36.11(1)(c), Wisconsin Statutes, the Board of Regents is authorized to promulgate rules governing conduct on university lands. These rules are enforced by university police officers in accordance with the citation procedure established by s. 778.25, Wisconsin Statutes. The use of the citation process for the offenses enumerated in Chapter UWS 18 allows individuals committing these violations on university lands to be treated in a manner similar to municipal ordinance violators.

The last significant revisions to Chapter UWS 18 were completed in 1991, just after enactment of the legislation making the citation process available for misconduct on university lands. Since that time, however, campus police officers have experienced new enforcement problems, and have recommended that the rules be revised to deal with these situations. Their recommendations would consolidate some existing provisions, amend others to create consistency with state criminal statutes and municipal ordinances that have been modified since 1991, and create new provisions to address new law enforcement problems. At its meeting on June 6, 1997, the Board of Regents approved a Statement of Scope of Proposed Rules, authorizing UW System staff to proceed with preparation of amendments to Chapter UWS 18 reflecting these recommendations.

The proposed modifications, as shown in the attached rule-making order, include the consolidation of certain fire safety provisions and the creation of new prohibitions on use of fires on university lands and in university facilities, negligent use of burning materials, and tampering with fire safety equipment. The general prohibition on camping has been clarified, and the dollar values that define the offenses of petty theft and the issue of worthless checks have been revised to reflect current statutory limits. New provisions have been proposed to prohibit the possession of drug paraphernalia, resisting or obstructing police officers, abuses of telephones, assaultive behavior, the operation of motor vehicles off roadways, misuse of parking permits, damage to computers and related equipment, abuse of computer communication equipment, deposit of human waste, curfew violations by minors, conduct at athletic events and theft of library materials.

Requested Action

The UW System requests that the Board proceed with the administrative rule-making process to revise Chapter UWS 18, Wisconsin Administrative Code. The next step in process is the submission of the proposed revisions to the Legislative Council Rules Clearinghouse for review; and the scheduling of the required public hearing by the Board. Following the public hearing, the revisions will be forwarded to the Legislature for review. If there is no objection on the part of the Legislature, the rules can be promulgated.

Discussion and Recommendation

Inclusion of the changes set forth in the attached rule-making order will assist university law enforcement officers in the performance of their duties. In addition, the changes will help assure the continuing equitable treatment of offenders, since offenses committed on university lands will be treated in a manner parallel to the treatment of similar offenses in the neighboring municipal jurisdictions. Accordingly, UW System Administration recommends that the Board proceed with the administrative rule-making process to revise Chapter UWS 18.

PROPOSED ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
AMENDING, REPEALING AND RECREATING,
AND CREATING RULES

Agency contact persons: Patricia A. Brady (608/262-6497);
Judith A. Temby (608/262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 18.06(14)(37) and (41); to repeal and recreate UWS 18.06(11)(34) and (35); and to create UWS 18.06(33)(d) to (f) and UWS 18.06(42) to (50), relating to conduct on university lands.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Pursuant to ss. 36.11(1)(c) and 227.11, Wisconsin Statutes, the Board of Regents is authorized to promulgate rules governing conduct on university lands. The Board's rules in this area are set forth in Chapter UWS 18, Wisconsin Administrative Code. Campus law enforcement officers enforce the rules in this chapter through the citation process established in s. 778.25, Wisconsin Statutes. The citation procedure is similar to enforcement procedures used by municipalities to deal with local ordinance violations.

The last major revisions in Chapter UWS 18 were completed in 1991. The revisions currently proposed would consolidate some existing provisions, amend others to create consistency with state criminal statutes and municipal ordinances that have been modified since 1991, and create new provisions to address new law enforcement problems.

Modifications proposed in existing rules include the consolidation of the fire safety provisions now found in s. UWS 18.06(11) and (35), into a new s. UWS 18.06(11). As modified, this section would also add new prohibitions on the use of fires on university lands and in university facilities; the negligent use of burning materials; and tampering with fire safety equipment. The general prohibition on camping on university lands, as set forth in s. UWS 18.06(13), has been amended to clarify what is included in the definition of "camping." The dollar values that define the offenses of petty theft and the issue of worthless checks in s. UWS 18.06(37) and (41) have been revised to reflect current statutory limits.

In addition, new provisions in s. 18.06(33)(d) to (f), (35) and (42) to (50) have been proposed to prohibit the possession of drug paraphernalia, resisting or obstructing police officers, abuses of telephones, assaultive behavior, the operation of motor vehicles off roadways, misuse of parking permits, damage to computers and related equipment, abuse of computer communication equipment, deposit of human waste, curfew violations by

minors, conduct at athletic events and theft of library materials. The inclusion of these new provisions in the rules will allow university police to process these kinds of violations in a manner parallel to the process provided for violations of similar municipal ordinances.

[TEXT OF RULE]

SECTION 1. UWS 18.06(14)(37) and (41) are amended to read:

(14) No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds, or as authorized by the chief administrative officer. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this regulation subsection, camping shall include the pitching of tents or the overnight use of sleeping bags, blankets, makeshift shelters, motor homes, campers or camp trailers.

(37) *Issue of Worthless Check.* (a) No person may issue any check or other order for the payment of money less than ~~\$500~~ \$1000 which, at the time of issuance, he or she intends shall not be paid.

(b) In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning and includes the items of proof set forth in ~~s. 943.23, Stats.~~ s. 943.24, Stats.

