

March 20, 2008

2007-2008 Session Wrap-up: Bills of Interest to Wisconsin Technical Colleges

- Final Regular Floor Period Concludes – Effectively Ends the 2007-2008 Legislative Session – *page 1*
- “Budget Repair” Special Session Begins – *page 2*
- Bills Favorable to WTCS Passed and Signed into Law – No Bills Opposed by the Boards Association Become Law – *pages 5-7*
- Remaining Bills Expire with the Session
 - Important Late Session Bills Would Have Significantly Increased Support for Technical Colleges and our Students – *pages 8-9*
 - Other Significant Bills – *pages 9-14*
 - Additional Bills Affecting Technical Colleges – *pages 15-25*

2007-2008 Regular Session Ends

The 2007-2008 Legislature’s final floor period of the regular session ended on March 13th, 2008. Further floor action *for the regular session* will be limited to technical corrections, approvals of state contracts, and veto reviews, if any. Effectively, this means that all bills that were not passed by both houses as of the 13th have died and will need to be reintroduced in January, 2009, when the new legislature is seated. All 99 members of the Assembly and 16 members of the 33-member Senate (even-numbered districts) are up for election in November, 2008, and will be seated in early January, 2009.

The session saw more than 1,550 bills introduced along with several hundred resolutions. With a flurry of activity in the final floor period - including two all-night Assembly sessions - both houses scrambled to pass bills, including a large number of non-controversial and technical revision bills. This has resulted in a stack of 117 bills awaiting the Governor’s consideration as of this writing; more than the 104 bills already signed into law to-date over the balance of the session. No new bills can be introduced with the conclusion of regular session action.

Special Session Called to Address Budget Gap

While the regular session has ended, legislators will still go to the floor in coming days and weeks as part of a special session to address the state's budget deficit. The special session was called on March 12th after Governor Doyle officially informed the legislature of a state budget deficit for the current biennium. The state budgets for a 2-year period with the current biennium running from July 1, 2007 through June 30, 2009.

Passage of this biennium's budget bill was delayed well into the fall and was finally signed in late October. Precariously balanced when passed, it is now estimated to be \$652 million out of kilter by June of 2009, largely because of falling tax revenues in a faltering economy. The Governor's action to implement across-the-board cuts to state operations (not including technical college funding or the UW System) and to restructure debt has whittled the gap to an approximate \$416 million.

The Governor then quickly proposed an overall plan to bring the budget back into balance. The plan, introduced at the Governor's request on March 12th as SS AB1, was taken to the floor the same day by the Assembly. By 11:25 p.m. that evening, the Republican-led Assembly passed its own very different plan (Substitute Amendment 1 to SS AB1) on an almost exclusively party-line vote.

The Senate took a more traditional approach and referred the Governor's plan to the budget-writing Joint Finance Committee. The Senate wing of this "joint" committee, apparently without its Assembly membership, is holding a hearing on the bill on March 19th, and will consider a committee vote on it on the 20th.

A summary of specific budget repair proposals for the special session will be detailed in a separate report.

2007-2008 Regular Session Bills Affecting Technical Colleges

The balance of this report summarizes bills of interest to Wisconsin technical colleges introduced over the entire regular session (January, 2007 – March, 2008).

An index of bills by topic follows this introduction. Bills are organized as follows:

- Bills that passed and were signed into law.
- Bills that did not pass but that are of greatest significance, particularly as we look ahead to the next session.
- Other bills of interest to technical colleges.

A link to each bill's text, sponsors, and procedural history is provided and a guide to reading basic bill histories follows at the conclusion of this report.

Index to 2007-2008 Bills of Interest

Page

Bills Passed and Signed into Law

Agricultural Education and Workforce Commission (AB 83)	5
Flags, American (AB 450)	7
Investment Trusts for Post Retirement (OPEB) Benefits (AB 184, SB 93)	5
State Budget (SB 40)	7
Tax Exemption for Recycled Products Users, "Newark" (SB 122, AB 142)	6
Youth Apprenticeship, Expanding (AB 383)	6

Significant Bills that Did Not Pass

Elected Boards, Mandating	
Electing Technical College Boards (SB 253)	12
Electing All Boards with Taxing Authority (SB 258)	12
Engineering, Bachelors Degree Required for PE (AB 69)	9
Funding to Expand Incentive Grants and Student Financial Aid (SB 510)	9
Grants to Colleges to Address High Unemployment (AB 947)	8
Instructional Materials Repository for Disabled Students (AB 469, SB 238)	11
Social Security Numbers, Limiting Use (AB 771)	14
Tuition, Mandating Increase for Liberal Arts (AB 792, SB 508)	13
W-2, Expanding Technical College Opportunity (SB 507, AB 804)	14
Youth Options, Limiting or Making Program Voluntary (AB 327)	10

Additional Bills that Did Not Pass

Adult Basic Education, Dual Admission and Financial Aid (AB 439)	19
Bidding	
Qualifications-Based (SB 295)	24
Soliciting via Internet (AB 406)	18
Collective Bargaining	
and Limiting Compensation and Benefits (AB 448)	20
of Health Care Benefits (AB 110)	16
of Outsourcing Services (AB 447)	20
Financial Aid and	
Academic Excellence Scholarship Amount (AB 389)	18
Citizenship (AB 510, SB 265)	22
Eligibility after Drug Offense Convictions (SB 67, AB 151)	22
Maximum WHEG Grant Amount (AB 252)	17

(continued)

Immigration Status Inquiries (SB 309)	25
Legal Notices, Electronic Publication of (AB 170)	17
MATC-Milwaukee District Board	
Mandating Non-Milwaukee County Member (AB 494)	21
Motor Fuel Tax Refund for Local Governments (AB 136, SB 84)	16
NanoScience Funding for CVTC, Others (SB 333, AB 609)	25
Retirement (WRS), Employer Contribution Limited (AB 449)	21
State Mandates	
Funding of (AB 290)	17
Joint Committee on (AB 350)	18
Student Health Insurance Coverage (SB 154)	23
Tax Credits	
to Business for Tuition Payment (AB 67)	15
for Degree Earners (AB 601)	22
Threatening District Officials (SB 159, AB 282)	23
Tuition Remission, Slain Officers (SB 286)	24
Veterans Benefits (AB 97, AB 132, SB 100)	15
Reading Wisconsin Bill Histories – A Guide to Basics	26-27

