



2009-2010 Bills of Interest to Wisconsin Technical Colleges

As of March 4, 2010

Bills or proposed bills of interest to technical colleges in the 2009-2010 legislative session are described below. This document evolves with the addition of new bills and changes to existing bills throughout the session. Recently posted or changed items are highlighted. The Association's position or recommended position, if any, follows the description.

A directory of bills organized by subject follows this page.

Each bill's text, sponsors, and procedural history are available by following the web link provided. At the link, click on the underlined bill number on the top left (e.g., "SENATE BILL 122") to see the bill's full text. A guide to reading basic bill histories online follows at the conclusion of this report.

The District Boards Association's lobbying efforts and positions are available at the Government Accountability Board (formerly the Ethics Board) website: <http://ethics.state.wi.us/LobbyingRegistrationReports/LobbyingOverview.htm>. This site includes cross-referenced links to other organizations taking a lobbying interest in each bill.

The current legislative session officially runs through December, 2010, but effectively ends with adjournment in both houses sometime likely in Spring or Summer, 2010.

Readers are welcome to contact Paul Gabriel at the Association office for more information: 608 266-9430 or pgabriel@districtboards.org.

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Bills of Interest

AB 30 – Monitoring Computers and Employee Email

This bill was amended and then voted out of committee in September, making it ready for consideration by the full Assembly. AB 30, along with AB 64, below, affects the ability of employers, including technical college districts, to monitor employee email. Under the bill's current language, all employers, including technical college districts, would be required to establish a policy and to provide the policy to employees in order to monitor employer-owned computers (or their programs, networks and systems), including access to the internet, email and/or messaging. See also AB 64, below. Recommended position: None/monitor.

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB30hst.html>

UPDATED – AB 51 – Mandating Evening Classes

Separate from the AB 51 bill and its history as described below, the bill's lead sponsor, Representative Marlin Schneider (D-Wisconsin Rapids), wrote to all district and state board members in late November expressing his continuing concerns related to this issue. We believe that all District Boards responded to that letter. Representative Schneider then apparently requested an audit of the WTCS by the Legislative Audit Bureau focusing on the colleges' services to working adults. On January 13th, the Joint Committee on Audit held a hearing to consider that request. The committee has not yet voted on whether to conduct the audit or its scope, but could do so at its next meeting. The Joint Committee on Audit is comprised of 10 members (3 majority Democrats and 2 minority Republicans from each house) and is co-chaired by Senator Kathleen Vinehout (D-Alma) and Representative Peter Barca (D-Kenosha).

On the bill itself, AB 51 was the subject of a public hearing in July. It remains in committee ready for executive action (a committee vote to send the bill to the full Assembly). Paul Gabriel, Morna Foy on behalf of the WTCS, and Keith Cornille, MATC Madison executive dean, testified in opposition and to provide background. Gateway Vice President Stephanie Sklba provided written testimony in opposition, as did WEAC and AFT-Wisconsin.

This bill would mandate that each district offer one-third of all class periods each semester beginning after 5 p.m. It would also mandate that every course be taught in class periods after 5 p.m. at least once every three school years. Technical colleges currently decide when to offer courses driven by learner need balanced with factors such as facility and faculty availability and cost. The colleges already teach a huge array of courses after 5 p.m. Hundreds more are taught on-line and without any time specific time. Taken together, this already accounts for more than 30% of offerings at almost all colleges.

Also, a number of courses must be taught during the day. Aspects of surveying, pilot training, utility line worker, law enforcement, truck driver training, urban forestry and other programs can be daylight dependent. Technical colleges also run student-based restaurant facilities, dental hygiene labs, and childcare facilities that are all part of the curriculum and have carefully balanced service and instructional hours. Other courses must be taught when a private sector partner will host students for clinicals or allow the use of their facilities. Hospitals, for example, sometimes don't take clinical students at night because they are already lightly staffed compared with day shifts. Phlebotomy and clinical lab tech students may need to meet when there are suitable patients to work with under supervision.

As a matter of principle, local college boards, administration, and faculty and staff are in the best position to decide when to offer our classes. These mandates would increase costs and hurt local control. *Position: Oppose.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB51hst.html>

AB 64 – Limiting Employer Monitoring of Email

This bill was introduced in February, 2009, but has not been the subject of a public hearing. Along with AB 30, above, this bill affects the ability of employers, including technical college districts, to monitor employee email. It would prohibit any employer from monitoring an employee's sent or received email unless the employer owns the computer and informs employees of its monitoring policy. It further limits employers from monitoring any email in which the employee is or may be exercising his/her right to "form, join or assist a labor organization" or to bargain collectively or assist in collective bargaining-related activities.