(c) This subsection does not apply to a postdated check or to a check given for past consideration, except a payroll check.

(41) ~~*Petty Theft under \$100 Theft.*~~ (a) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another

with a value of under \$100, without consent and with the intent to deprive the owner permanently of such property.

(b) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of at least \$100 but not more than \$500, without consent and with the intent to deprive the owner permanently of such property.

SECTION 2. UWS 18.06(11)(34) and (35) are repealed and recreated to read:

(11) *Fire Safety.* (a) No person may light, build or use any fires, including but not limited to burning candles, burning incense or gas or charcoal cooking appliances, on university lands or in university facilities except in such places as are established for these purposes and designated by the chief administrative officer.

(b) No person may handle burning material in a highly negligent manner. In this subsection, burning material is handled in a highly negligent manner if it is handled under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

(c) No person may throw away any cigarette, cigar, pipe ash or other burning material without first extinguishing it.

(d) No person may interfere with, tamper with or remove, without authorization, any smoke detector, fire extinguisher, fire hose or other fire fighting equipment.

(e) No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

(f) No person may deface, remove, tamper with or obstruct from view any sign which has been posted to provide directions for fire or emergency exits from university facilities.

(g) No person may remain in any university facility or on university lands when an audible or visual fire alarm has been activated or upon being notified by fire fighting, law enforcement or security personnel to evacuate.

(34) *Resisting or Obstructing Peace Officers.* (a) No person may knowingly resist or obstruct a university peace officer while that officer is doing any act in an official capacity and with lawful authority:

(b) In this subsection, "obstruct" includes without limitation knowingly giving false information or knowingly placing physical evidence with the intent to mislead a university peace officer in the performance of his or her duty.

(35) *Possession of Drug Paraphernalia.* (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

(b) In this subsection, the term "drug paraphernalia" has the meaning specified in s. 961.571(1), Stats., and the term "controlled substance" has the meaning specified in s. 961.01(4), Stats.

(c) In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.

~~SECTION 3.4~~ UWS 18.06(33)(d) to (f) and UWS 18.06(42) to (50) are created to read:

(33) (d) No person, with the intent to harass or offend, may telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.

~~(e)~~ No person, with the intent to harass any person at the called number, may make a telephone call, whether or not conversation ensues, without disclosing his or her identity.

(f) No person may knowingly permit any telephone under his or her control to be used for any purpose prohibited by this subsection.

~~(42)~~ *Assaultive Behavior.* (a) No person may intentionally strike, shove, hit, punch, kick or otherwise subject another person to physical contact or cause bodily harm without the consent of the person.

(b) This subsection shall not be applicable if the individuals involved have a relationship, as defined in s. 968.075(1)(a), Stats., which requires a law enforcement officer to investigate the matter as a domestic abuse incident.

~~(43)~~ *Operation of a Motor Vehicle off Roadways.* No person shall operate a motor vehicle off designated roadways, paved or unpaved, on university lands, in a manner that may cause damage to property or endanger the safety of any person.

(44) *Misuse of Parking Services.* (a) No person may falsify, alter or duplicate or request the unauthorized falsification, alteration or duplication of any type of university parking permit.

(b) No person may knowingly display on a vehicle, or knowingly allow another person to display on a vehicle, a falsified, altered, duplicated, stolen, lost or found parking permit.

(c) No person may knowingly provide false information to any university employee or agent with the intent to obtain a valid university parking permit.

(45) *Computer Data, Programs, Equipment or Supplies.* No person may wilfully, knowingly and without authorization do or attempt to do any of the following:

(a) Modify, destroy, access, take possession of or copy data, computer programs or supporting documentation;

(b) Disclose restricted access codes or other restricted access information to a person not authorized to possess such codes or information;

(c) Modify, destroy, use, take or damage a computer, computer system or computer network;

(d) Modify, destroy, use, take or damage any equipment or supplies used, or intended to be used, in a computer, computer system or computer network.

(46) *Computer Use.* (a) No person may, with intent to harass, annoy or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(b) No person may, with intent to harass, annoy or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(c) No person may, with intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.

(d) No person may, with intent solely to harass another person, send repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(e) No person may, with intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) No person may, while intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) No person may knowingly permit or direct another person to send a message prohibited by this subsection from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

(47) *Deposit of Human Waste Products.* No person may deposit human waste products upon, nor urinate or defecate upon, any university lands or facilities other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.

(48) *Loitering.* (a) No minor person may loiter, idle, wander or play, either on foot or in or on any vehicle of any nature, on university lands between the hours of 11:00 p.m. and 5:00 a.m. on Sunday through Thursday, and the hours of midnight through 5:00

on Friday and Saturday, unless accompanied by a parent, guardian, or other adult person having care and custody of the minor.

(b) This subsection shall not apply to minors returning home from functions authorized by any public or parochial school or church and carrying proof of identification on their persons, or to currently enrolled university students.

(49) *Athletic Events.* (a) No person may enter onto the playing surface of an officially sanctioned university athletic event while the event is in progress without prior authorization from the chief administrative officer. An event is in progress from the time when teams, officials, trainers, support staff, or bands first reach the playing surface until the time when they have left.

(b) As used in this subsection, "playing surface" means that area on which the event is contested, together with the contiguous area used by teams, officials, trainers, and support staff.

(50) *Library Materials.* (a) No person may intentionally take, carry away, transfer, conceal or retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of possession of the material.

(b) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or

concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

[EFFECTIVE DATE]

It is proposed that this rule shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated: _____

Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System