Bills Passed and Signed into Law

AB 184 (2007 Act 82) – Investment Trusts for Post Retirement Benefits (also introduced as SB 93)

This new law extends to local governments, including technical college districts, an opportunity that became law for Wisconsin school districts last session. These identical bills (AB 184 went on to passage) allow a technical college district to create a segregated trust account for the investment of current funds for future payment of (non-pension) post-employment benefits costs. The investments must be consistent with the Uniform Prudent Investor Act. Investment authority can be delegated to certain registered investment managers meeting the trust's investment policies and qualifications.

We supported AB 184, which passed the Assembly in October and the Senate in January. The Governor invited Paul Gabriel to the bill signing, which took place on March 12th.

Bill history and text:

AB 184: <http://www.legis.state.wi.us/2007/data/AB184hst.html>

SB 93: <http://www.legis.state.wi.us/2007/data/SB93hst.html>

AB 83 (2007 Act __) – Creation of an Agricultural Education and Workforce Council

This bill creates a new council to advise the state on agricultural education and workforce development in order to increase the hiring and retention of well-qualified employees in agriculture, food, and natural resources industries. The council will be comprised of legislators, and representatives of state agencies, educational institutions (including the WTCS) and related businesses.

While we had significant concerns with the original bill, it was amended to eliminate one concern and mitigate the other. The council's original membership included one WTCS member (the WTCS President) and three UW members (the UW System President, the UW-Extension Chancellor, and a member chosen by UW Agricultural Deans to represent their schools). The amendment added a technical college president and a district dean representing agricultural programs. This eliminates the original imbalance and our concern.

Second, the bill originally mandated council functions including "...coordination of educational systems *and curricula*." The final two words, "and curricula," were removed by amendment. The committee will still recommend "policies and changes to improve ... agricultural education," and will advise state agencies on "coordination ... monitoring, and evaluation of programs." Removing coordination of "curricula" improves the bill.

The remaining language still has some potential to affect the WTCS Board's and district boards' authority to control college resources and programs. Finally, the bill provided funding and state positions to staff its operation. These were eliminated by amendment. This means the bill creates the council but provides no practical way to implement it unless and until funding is provided in the next budget or administrative action is taken to reallocate already shrinking agency resources.

AB 83 passed the Assembly in February and passed the Senate on March 13th, the final day of session. It is expected to be signed by the Governor in the coming days.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB83hst.html>

AB 383 – Youth Apprenticeship Funding

While this specific bill did not pass, it was enacted as part of the larger state budget bill (2007 Act 20) signed in late October. Through 2006-07, base funding for youth apprenticeship was \$1.1 million annually. The budget bill provided an increase to \$1,425,000 this year, and then doubled the program to \$2.2 million for 2008-09 and beyond. AB 383, which effectively died with the budget's passage, would also have doubled annual funding to DWD to provide Youth Apprenticeship grants to K-12 and technical colleges. We supported the bill.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB383hst.html>

SB 122 (2007 Act 19) – Restricting Business Property Tax Exemptions for Recycling and Pollution Control; Fixing the “Newark” Case (also introduced as AB 142)

These bills assured that major manufacturing facilities were not removed from property tax rolls. In 2005, a Dane County circuit court upheld a paperboard manufacturer's claim for removal of its factory from property tax rolls under a 1950's state law concerning property used to abate industrial waste. The company argued its entire plant was used to abate waste because its product, paperboard, is made entirely from recycled paper products.

Following this “Newark” ruling, several other manufacturers were granted property tax exemptions on this basis. By fall, 2006, more than \$146 million in value was awaiting appeal of the prior year's tax assessment. In addition to paper and wood products plants, the pending property included a chemical manufacturer, oil and grease plants, and a cheese plant. As property is removed from tax rolls, the tax base shrinks and levies are

more concentrated on the district's remaining property. Also, the exemption accelerates the shift of tax burden from all property to residential property.

The bill clarified that manufacturing property is exempt from taxation only to the extent it is "a waste treatment facility used exclusively and directly to remove, store, or cause a physical or chemical change in industrial waste or air contaminants for the purpose of abating or eliminating pollution...."

We supported these bills. After passing both houses on unanimous votes, SB 122 was signed into law as Act 19 by Governor Doyle on August 8, 2007.

Bill history and text:

SB 122: <http://www.legis.state.wi.us/2007/data/SB122hst.html>

AB 142: <http://www.legis.state.wi.us/2007/data/AB142hst.html>

SB 40 (2007 Act 20) – The 2007-09 Biennium State Budget

The 2007-09 state budget was signed (with line item vetoes) on October 26th. (*See separate materials at www.districtboards.org or contact the Association office.*)

Bill history and text (Warning: bill text is 1,700+ pages):

<http://www.legis.state.wi.us/2007/data/SB40hst.html>

AB 450 (2007 Act __) – American Flags

This bill requires that any U.S. flag flown or displayed by a local government, including a technical college district, be manufactured in the United States.

We took no position. It passed both houses and is awaiting the Governor's signature, which is expected in coming days.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB450hst.html>

Bills of Greatest Significance that Did Not Pass

Two of the most important bills affecting WTCS funding to be introduced in several sessions were offered late in the session to address the slowing economy:

AB 947 – Technical College Funding to Address High Unemployment

Introduced by Representative Cory Mason (D-Racine), and developed in cooperation with the District Boards Association, this bill would have provided \$10 million annually in new funding for technical colleges to target areas of the state facing the highest unemployment rates. The bill, co-sponsored by seven Assembly and Senate Democrats, presented a new concept for significant state investment in technical colleges. While introduced late in the session, it serves as a great springboard for discussion and legislative action for the next session and upcoming budget cycle.