Finally, the bill would limit an employer's right to monitor employees' personal email. It creates for employees a reasonable expectation of privacy in the "content" of personal emails and prohibits monitoring by employers except to protect business secrets and to gauge the number of personal emails sent and received in judging an employee's efficiency and productivity. The bill does not appear to take away employers' rights to forbid all personal use of employer-owned computers including personal email. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB64hst.html>

AB 75 (2009 Act 28) – The 2009-2011 State Budget Bill

AB 75 passed and was signed into law on June 29th as 2009 Act 28. For a summary of provisions affecting technical colleges, see www.districtboards.org or contact the Association. .

Bill history and text (Warning: bill text is 1,700+ pages):
<http://www.legis.state.wi.us/2009/data/AB75hst.html>

AB 80 – Business Tax Credits for Payment of Tuition

This bill is awaiting a hearing. One of multiple tax credit bills this session, *see also SB 63*, AB 80 would provide a 50% tax credit to businesses that pay tuition on behalf of individuals in degree-granting programs. It would increase to 75% if the tuition is paid for individuals earning less than 185% of “poverty line” income. It would apply to payments for associate, bachelors and graduate degree candidates attending the WTCS, UW, and Wisconsin’s independent (private not-for-profit) colleges and universities. It would also apply to degree candidates at proprietary (private for-profit) colleges and universities approved by the Educational Approval Board (EAB) if the instruction takes place in Wisconsin.

This bill would not apply to tuition payments for individuals who are carrying courses outside of a degree-granting program. Therefore, it would exclude a large number of WTCS students relative to students attending other institutions. The bill also excludes tuition paid on behalf of a business owner’s or managing employee’s family member unless that family member is a bona fide employee of at least ½ time for one year prior to attending school. The family member must also be attending a program substantially related to the business.

Similar bills have been introduced in past sessions. The major obstacle to passage is the bill’s cost. The Legislative Fiscal Bureau estimates that, if passed, this bill would reduce tax revenues by \$25.7 million annually. *Recommended position: None. The Association traditionally has made increases in need-based financial aid a priority over tuition tax credits.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB80hst.html>

AB 105 and SB 46 (2009 Act 21) – Arbitration and Fair Share Agreements during Contract Hiatus Periods

This bill passed and was signed into law on June 8th as 2009 Act 21.

Act 21 changes employer and employee rights during a contract hiatus (after the previous contract expires and before a new agreement is reached) under the Municipal Employment Relations Act (MERA), which includes technical college districts. The new law requires that employers and employees continue to arbitrate grievances during a hiatus period. It also requires that the employer continue to honor “fair share” agreements (collecting union dues as part of the payroll process) in a hiatus period.

While employers and employees are required to maintain the status quo in a number of regards during a contract hiatus, this did not previously apply to the employer’s and employee’s obligation to arbitrate grievances or to the employer’s obligation to honor fair share agreements. Act 21 makes it a prohibited practice for either the employer or employee to suspend the arbitration of grievances or for the employer to suspend a fair share agreement during a contract hiatus.

Bill history and text (SB 46 passed; AB 105 was laid on the table):

AB 105: <http://www.legis.state.wi.us/2009/data/AB105hst.html>

SB 46: <http://www.legis.state.wi.us/2009/data/SB46hst.html>

UPDATED – AB 116 (also SB 86) – Leave for School Activities

The Assembly version of this bill passed on a party-line vote on February 23rd. The Senate version received a hearing in February and is awaiting a committee vote to send it to the full Senate.

Current law allows most employees to use paid or unpaid leave for certain purposes such as medical leave or family leave for the birth or adoption of a child. This bill would allow any employee of any employer regularly employing at least 50 persons to take up to 16 hours of leave per 12-month period for school conferences or classroom activities. Like family and medical leave, the employee would not be entitled to be paid, but could substitute existing paid or unpaid leave. The school activity must be one that is not available during non-work hours. “School” is defined as including a licensed childcare facility. An employee would be required to give the employer advance notice of the leave and must schedule the leave so that it does not unduly disrupt the employer’s operations. *Recommended position: None/monitor.*

Bill history and text:

AB 116: <http://www.legis.state.wi.us/2009/data/AB116hst.html>

SB 86: <http://www.legis.state.wi.us/2009/data/SB86hst.html>

AB 159 – Municipalities Sharing Omitted Property Taxes

This bill passed the Assembly on November 3rd and the Senate on March 4th. It is available for the Governor’s call for signing/veto

Under current law, when a taxpayer is over-assessed for property taxes, the municipality collecting the taxes makes a refund and seeks a share of the reimbursement from each taxing entity including the technical college district. However, when a property is under-taxed and the omitted taxes are later recovered, the collecting municipality is allowed to keep all of the recovered amount and does not share it with other taxing entities. The bill requires collecting municipalities to share recovered taxes with all taxing entities.