Under the bill, the WTCS would distribute grants to districts to serve unemployed adults and/or adults lacking a high school diploma who reside in areas of the district with high unemployment. To qualify, an area would meet the federal “labor surplus area” standard of unemployment of at least 125% of the national average. Currently, 15 Wisconsin counties and 6 cities meet this standard. Districts could propose bringing individuals to existing technical college programs or could design new programs. These could range from current adult basic education, to traditional technical college programs, to short-term programs such as intensive “boot camp” training. The grants could also be used to create wrap-around support services to maximize participants’ retention and success. Finally, the new funding could be used to expand programs and course sections where waitlists or bottlenecks exist.

The funding would cover the full cost of tuition remissions for these students. Importantly, it would also provide significant support to districts for the non-tuition portion of costs. This was intended to allow districts to serve these students without increasing property taxes. In contrast, partial state funding to cover veterans tuition remission only reimbursed a share of lost tuition. Tuition, of course, represents a small share of total costs compared with local property tax funding.

At \$10 million annually, this bill would have increased the state’s total investment in technical colleges by more than 7%, the largest increase in significantly more than a decade. It also represents an important new approach to target untapped human potential in areas of high unemployment. This represents a “push” of individuals to programming leading to the jobs that have traditionally “pulled” technical college students and our marketplace of offerings. This is an enormously important development that we will promote as an opportunity for the state to help us match untapped human potential with workforce needs to build a stronger economy.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB947hst.html>

SB 510 – “Wisconsin Invests Now” Economic Stimulus Package

Introduced in late January as a comprehensive economic recovery and jobs package by Senate Democrats, SB 510 included significant new funding for technical colleges and WTCS student financial aid. The almost \$90 million total package addressed topics from renewable energy to child care assistance and regional transportation. The overall package included \$5 million annually to increase WTCS Incentive Grants. This new funding would have targeted grants to expanding programs, particularly in advanced manufacturing, addressing the districts’ most pressing workforce shortages. A portion of the funding would have been targeted to support welding training.

This funding represented the largest commitment of new WTCS institutional funding in a significant period of time. It would have increased total state support for technical colleges by approximately 3.6% annually (a 77% increase in Incentive Grant funding itself).

The package also included \$1.3 million annually to increase Wisconsin Higher Education Grants (WHEG), our students’ primary need-based financial aid. This would have brought the annual increase in available funds to 10%, up from a 2.4% increase passed in the state budget for this year. This matched the increase UW students received in the state budget.

The almost \$90 million total package was funded by “combined reporting” tax reform. Closing what is sometimes called the “Las Vegas Loophole,” this would prevent corporations doing business in Wisconsin from shifting taxable revenue to, for example, Nevada. We supported SB 510, which passed the Senate on March 12th on a party-line vote. No action was taken in the Assembly.

Bill history and text: <http://www.legis.state.wi.us/2007/data/SB510hst.html>

Other Significant Bills:

AB 69 – Requiring a Bachelor’s Degree to Become a Professional Engineer

As introduced, this bill would have streamlined requirements for engineers to become a professional engineer, or “PE.” Among the changes, however, it would have eliminated the opportunity for a WTCS engineering graduate to become a PE without a minimum of a bachelor’s degree in engineering. Currently, Wisconsin and many other states allow engineering professionals to become PE’s based on rigorous examinations following a number of years of carefully assessed professional experience in addition to a 2 or 4-year degree.

Although no data suggested that WTCS graduates are in any way deficient as PE’s, the bill was proposed as matching a national “model law” and was supported by the

American Council of Engineering Companies of Wisconsin and the Wisconsin Transportation Builders Association. It was also endorsed by the state's credentialing authority, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors.

While many graduates of 2 or 4-year programs do not go on to earn a PE designation, removing the opportunity to pursue the PE for WTCS graduates could have reduced the degree programs' popularity when many more engineering professionals are needed in the workforce. Moreover, viable bachelor's completion routes exist for WTCS grads with Marquette and MSOE, but typically not with UW engineering programs.

This bill was brought to the full Assembly in November. Four Assembly Democrats - Representatives Steve Hilgenberg (D-Dodgeville), Cory Mason (D-Racine), Donna Seidel (D-Wausau) and Louis Molepske, Jr. (D-Stevens Point) - introduced an amendment to protect WTCS graduates. However, the amendment failed 53-42 on party lines with all Republicans plus Spencer Black (D-Madison) voting against.

The Boards Association worked with the Senate sponsor, Senator Jeff Plale (D-South Milwaukee), to amend the bill to protect WTCS graduate engineers. MATC-Milwaukee and WTCS staff also assisted significantly with amending the bill. The Engineering Companies of Wisconsin acquiesced to the amendment to assure the bill's other provisions would pass. Nevertheless, surprise late testimony by a dean of UW Madison's School of Engineering claimed WTCS engineers becoming PE's poses a "public safety threat."

Despite this, the Senate committee passed the bill out of committee with our amendment. In the last days of session, however, the bill was never placed on the Senate calendar and died with the session. It will almost certainly come back next session and we should expect to once again face strong pressure to take away the right of WTCS-trained engineers to sit for the PE exam. We oppose any attempt to take away the path to earning a PE credential from associate degree technical college engineering graduates.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB69hst.html>

AB 327 – Making Youth Options a Voluntary Program

Originally, this bill would have made Youth Options programming completely voluntary for school districts. If a district had continued Youth Options, it would have decided who may participate, the institutions a student could attend, and the kinds of courses students could take. The bill was then amended to limit the number of Youth Options credits a school district must support. That "substitute amendment" provided that a school district could choose to limit its payment of tuition and fees after 9 credits per student rather than 18, as is current law. A "substitute amendment" effectively eliminates the original bill and replaces it with the new proposal.

Under Youth Options, a school district allows high school juniors and seniors meeting certain requirements to carry one or more courses at technical colleges, UW institutions, and in-state private colleges and universities. The school district pays for tuition (or a portion of tuition for private institutions), fees and for books for up to 18 credits of courses that are “not comparable” to a high school offering. The student receives both high school and college credit.

This bill cleared an Assembly committee as amended but was referred to another committee where it died. It was not considered by the Senate. We opposed the original and amended bills. While improved, the substitute bill would still have significantly limited Youth Options for many students. This would have reduced the ability of high school students to broaden their academic achievement, to earn dual college and high school credit while in high school, and to explore new academic areas of interest that promote motivation and development of career and postsecondary goals.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB327hst.html>

AB 469 and SB 238 – Instructional Materials for Disabled Students

Disabled students are protected against discrimination in access to educational institutions and programs by federal and state law. Subject to funding, these identical bills instructed the WTCS and UW to create a repository for course materials, such as books, in alternative formats used by disabled students. The WTCS and UW would have had to create policies and procedures to maximize availability of alternative format materials from the repository for a requesting student within the first week of a class. Currently, there is a wide range of outcomes when students and programs seek alternative materials from publishers. Publishers already provide alternative materials upon request at no additional cost. However, many students and college officials report significant lag times; sometimes receiving materials weeks after a course has ended. The bills required publishers, when requested by the repository, to provide alternative format materials at no additional cost within 15 working days.

We supported the bills with the understanding that “subject to the availability of funds” required new state funding to implement the bill’s provisions. Both bills received a hearing and the Senate bill was voted out of committee favorably but died after referral to the Joint Finance Committee where no further action was taken.

Bill history and text:

AB 469: <http://www.legis.state.wi.us/2007/data/AB469hst.html>

SB 238: <http://www.legis.state.wi.us/2007/data/SB238hst.html>

SB 253 and SB 258 – Mandating Elected Technical College District Boards

Two bills eliminating current technical college district boards and mandating the election of board members were introduced early in the session but never received hearings. This is in stark contrast to the prior session, when an elected boards bill was introduced and forced to a public hearing just one day later. That hearing generated a large turnout overwhelmingly opposed to the bill.

The lack of movement on elected boards bills this session was primarily due to two factors. First, there was an overall loss of momentum among the small but vocal group of legislators and the outside groups promoting the concept with them. Second, there was no “trigger” event to generate wider interest as sparked the prior session’s bill. Trigger events in the past included blog postings that gained wider media attention or general media coverage of events or circumstances perceived to be unfavorable to the colleges.

Of course, legislative momentum and the lack thereof is unpredictable. There remains a significant chance that an elected boards bill will be introduced in the next session. The topic has ebbed and flowed since the 1970’s. The lack of momentum this session does not comfortably predict what will happen to a similar bill next term.

Two bills were introduced in the 2007-08 session. The first was almost identical to the prior session’s bill. SB 253 would have removed current WTCS district board members from office as of July 1, 2009, and replaced them with members elected in non-partisan spring general elections from nine sub-districts (formed to be of approximately equal population) within each college district. There would no longer be specific categories of board service. Candidates would need to reside in the sub-district in which they run and serve. Terms would be four years and staggered so that at least two members would be elected each spring. Rules concerning nomination papers, campaigns and campaign finance would be the same as for State Assembly contests. A primary would be held if more than two citizens run for one seat.

The second bill, SB 258, would have required the election of any board that levies taxes. In addition to technical college district boards, this included boards governing town sanitary districts, metropolitan sewerage commissions, cultural arts districts, local exposition authorities, and professional football and baseball park authorities. Otherwise, SB 258’s provisions matched the requirements of SB 253, above.

Detailed information about the value and importance of the longstanding district board governance model is available at www.districtboards.org. Some bill sponsors and supporters have publicly argued that these bills address “taxation without representation.” In fact, technical college district boards are exceptionally representative, accountable, and operate publicly in the public’s best interest. Technical college levies have increased, but largely as a function of ever-eroding state support and the state’s imposition of new mandates. Detailed information concerning technical college funding in perspective is also available at www.districtboards.org. See “Perspectives on WTCS Funding” under 2007-09 State Budget Advocacy.

We opposed both bills based on longstanding Association policy.

Bill history and text:

SB 253: <http://www.legis.state.wi.us/2007/data/SB253hst.html>

SB 258: <http://www.legis.state.wi.us/2007/data/SB258hst.html>

AB 792 and SB 508 – Mandating Increased Tuition for WTCS Liberal Arts Offerings

Four districts offer liberal arts transfer programs: MATC-Madison, MATC-Milwaukee, Nicolet and, beginning this year, Chippewa Valley. By law, WTCS tuition is set to recover at least 14% of instructional costs for technical/occupational courses and at least 31% for liberal arts courses. In recent years, tuition has recovered a higher percentage than the minimum required; in part to blunt property tax increases as state aid stagnates and falls.

These bills would have mandated that tuition for liberal arts programs recover a minimum of 41% of costs in the first year after passage and a minimum of 50% of costs thereafter. This concept was part of the Assembly Republican state budget package but did not survive to the final bill. These increases would make WTCS tuition higher than current UW 4-year university tuition for some students depending on credit load. The bills' rationale was to further reduce pressure on property taxes and move away from funding liberal arts studies with local tax support.

We opposed this bill as an inappropriate attempt to mitigate property tax burdens by shifting an acute burden onto WTCS students. Two-year colleges traditionally have lower tuition than other higher education institutions and serve as access points for more minority and low-income students than 4-year institutions. Approximately 25% of WTCS liberal arts students are minority students. Property tax burdens should be addressed by making state investment in technical colleges a higher priority rather than by mandating increased costs for students, each of whom is also a property taxpayer. Finally, WTCS students already face a growing need gap between educational cost and financial aid support.

The Assembly version received a hearing just before the session ended but was not voted out of committee. No action was taken on the Senate version.