Also under current law, a municipality must distribute to each taxing entity its share of total property tax assessments on personal property such as business machinery and equipment, whether or not those taxes were actually collected. The municipality can later chargeback taxing entities for the uncollected portion of these taxes. AB 159 also streamlines this chargeback process. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB159hst.html>

AB 288 – Professional Engineer (PE) Credential/Licensing

This bill passed the full Assembly on October 29th. It awaits a hearing in the Senate. After months of lobbying, the District Boards Association, WTCS, Wisconsin Examining Board, and interested professional engineering groups were called together by the lead Assembly sponsors and agreed to support the bill. The agreement supported our position and represented a victory to protect technical college graduates, as described below.

This bill changes several requirements necessary to earn the professional engineer (PE) credential. Last session, a similar bill would have - for the first time - imposed a minimum of a bachelor's degree to become a PE in Wisconsin. We opposed that provision and secured an amendment in the Senate removing it. Without a similar amendment in the Assembly (an attempt to add our amendment failed), the bill did not clear both houses and died with the session's conclusion.

This session's bill addresses our concern and continues the long tradition of allowing a PE candidate to earn either a 2 or 4-year engineering degree. All candidates must combine this academic work (which is approved by the state Examining Board), with years of high-level professional leadership experience (also approved by the Examining Board). Under the bill, a candidate may have either a 2-year engineering-related degree from a technical college plus at least 6 years of suitable experience, or a 4-year engineering degree plus at least 4 years of suitable experience.

Importantly, current law allows some individuals to become a PE in Wisconsin without sitting for the PE examination. The bill will require that all Wisconsin PE's pass the examination after meeting the approved academic and work experience requirements. We support that provision.

Representatives of professional engineering groups sought to impose the bachelor's degree minimum arguing that it is the standard in many states and should be everywhere. However, a number of states do not require a bachelor's degree to become a PE including New York and California, both considered to be "tough" licensing states. There is no data suggesting Wisconsin has had any problems or deficiencies among PE's who attended technical college programs. Unlike many other licensed professions such as nursing, the PE is a professional credential requiring years of professional leadership experience approved by the board. It is not based on examinations administered immediately following formal schooling. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB288hst.html>

AB 293 (also SB 245) – Nursing Workforce Data Collection

AB 293 is awaiting a hearing. This bill is one of two, *see also AB 294, below*, introduced by the Joint Legislative Council as the result of a Council study on strengthening Wisconsin’s workforce. Legislative Council studies are citizen-legislator panels that study an issue and recommend legislation.

This bill would require the collection of workforce data from registered nurses and licensed practical nurses when they seek license renewals. In addition to currently collected information, the bill requires the state to collect information on the nurse’s gender, race, ethnicity, employment, and educational background. *Recommended position: None/monitor.*

Bill history and text:

AB 293: <http://www.legis.state.wi.us/2009/data/AB293hst.html>

SB 245: <http://www.legis.state.wi.us/2009/data/SB245hst.html>

AB 294 (also SB 246) – Lifelong Learning Accounts

AB 294 is awaiting a hearing. This bill is one of two, *see also AB 293, above*, introduced by the Joint Legislative Council as the result of a Council study on strengthening Wisconsin’s workforce. Legislative Council studies are citizen-legislator panels that study an issue and recommend legislation.

AB 294 would create a tax-advantaged savings mechanism for employees. It would allow employees to contribute to a “lifelong learning account” to be used for qualifying educational purposes. An employee’s contributions would be generally exempt from state income tax. The employer could make a matching contribution. The employer’s contributions would also be tax exempt to the employer if the employer matches at least 25% of its employees’ contributions.

Qualified expenses would include post-secondary tuition, fees, books, and required equipment and supplies. Qualified expenses would not include room and board or optional expenses. The combined contributions would be limited to \$5,000 annually and an individual would be limited to a \$25,000 total balance. Withdrawals for unapproved purposes would be penalized except that individuals aged 70 and over could use the funds for other purposes and pay taxes on withdrawals as ordinary income. If passed, lifelong learning accounts and an overall program would be developed and approved by the Department of Workforce Development.

Recommended position: Support. No fiscal impact is estimated at this time.

Bill history and text:

AB 294: <http://www.legis.state.wi.us/2009/data/AB294hst.html>

SB 246: <http://www.legis.state.wi.us/2009/data/SB246hst.html>

AB 322 – Review of Government Accountability Board Statements of Economic Interest

This bill received a public hearing in June. It was amended and voted out of committee in September. It is awaiting action by the full Assembly.

Public officials including technical college district board members, certain leadership employees of the colleges, WTCS Board members, and WTCS leadership staff must file statements of economic interest with the Government Accountability Board (GAB). Under current law, those statements are available for inspection or copying if the person provides his/her name, address, and the name and address of any person he/she represents. A list of persons inspecting or copying statements is available under the same rules. The information collected (those who inspect and those who request lists of those who inspect) is shared with the official who filed the statement. AB 322 allows for the inspection and copying of statements of economic interest by an individual or group without providing any names or addresses. Given the detailed financial information shared by public officials, it is reasonable to continue to identify individuals and groups seeking such information. *Position: Oppose.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB322hst.html>

AB 337 – Employer Contributions to Wisconsin Retirement System (WRS)

This bill is awaiting a hearing. Currently, public employers including technical college districts may pay any portion of their employees' share of WRS contributions in addition to making the employer contribution. Most WRS employers contribute the entire employee and employer share. This bill would prohibit employers from paying any part of the employee's first 3% of earnings toward the employee share of WRS funding. The net effect would be to reduce benefit costs to college districts by 3% of payroll for WRS employees, and to reduce the effective compensation of each district WRS employee by 3%. This language or similar language has been introduced in prior sessions. The bill does not have a high probability of passage this session as it does not have any Assembly sponsors who are members of the majority. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB337hst.html>

AB 398 (also SB 260) – Police Powers for Technical College District Boards

See SB 260, below.

AB 450 – Final Offer Limits in Bargaining

AB 450 is awaiting a hearing. This bill would apply to collective bargaining under the Municipal Employment Relations Act (MERA), which includes technical college districts. Currently, there is no limit on maximum expenditures or expenditure increases that can be imposed on an employer in bargaining. This bill would prohibit any agreement that goes to arbitration from requiring an employer to provide compensation and benefits increases exceeding the allowable increase in the employer’s overall expenditures/revenue for the year. The bill does not have a high probability of passage this session as it does not have any Assembly sponsors who are members of the majority. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB450hst.html>

AB 464 and SB 308 (2009 Act 140) – Emergency Worker Employees Arriving Late to Work

The Senate version of these proposals was signed into law as Wisconsin 2009 Act 140 on March 3, 2010.

These bills require employers, including technical college districts, to allow an employee to be late for work or miss work without penalty if the employee is responding to an emergency that begins before the employee is scheduled to be at work and the employee is a volunteer firefighter, EMT, first responder, or ambulance driver. The bills impose certain requirements on the employee to demonstrate the reason for the late arrival/absence. The employer does not need to pay the employee for any work time missed under the bills. The bills do not apply to certain employees such as those working in emergency rooms. *Recommended position: None/monitor.*

Bill history and text:

AB 464: <http://www.legis.state.wi.us/2009/data/AB464hst.html>

SB 308: <http://www.legis.state.wi.us/2009/data/SB308hst.html>

AB 476 – Commerce Department Study of Business Retention

This bill is awaiting a hearing. AB 476 would require the Department of Commerce to study and report on current and possible methods it uses/could use to retain businesses in Wisconsin that are at risk of leaving or of expanding elsewhere. It also requires the Department study and report on how to best identify at-risk companies. Finally, it requires the Department develop an “emergency response team” to address such situations. The bill does not have a high probability of passage this session as it does not have any Assembly sponsors who are members of the majority. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB476hst.html>

UPDATED – AB 509 (also SB 378) – Exempting Residence Hall Fees from Capital Project Limits Triggering a Referendum

AB 509 passed the full Assembly on a 64-31 vote on January 19th! All but 2 Democrats voted in favor, as did 14 Republicans (Mike Huebsch, Dean Kaufert, Phil Montgomery, Jeff Mursau, Steve Nass, Lee Nerison, Al Ott, Keith Ripp, Roger Roth, Richard Spanbauer, Gary Tauchen, John Townsend, Karl Van Roy, and Mary Williams) and 1 Independent. Democrats Marlin Schneider (D-Wisconsin Rapids) and Peggy Krusick (D-Milwaukee) joined 29 Republicans voting against the bill.