Bill history and text:

AB 792: <http://www.legis.state.wi.us/2007/data/AB792hst.html>

SB 508: <http://www.legis.state.wi.us/2007/data/SB508hst.html>

SB 507 and AB 804 – Increasing Educational Benefits for W-2 Recipients

Spearheaded by MATC-Milwaukee, these bills would have expanded the opportunity for W-2 clients to receive benefits while attending a technical college. Currently, certain W-2 clients may receive benefits while working at least 25 hours per week in combination with successfully attending a technical college in approved studies. These bills would have created a new program allowing a client to attend a technical college fulltime in lieu of employment if the studies were approved and an employer agreed to hire the individual upon his/her completing the program.

We supported these bills. SB 507 received a Senate hearing and was voted out of committee but did not reach the floor as the session ended. No action was taken on the Assembly bill.

Bill history and text:

SB 507: <http://www.legis.state.wi.us/2007/data/SB507hst.html>

AB 804: <http://www.legis.state.wi.us/2007/data/AB844hst.html>

AB 771 – Restricting the Use of Social Security Numbers

This bill would have prohibited the use of social security numbers by state and local governments, including technical college districts, unless the use was required by state or federal law or by federal regulations as a condition of receiving state/federal aid, or because the use was otherwise specifically authorized.

We opposed this bill because it was not clear important uses involving social security numbers would meet the “specifically authorized” exception. For example, the WTCS uses SSN’s to transmit certification test scores to national registries to authorize a graduate’s professional registration. This is not required by law and may or may not have been authorized under the bill as written.

The bill passed the Assembly on March 5th and was heard and voted out of Senate committee on March 12th. It did not make it to the floor as the Senate session ended.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB771hst.html>

Other Bills Affecting Technical Colleges

AB 67 – Business Tax Credits for Payment of Tuition

This bill would have provided a tax credit to businesses that pay tuition on behalf of individuals. The credit was for 50% of tuition paid for individuals in degree-granting programs at the WTCS, UW, or private colleges and universities. It rose to 75% of tuition paid for individuals earning less than 185% of “poverty line” income. The bill did not appear to limit the credit to current employees of the business other than family members of the employer or its management, who must be bona fide employees of at least ½ time for one year prior to attending school, and who must attend a program directly related to the business. Similar bills were introduced in past sessions. The main obstacle to passage has been cost; estimated at \$23 million in lost tax revenue annually.

AB 67 passed the Assembly on March 5th after being included in the Assembly Republican’s economic stimulus and jobs package. It was not taken up by the Senate in the final days of session. We have not opposed this or similar bills but argue that increased institutional investment in technical colleges and in need-based aid for WTCS students are higher priorities.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB67hst.html>

AB 97, AB 132, and SB 100 – Expanding Benefits for Veterans and their Spouses and Dependents

These bills would have expanded tuition remissions for veterans’ spouses and dependents. Currently, the spouse or dependent of a veteran killed or disabled while on active duty receives a full remission of WTCS or UW tuition if the veteran was a state resident upon enlistment. These bills sought to expand the benefit to cases where the vet was not a resident upon enlisting but was a Wisconsin resident for 15 years (AB 97 and 132) or 10 years (SB 100) prior to the student enrolling.

None of these bills moved out of committee this session. However, these or similar bills represent a popular legislative topic with bipartisan support and are likely to come back in future sessions. We supported the bills subject to the state providing funding. Without funding, the bills would have created an unfunded mandate that increased property taxes and the tuition of students not receiving veterans benefits.

Bill history and text:

AB 97: <http://www.legis.state.wi.us/2007/data/AB97hst.html>

AB 132: <http://www.legis.state.wi.us/2007/data/AB132hst.html>

SB 100: <http://www.legis.state.wi.us/2007/data/SB100hst.html>

AB 110 – Collective Bargaining of Health Care Plan Providers

Introduced in various forms in the past, this bill removed from mandatory bargaining certain decisions concerning employee health care benefits providers and plans. Under this bill, a technical college district board and other local government employers would not have to bargain the change in health insurance plan if it offered a plan provided by the state's Group Insurance Board, or a plan that was substantially similar to the plan offered by that board. The Commissioner of Insurance would set standard benefits to use in determining if a plan was substantially similar. Additionally, any employer could unilaterally change the plan provider if benefits remained substantially the same and either cost savings would result or the actual provider would remain the same.

This bill did not move out of committee in the Assembly and was never considered in the Senate. We monitored but took no formal position on this bill.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB110hst.html>

AB 136 and SB 84 – Refund of State Motor Fuel Taxes for Local Governments including WTCS Districts

Introduced by Representative Joan Ballweg (R-Markesan) and Senator Julie Lassa (D-Stevens Point), these identical bills allowed school districts and local governments, including technical college districts, to receive a refund for the amount of state motor fuel tax paid on motor fuel or alternate fuels for their own use. Local governments, schools and technical colleges are already exempt from paying federal motor fuel tax (¢18.4/gallon). Wisconsin's state fuel tax is currently ¢30.9/gallon.

The Assembly bill made it out of one committee on a unanimous vote of support only to be parked in the Joint Finance Committee where no further action was taken. The Senate bill did not move at all. We supported these bills. While likely to be reintroduced again in the future, the bills would have a significant cost in terms of lost state tax revenue. The last estimate was approximately \$17 million annually. Of course, this tax would be paid to the state with other public funds. Eliminating a tax paid with other tax revenues would actually be a shift, but not a loss, of revenue.

Bill history and text:

AB 136: <http://www.legis.state.wi.us/2007/data/AB136hst.html>

SB 84: <http://www.legis.state.wi.us/2007/data/SB84hst.html>

AB 170 – Electronic Publication of Legal Notices

This bill would have allowed local governments, including technical college districts, to post legal notices on the municipality/district internet website as an alternative to posting in newspapers likely to give reasonable notice in the area and to the persons affected by the subject of the notice.

We supported this bill. Similar bills have a fairly high likelihood of being introduced again in future sessions. No action was taken on the bill in committee.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB170hst.html>

AB 252 – Maximum Amount of Wisconsin Higher Grants (WHEG)

This bill would have changed the maximum WHEG (state financial aid) grant from \$3,000 per academic year to 50% of the highest UW System undergraduate tuition rate (50% of UW Madison this year is \$3,365). While indexing the WHEG grants could be positive, few WTCS students receive maximum awards. This bill would not have increased the appropriation for WHEG. Without new funding, raising the maximum could hurt WTCS students because more aid would likely flow to fewer students.

This bill received a hearing but never moved out of the Assembly committee and never was considered by the Senate. We supported this bill only to the extent appropriations were increased.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB252hst.html>

AB 290 – Funding State Mandates on Local Governments

This bill would have prohibited the state from passing a bill placing a requirement on local government, including technical college districts, unless the bill contains an appropriation reimbursing the local government for the full cost of complying with the requirement. See also AB 350.

The bill received bipartisan committee support and was voted out of committee only to be referred to another committee where it languished. We supported this bill.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB290hst.html>

AB 350 – Joint Committee on State Mandates

This bill would have created a joint legislative committee on state mandates. It would also have required that every bill introduced that creates a mandate on local government would first go to this committee. If the committee determined the bill would have a negative unfunded fiscal effect on the local government, it would be required to offer an amendment to appropriate funds offsetting the mandate's cost for the bill to proceed. This bill also required that laws with unfunded mandates would not be enforceable by the state. See also AB 290.

We supported AB 350, which received bipartisan committee support. However, the bill was referred to another Assembly committee where it died as the session ended. The Senate did not consider this bill.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB350hst.html>

AB 389 – Maximum Amount of Academic Excellence Scholarships

State law provides that the top graduate or graduates of Wisconsin public high schools receive a scholarship for a portion of tuition and fees to attend Wisconsin colleges and universities. The current award is the amount of tuition at a technical college or UW school up to \$2,250 per academic year. There is also a provision for a student who attends a private college or university in Wisconsin to receive a scholarship set at 50% of the tuition charged at UW Madison. Scholarships are funded 50% by the state through HEAB and 50% by the receiving college or university. This bill would have increased the scholarship to the full amount of tuition and fees at a WTCS or UW institution. The 50/50 funding split remained.

We supported this bill. It did not receive a hearing in the Assembly and no action was taken in the Senate.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB389hst.html>

AB 406 – Soliciting Contract Bids by Internet

This bill would not have applied to technical college districts as introduced. It raised an interesting concept by allowing cities, villages, counties, and towns to solicit bids for public contracts by posting requests on the entity's webpage instead of by newspaper legal notice. An entity doing so would have been required to post a legal notice twice annually in newspapers stating that its bid requests can be found on the internet.

We supported amending the bill to include technical college districts. However, it never received an Assembly hearing and was not considered in the Senate.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB406hst.html>

AB 439 – Adult Basic Education and Financial Aid Changes

AB 439 was introduced by the Joint Legislative Council Committee on Strengthening Wisconsin Families. “Leg Council” committees, joint groups of legislators and citizens interested in a specific topic, are formed each session by legislative leaders. They recommend legislation that is directly introduced by the committee rather than by a specific legislator. This committee, chaired by Representative Steve Kestell (R-Elkhart Lake), primarily was “... directed to study the Wisconsin Works (W-2) Program and the child welfare system to determine methods to improve collaboration between the two systems in order to support, strengthen, and, in some cases, reunify families.”

Without any significant WTCS input and without including technical colleges in its deliberation or research, the committee introduced AB 439 which would have done the following:

- Required the WTCS Board to develop a plan to increase the number of Adult Basic Ed (ABE) students who go on to diploma and degree programs and required significant new reporting and accountability to the state concerning plans and outcomes.
- Required the WTCS Board to require dual enrollment in ABE (such as high school completion and ESL coursework) and college programs unless it determined a high school diploma or equivalent was necessary for the WTCS program.
- Removed the requirement that students must enroll at least ½ time to receive financial aid.
- Capped financial aid eligibility at 135 credits but removed limits on the number of semesters in which a student may earn state-level financial aid.

It was not clear how this bill was directly related to the committee’s purpose. The bill raised a number of concerns for the WTCS. Many students are already admitted to WTCS post-secondary programs without the high school credential. They are admitted on an *individual* basis and not by *program* as this bill would have required. Second, expanding WHEG grants to less than ½ time students would dilute already deeply eroded financial aid funding. In 2006-2007, all financial aid for WTCS students was exhausted in the first 5 months of the year under current eligibility rules.

Third, the WTCS already administers programs with \$7.5 million annual federal Adult Education and Family Literacy funding. This bill would have imposed potentially conflicting new planning and reporting requirements at the state level without any program or administrative funding. The new requirements would be added to already

detailed federal reporting. Fourth, ABE has goals other than immediate further enrollment such as pathways to employment and effective parenting. Finally, successful transition to post-secondary study is already a major WTCS strategic goal and includes the “prepared learner” initiative and a major Joyce Foundation grant with DWD.

While well-intended, this bill was seriously flawed. It was the subject of significant discussion and received an Assembly hearing but never proceeded further.

In a related positive development, the Governor’s *Grow Wisconsin III* plan proposes funding new WTCS “Opportunity Grants” to support grants and support services for low-income adults enrolling part-time at technical colleges. This approach supports important ongoing WTCS efforts while providing meaningful new need-based aid for adult learners who do not typically qualify for aid under current programs.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB439hst.html>

AB 447 – Collective Bargaining and Outsourcing Services

This bill would have allowed employers under the Municipal Employment Relations Act, including technical college districts, to outsource services as an exception to mandatory subjects of bargaining if certain conditions were met. The bill created a process to determine a service’s “current internal cost” and the “labor cost ratio,” a calculation of the represented employees’ wages and benefits required to produce the service. After bidding privately to replace the service, if the employer could show a savings amount through outsourcing (the “required labor savings”), it could outsource without bargaining unless the labor organization agreed to non-binding arbitration. In arbitration, each side would show savings meeting or exceeding the “required labor savings” amount. The arbitrator would then select a method to reach the savings amount from among any proposed by the two sides. If the employees rejected the arbitrator decision, the employer could implement the outsourcing. If the employer rejected the decision, the outsourcing would remain a mandatory subject of bargaining.