The Senate companion bill, SB 378, was introduced by Senator Jim Holperin (D-Conover) on October 29th. The Senate held a hearing (on the Assembly-passed version of the bill) on February 3rd, and voted the bill out of committee on a 3-2 party-line vote. It is awaiting scheduling for a vote by the full Senate.

Led by Representative Jennifer Shilling (D-La Crosse), AB 509 was developed at the request of Western Technical College but would apply to all districts and is supported by several other districts. Western is partnering with a developer to build a residence hall replacing older student housing. The bill provides that if a district develops, purchases or leases a student residence hall, the student lease payments are exempted from the funds counted toward the \$1.5 million capital projects limit triggering a districtwide referendum. This allows a district to issue general obligation bonds for the project and to pay off that debt using the lease revenue stream.

The bill preserves the accountable approval system for projects at the local and state levels and the need to go to referendum when a project reaches \$1.5 million of general college funds. *Western brought this proposal to the Boards Association, the WTCS, and to the college Presidents prior to seeking its introduction. Several other districts may be interested in using the authority in the future. Position: Support.*

Bill history and text:

AB 509: <http://www.legis.state.wi.us/2009/data/AB509hst.html>

SB 378: <http://www.legis.state.wi.us/2009/data/SB378hst.html>

AB 513 – “Wisconsin Jobs Initiative”

This bill was introduced on October 23rd and was referred to the Joint Finance Committee. Led by Representative Cory Mason (D-Racine), it is co-sponsored by 17 additional Assembly Democrats and by Senator Spencer Coggs (D-Milwaukee). It awaits a hearing.

Building on his history of leadership to secure significant new funding for technical colleges and technical college students, Representative Cory Mason (D-Racine) has introduced an extraordinary new “Wisconsin Jobs Initiative,” (WJI). The WJI will place Wisconsin Technical Colleges at the center of the state’s economic recovery efforts. The WJI has three major

components, as follows. It would be funded by increasing income taxes on Wisconsinites with incomes of more than \$1 million annually, also described below:

Technical College Funding – The bill would create new WTCS categorical grants for technical college districts to fund programs reducing unemployment. The grants are designed to leverage new federal funding that comes available through the American Graduation Initiative (AGI) proposed by President Obama. The AGI has passed the U.S. House and is being considered by the U.S. Senate. It requires new state and local investment as matching funds for various new federal AGI funding streams.

Representative Mason’s WJI would largely match the “Path to Prosperity” bill he introduced last session, and a similar proposal he attempted to include in the 2009-2011 state budget bill. It targets grants to district-designed projects that assist dislocated workers and/or adults who do not have a high school diploma. Funds could be used to recruit, enroll, instruct, provide support services for, or pay the tuition and fees for these individuals. Grants could also be obtained to expand district capacity in programs with waiting lists or that address projected workforce needs in the district. All grants under this section would be awarded with a preference for districts that contain areas of the state with the highest unemployment rates.

For these grants, the bill would provide a new appropriation of **\$52 million** in 2009-10 and **\$30 million** in 2010-11 to technical college districts. **This would represent an increase of some 37% in total state investment in Wisconsin Technical Colleges this year alone** (based on total current state funding of approximately \$140 million).

This is the single most significant proposal to invest in technical colleges ever made in the Wisconsin Legislature. It would put Wisconsin first in line among states to match federal AGI funding. It would place technical colleges clearly at the center of an aggressive and profound jobs bill and economic recovery strategy.

Financial Aid Support – The bill would dramatically close the unfunded gap for state need-based student financial aid programs. These programs are comprised of the Wisconsin Higher Education Grant (“WHEG”) programs at Wisconsin technical colleges, the UW System, and at tribal colleges, and the Tuition Grant (“TG”) Program at independent/private colleges and universities (e.g., Marquette, Ripon, etc.).

The bill would *increase current funding* by the following amounts (if the bill passes after the current year, the amounts would be for years 1 and 2 of the next biennium):

	<u>2009-10</u>	<u>2010-11</u>
WHEG Technical Colleges	\$ 8 million	\$ 16.1 million
WHEG UW System	\$ 5.6 million	\$ 11.5 million
WHEG Tribal Colleges	\$.1 million	\$.26 million
TG Private/Independents	\$ 1.9 million	\$ 3.2 million

This represents a stunning 44% increase in need-based aid for technical college students in the first year and an additional 33% in the second year (current WTCS appropriations are approximately \$18.16 million in 2009-10 and \$18.74 million in 2010-11). The remaining programs would mostly see smaller percentage increases above current funding. For example, the UW program is already appropriated \$55 million this year and \$58.35 million in 2010-11. Accordingly, the WJI's proposed increase for UW grants would equal approximately 10% in the first year and 15% in the second. Tribal College grant funding would increase 23% and 51% respectively. Private college grant funding would increase approximately 7% in each year.

WTCS students have traditionally faced the largest unmet "need gap" of any students. The need gap is the amount left unfunded when all available personal, family and financial aid resources are totaled and compared to educational costs. Representative Mason's proposal would close the gap and increase financial aid for technical college students by a larger amount than has ever been proposed.

Angel Investment Funding and Commerce Grants to Business – Finally, the bill would create new tools for business and job expansion and retention. It would expand the state's "Angel Investment" tax credit to support qualified new businesses develop in the state. It would also create new grants in the Department of Commerce to help businesses make capital expenditures for facilities or equipment that retains jobs or creates new jobs. These grants would target economically distressed areas of the state.

Despite being joined by 18 co-sponsors, Representative Mason's WJI proposal will face major challenges. In addition to the difficulty passing any major new state funding commitment in tough fiscal times, this bill would be funded by increasing income tax rates on extremely wealthy individuals. It would create a new top tax bracket for earnings above \$1 million annually and increase the rate from 7.75% to 8.75%.

While it is difficult for most Wisconsinites and most legislators to worry about a 1% increase in taxes on incomes over \$1 million annually, many legislators - including some members of the Democratic majority caucuses - are loath to support any tax increase. Representative Mason has made clear that he is willing to consider an alternative funding source. He included a funding source in the bill in order to assure it is taken seriously as a real proposal. Most major initiatives evolve over time and the WJI may well change.

At bare minimum, this bill will serve as the key legislative vehicle for state matching funds leveraging federal AGI funds. Watch for the bill to move to a hearing - and perhaps evolve - as the federal AGI gains momentum in the U.S. Senate. The initiative also reflects Representative Mason's understanding of and support for an enormously important concept: Wisconsin's technical colleges, and student access to them, must be at the center of any authentic jobs and economic recovery bill. *Position: Support, with a preference for an alternate revenue source.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB513hst.html>

AB 536 (also SB 371) – Creating a PK-16 Longitudinal Data System and Systems for Data Sharing and Studies

See SB 371, below.

UPDATED – AB 578 – Mandating Environmentally Sensitive Building Cleaning

AB 578 was introduced on November 12th and a public hearing was held on November 18th. After questions arose about the bill, a substitute amendment was introduced to replace the original bill with new provisions. The amended bill was voted out of committee and awaits consideration by the full Assembly.

The amended bill would create a new state Council on Healthy and Environmentally Sensitive Cleaning and require the state Department of Health Services (DHS) to consult with the new council to promulgate administrative law assuring most public buildings, including all buildings owned by technical college districts, use certain cleaning products and systems.

DHS would mandate the use of specific cleaning products and cleaning “systems.” Products would include general purpose cleaners, restroom, glass, laundry, and carpet cleaners, toilet paper and paper towels, and vacuum cleaners and carpet extractors. A “cleaning system” includes specific cleaning products, materials for applying those products, equipment, and cleaning instructions. Products and systems would need to meet certain Environmental Protection Agency (EPA) standards, or the standards set by one of several private groups approved by DHS such as TerraChoice Environmental Marketing (EcoLogo), Green Seal, Inc., or Greenguard Environmental Institute (GEI).

The use of approved products would be required two years after passage. The use of approved systems would be required after four years. An exemption is available for one year at a time based on demonstrating that following the requirements would increase costs. It does not appear that the bill creates any penalties for non-compliance. *Position: None/monitor. Technical College Districts are supportive of providing safe and “green” facilities. The colleges themselves are in the best position to select products and processes that best protect public health, the environment, and the careful stewardship of public resources.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB578hst.html>

UPDATED – AB 604 (also SB 407) – Academic Excellence Scholarship Eligibility

See SB 407, below.

UPDATED – AB 616 (also SB 414) – Requirements to be a School Nurse

See SB 414, below.

UPDATED – AB 624 (also SB 431) – “Diploma Mills” and False Credentials

These bills were introduced in mid-December. AB 624 received a hearing and was voted out of committee in February making it ready for a vote by the full Assembly. The Senate companion bill, SB 431, passed the Senate on a 29-2 vote on March 2nd.