We monitored but did not take a position on this bill. It never received a hearing.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB447hst.html>

AB 448 – Collective Bargaining and Limiting Compensation and Benefits

This bill prohibited any final offer submitted to interest arbitration from requiring the employer to spend more for compensation and fringe benefits per employee than the amount spent in the prior year increased by the allowable percentage increase in available

revenue. For technical college districts, available revenue is defined as property tax levies plus state general aid.

We monitored but did not take a position on this bill. It never received a hearing.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB448hst.html>

AB 449 – Employer Contribution of Employee WRS Retirement Benefit Costs

Public employers often fund the employee, as well as employer, share of retirement contributions to the Wisconsin Retirement System (WRS). This bill would have prohibited employers, including technical college districts, from paying the employee-required WRS contribution until the employee first contributed at least 3% of his/her compensation towards the employee share.

We monitored but did not take a position on this bill. It never received a hearing.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB449hst.html>

AB 494 – Mandating Non-Milwaukee County Member on MATC-Milwaukee District Board

AB 494 would have required that the MATC Milwaukee District Board include at least one member who is not a resident of Milwaukee County. If no such member was serving and a non-Milwaukee County resident applied, he/she would be appointed over other candidates. This bill was introduced in the wake of media coverage concerning a potential secession attempt by one or more north suburban municipalities from the MATC district to another district. While the bill was well-intended, the district plan of representation already provides for north suburban representation.

The Boards Association monitored but took no position on this bill in order to be consistent with MATC-Milwaukee, which likewise took no position. The bill passed out of Assembly committee after a hearing but was never scheduled for floor action. It was not considered by the Senate.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB494hst.html>

AB 510 and SB 265 – Citizenship Requirements for Minority-related Affirmative Action and Student Financial Aid

These bills were introduced by the Joint Legislative Council’s Special Committee on Affirmative Action. They would have required that WTCS and UW students who are considered for the Minority Undergraduate Grant Program through the Higher Educational Aids Board must be U.S. citizens. The bills also required that a person be a U.S. citizen to: be considered a minority student for UW admission purposes; be eligible (as the owners of) a minority-owned business for contracting programs; or, be considered for municipal local government affirmative action programs.

Neither bill received a hearing. The Association monitored but took no position on these bills.

Bill history and text:

AB 510: <http://www.legis.state.wi.us/2007/data/AB510hst.html>

SB 265: <http://www.legis.state.wi.us/2007/data/SB265hst.html>

AB 601 – Income Tax Credit for WTCS and UW Graduates

AB 601 would have provided a non-refundable income tax credit for all income received by a fulltime Wisconsin resident who earned an accredited associate or bachelor’s degree (anywhere in the U.S.). The credit would have been available for two consecutive years for an associate degree and four consecutive years for a bachelor’s degree beginning the year following the year in which the diploma was awarded. A person who claimed the credit following an associate degree and who went on to earn a bachelor’s degree would have qualified for two additional years up to a total of four years. As a “non-refundable” credit, it would have reduced taxes only to the extent of a claimant’s income tax liability.

We monitored but took no position on this bill. It never received a hearing. This bill is highly unlikely to pass in future sessions because of the cost; estimated to be between \$87 and \$99 million annually in lost state income tax revenue. While this bill’s goal to retain and attract graduates was laudable, the vast majority of WTCS graduates already remain in Wisconsin to live and work.

Bill history and text: <http://www.legis.state.wi.us/2007/data/AB601hst.html>

SB 67 and AB 151 – Financial Aid Ineligibility for Students Previously Convicted of Certain Drug Offenses

Under current federal law, a student convicted of certain drug-related offenses while enrolled and receiving federal financial aid (grants, loans, or work assistance) is ineligible

to receive further aid for two years after being convicted. A student convicted for a second time is indefinitely ineligible unless he/she completes a drug rehabilitation program. Introduced in prior sessions, these bills would have extended the same restrictions to any state-level financial aid programs, including WHEG grants, Higher Education Excellence Grants, and Minority Recruitment and Retention Grants.

We opposed these bills. AB 151 passed the Assembly late in the session but was never taken up by the Senate. SB 67 remained dormant throughout the session.

Bill history and text:

SB 67: <http://www.legis.state.wi.us/2007/data/SB67hst.html>

AB 151: <http://www.legis.state.wi.us/2007/data/AB151hst.html>

SB 154 – Insurance Coverage for Students on Medical Leave

This bill would have required public employee health insurance plans to continue to provide coverage to an employee's dependent fulltime student who leaves that status because of a medically necessary leave of absence from school. This bill was unclear as to its application for most technical colleges. A college offering a plan through the state's Group Insurance Board would be covered. Otherwise, the bill did not enumerate technical colleges. This was likely an oversight as it applied to all other local and state government.

We monitored but did not take a formal position on this bill except to request it be clarified to apply to all technical college students. This bill made it to the Senate floor but was tabled. It was not considered by the Assembly.

Bill history and text: <http://www.legis.state.wi.us/2007/data/SB154hst.html>

SB 159 and AB 282 – Threatening Technical College or School District Officials

Wisconsin law already prohibits intentionally causing harm to a school district or technical college officer or employee in his/her official capacity if the person knows the victim is such an official or employee. This bill would have extended the law to prohibit intentionally threatening bodily harm in addition to actually causing harm.

We supported these bills. AB 282 passed the Assembly in October, 2007. However, neither it nor the Senate companion bill was taken up in the Senate.