AB 624 and its Senate companion restrict certain practices in order to protect Wisconsinites from “diploma mills” and misleading educational information and institutions. In addition to the WTCS and UW-System, a number of private institutions register to do business in Wisconsin through the Educational Approval Board. AB 624/SB 431 would prohibit any school from using the terms “college” or “university” in its name unless the institution offers at least an associate’s degree and, if not already approved through one of the above entities, is also accredited in a manner that is recognized by the U.S. Secretary of Education, by its foreign equivalent, or by the Council for Higher Education Accreditation. The bills also prohibit schools from using the terms “state” or “Wisconsin” in their name if doing so would mislead the public about an affiliation with the WTCS, UW, or the state itself.

The bills were amended to continue to allow the use of “college” or “university” for purposes of “amusement.” This is intended to protect activities such as the Mustard Museum’s “Poupon U.,” which don’t purport to offer degrees.

Additionally, the bills prohibit issuing or manufacturing false academic credentials such as bogus diplomas or transcripts. Finally, the bills adjust the law to reflect it is not employment discrimination to refuse to hire or to license, or to bar or terminate from employment/licensure, a person who uses a false academic credential. *Position: Support.*

Bill history and text:

AB 624: <http://www.legis.state.wi.us/2009/data/AB624hst.html>

SB 431: <http://www.legis.state.wi.us/2009/data/SB431hst.html>

AB 638 (also SB 426) – Open Records, Format of and Fees for

These bills were introduced in mid-December. AB 638 received a hearing on February 24th and awaits a vote to move it to the full Assembly. SB 426 was the subject of a hearing on January 20th and is awaiting a committee vote to send it to the full Senate.

Currently, a requester may obtain a copy of public records maintained in written form by a public entity or official. A technical college or other entity may charge a reasonable fee for the

copy. A requester may also obtain a readable copy of a record that is maintained in some form that is not readily recognizable in writing, for example, a written printout from an electronic database. Requesters may also receive photos of records that can't be copied otherwise, and/or transcripts of audio records. AB 638 and its Senate companion provide that a requester may elect to receive any record in the format in which it is maintained. This clarifies that a requester can ask for a copy, for example, of the database itself in the database program itself.

Charges for record copies are already limited by law. These bills also provide that the fact a government entity may contract with a private company to maintain records does not change the law regarding maximum copy charges. Furthermore, if a government entity contracts with a private business to maintain records, the charge it assesses for any copy may not exceed the "actual, necessary and direct" costs of reproduction or transcription. *Recommended position: None/monitor.*

Bill history and text:

AB 638: <http://www.legis.state.wi.us/2009/data/AB638hst.html>

SB 426: <http://www.legis.state.wi.us/2009/data/SB426hst.html>

UPDATED – AB 641 (also SB 409) – C.O.R.E. “Jobs” Package

See SB 409, below.

NEW – AB 645 – Referendum Group Registration Requirements

This bill was introduced in January. A hearing and vote out of committee took place in February and the bill awaits a vote by the full Assembly.

Every group or individual that makes or accepts donations, makes expenditures, or incurs obligations of a certain amount in support or opposition of a local or state referendum must register with and file financial reports with a specified agency or official. AB 645 would change the thresholds for registration and reporting. Under the bill, the trigger for registration and reporting by groups and individuals would increase from \$25 to \$750 per calendar year. The relevant bill language affects the influencing of referendums only and not rules affecting candidates for election or their election committees. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB645hst.html>

NEW – AB 654 (also SB 442) – Qualifications-Based Hiring of Consultants

See SB 442, below.

NEW – AB 671 (also SB 535) – Anesthesiologist Assistants

These bills were introduced in January and February and the Assembly bill received a hearing on February 17th. Amendments have been offered to the Assembly version. The Assembly bill awaits votes on the amendments and to move it from committee. The Senate version awaits a hearing.

These bills would create a new licensed professional called an “Anesthesiologist Assistant” and would create a “Council on Anesthesiologist Assistants” to assist the Medical Examining Board and Department of Regulation and Licensing in regulating this profession. The bill is one of a growing trend to define individuals who may hold themselves out using certain professional titles and to define the training required and duties allowed to be performed by those using the title. Many of these initiatives can affect the ability of technical college graduates to practice certain aspects of their professional training or to call themselves by certain titles. For example, see AB 288, above, concerning Professional Engineers, and SB 414, below, concerning School Nurses.