Bill history and text:

SB 159: <http://www.legis.state.wi.us/2007/data/SB159hst.html>

AB 282: <http://www.legis.state.wi.us/2007/data/AB282hst.html>

SB 286 – Tuition Remissions for Survivors of Slain Law Enforcement, Fire, EMT, and Corrections Officers

Surviving spouses and dependents of slain law enforcement officers, firefighters, corrections officers, ambulance drivers and EMT's already receive a tuition remission at WTCS and UW campuses under current law. In addition to changes affecting UW students, the bill would have removed the age limit for a qualifying child seeking a WTCS remission. Currently, the remission is available for WTCS students who were up to age 21 when the parent was killed or died as a result of a related disability. Under the bill, there would have been no age limit.

We monitored but took no formal position on this bill. The bill passed the Senate but was not acted upon by the Assembly.

Bill history and text: <http://www.legis.state.wi.us/2007/data/SB286hst.html>

SB 295 – Changing Certain Bidding Requirements from “Lowest Bidder” to Qualifications-Based Bid Selection

Generally, local governments operate under bidding requirements requiring acceptance of the “lowest qualified bidder.” This bill would have changed bidding and contracting requirements, including for technical college districts, for consulting services in developing public construction projects (planning, study, design, construction, repair, remodeling or improvement) when the overall project would be at least \$250,000 in value and funded to some extent by the state. For qualifying projects, the local government would select “consultants” on the basis of qualifications and not on the basis of cost. “Consultants” include “architectural, engineering, land surveying, landscape architecture, photogrammetric or professional geology services.”

Local governments would create a procedure to solicit bids without cost information and to rank consultants based on specialized experience, capabilities, technical competence, quality of work, ability to meet schedules, and method of project management. The entity would select a consultant, then negotiate fees with the most qualified bidder. If no agreement was reached, the entity could negotiate with another bidder. Once a local government hired a consultant using these procedures, it could engage the same consultant for future projects without re-bidding for the service.

This bill received a great deal of interest and will likely be back in some fashion next term. It or a similar provision is in place for larger federal projects and in many other states. It was opposed by most forms of local government, including K-12. It was supported by engineering, architectural and related organizations. The Association monitored the bill but took no official position.

Bill history and text: <http://www.legis.state.wi.us/2007/data/SB295hst.html>

SB 309 – Immigration Status Inquiries

This bill would have prohibited “political subdivisions” of the state, defined here as a city, village, town or county, from enacting any ordinance or policy that prohibits its employees from either inquiring about the immigration status of a person requesting or receiving public services, or from notifying the federal government of the presence of illegal aliens in the jurisdiction. The bill did not include technical college districts in listing affected governments. However, other bills and laws have typically defined, or have been amended to define, “political subdivision” to include technical college districts.

We monitored this bill but took no formal position. It did not receive a hearing in the Assembly and no action was taken in the Senate.

Bill history and text: <http://www.legis.state.wi.us/2007/data/SB309hst.html>

SB 333 and AB 609 – NanoScience Funding for CVTC and Others

These identical bills would have increased funding for Chippewa Valley Technical College by \$1,113,400 in 2007-08 and by \$333,400 in 2008-09 for positions and equipment related to nanotechnology. They would also have added positions and increased appropriations to the UW by approximately \$731,000 this year and \$1.1 million next year at UW-Eau Claire, and by \$905,000 this year and \$306,000 next year at UW-Stout.

The Assembly bill received a hearing and was voted out of committee but never went to the Assembly floor. The Senate version was not acted upon. The Association supported the bills contingent on new funding being provided with no forced reallocation of existing WTCS funds.

Bill history and text:

SB 333: <http://www.legis.state.wi.us/2007/data/SB333hst.html>

AB 609: <http://www.legis.state.wi.us/2007/data/AB609hst.html>

(end of report)

A Guide to reading bill histories follows:

Reading Wisconsin Bill Histories –A Guide to the Basics

Paul Gabriel
Wisconsin Technical College District Boards Association
608 266-9430 pgabriel@districtboards.org

The text, sponsors, and procedural history of each bill are available through links provided in the District Boards Association’s “Bills of Interest” reports at www.districtboards.org, or, by entering a bill number at the Legislature’s website at: <http://www.legis.state.wi.us> (select “2007 Regular Session”) The following guide to bill histories may be helpful in determining the bill’s text, sponsors, and procedural status:

Bill text	To see the original bill’s full text, click on the underlined bill number on the top left of the page (e.g., “ <u>SENATE BILL 122</u> ”).
Sponsors	Sponsors are listed in the first dated entry of the procedural history or on the bill itself.
Introduced by	Provides the introduction date and the bill’s sponsors.
Read first time	Provides the committee to which bill is referred for a hearing.
Public hearing held	Hearing at which public may comment or register on the bill.
Executive action taken ... Report passage recommended	The committee voted the bill out of committee to the full body with its recommendation/vote for passage.
Assembly/Senate Amendment (number)	Click on the number to see text of any amendment to original bill.
“Substitute” Amendment (number)	Click on substitute amendment number to see text of an amendment that <i>replaces entire original bill</i> .
Fiscal estimate	Click on link for a report of bill’s estimated fiscal effect.

Second reading	The full body considers the bill after it comes back from committee. This is the point at which amendments from committee or from the floor are officially attached.
Third reading	Clears the way for a full vote to pass or defeat the bill (it may be voted up or down but not amended).
Voice vote	Adoption by the body without a roll call.
Ayes/Noes	Click on this link to see the roll call vote (not available when the action was by “voice vote”).
Messaged	After the vote, the action sending the bill to the other house.
Concurred in	One house’s adoption of the other’s bill or bill version.
Enrolled	The bill is packaged as a complete piece of legislation and is available to be called for by, or sent to, the Governor.
Report approved, vetoed, or vetoed in part	Reflects the Governor’s signing, veto, or (for appropriations bills) partial veto.
Act (number)	A bill becomes law. Click on Act number to see the new law.