MATC Milwaukee offers an associate degree program in Anesthesia Technology. This bill would require a minimum of a bachelor’s degree in an anesthesiologist assistant program and passage of a certifying exam to be licensed as an anesthesiologist assistant in Wisconsin. While the new assistant title appears to allow for higher level professional practices, the extent of overlap between the two degrees and professional titles is unclear. In general, the technical colleges do not support placing degree thresholds in statute. Instead, it is more appropriate to require specific competencies defining the skill and training required. There are indications that other interests may oppose this bill because they believe that a bachelor’s degree is not sufficient training to use the assistant title. This reinforces the difficulty in defining new professional titles and duties and assigning minimum requirements for licensing of those titles. *Recommended position: None/monitor. In general, the Association does not support bills imposing minimum degree standards in statute.*

Bill history and text:

AB 671: <http://www.legis.state.wi.us/2009/data/AB671hst.html>

SB 535: <http://www.legis.state.wi.us/2009/data/SB535hst.html>

NEW – AB 702 (also SB 304) – Expanding Part-Time Student Veterans Tuition Remissions

See SB 304, below.

NEW – AB 745 (also SB 525) – Credit Cards and Financial Literacy Education for Students

These bills were introduced in February. The Senate bill awaits a hearing. The Assembly bill received a hearing on February 24th. Higher education officials, including Paul Gabriel and the WTCS's Morna Foy, testified to express some concerns with the initial language. The lead sponsor stated that the bill is a work in progress and that an amended bill or new bill will be offered before a committee vote is taken.

As introduced, these bills limit or prohibit activities related to credit card marketing and card sponsorship by colleges and universities, and mandate colleges and universities require students to complete financial literacy training. The bills would prohibit:

- Credit card issuers from offering college students any tangible inducement (a gift) to apply for a credit card;
- Credit card issuers from maintaining a physical presence on a campus for the purpose of marketing credit card offerings to students;
- Credit card companies from issuing cards to individuals under age 21 except under certain circumstances (these provisions appear to match new federal law already affecting adults under age 21);
- Colleges from directly marketing cards for issuers;
- Colleges from receiving any payment for allowing credit card marketing aimed at students; and
- Colleges from selling or providing student names, addresses and email addresses for purposes of credit card marketing.

Concerning these provisions, college officials expressed concern that the bill not negatively affect college-endorsed bank or credit card office branches from operating on campus, and not negatively affect the marketing or use of campus-sponsored debit cards, which are increasingly used for unified student purchasing of books, food and other campus goods and services. The sponsors expressed a willingness to address these concerns.

The bills would also require colleges to provide financial literacy information to students during any on-campus orientation program. Importantly, the bills also require colleges to develop, and to require all students to complete, an on-line financial literacy tutorial. The bills would prohibit a college from allowing a student to enroll in a subsequent semester unless the student completes the tutorial. We testified that the on-line tutorial requirement is inappropriate for technical colleges and represents a significant unfunded mandate. The average age of WTCS students is greater than 30 and many students own homes, have dependents and have been financially independent for many years. This requirement, if it is to be imposed by the state, would be better aimed at younger students, for example, in high school. The bills do not provide any funding.

We testified that it is not appropriate to force this mandate on colleges without funding, especially given record enrollment and already burdened budgets and student support staffing. The sponsors seem willing to consider the unique demographics of technical college students in amending the bill, but seem committed to imposing a tutorial at the college-level. *Recommended position: Oppose mandated student tutorials unless state funding is provided. Support credit*

card marketing reforms only to the extent they do not limit on-campus bank and credit union branches and the use of college-endorsed or issued student debit cards.

Bill history and text:

AB 745: <http://www.legis.state.wi.us/2009/data/AB745hst.html>

SB 525: <http://www.legis.state.wi.us/2009/data/SB525hst.html>

NEW – AB 781 – Expanding Veterans Tuition Remissions

Introduced on February 26th, this bill received a hearing on March 2nd. It is one of several potential bills addressing the perception that the complex interaction between state and federal veterans benefits under current law do not provide enough tuition assistance to veterans.

AB 781 is intended to extend the 100% tuition remission for veterans attending technical colleges or UW institutions by 64 additional credits if the veteran has been forced to use federal benefits to cover any tuition costs. The exact impact of this bill is difficult to assess and contradicting information emerged at the March 2nd hearing. This bill would be imposed on top of already maddeningly complex veterans benefits programs covering different vets in very different ways depending on factors such as: the federal program the vet is eligible for or the federal program selected if the vet is eligible for multiple programs, the timeframe of the vet's service (making some vets eligible for the federal Post-911 benefit), the length and type of military service (which affects eligible programs, the type and amount of benefits, and other factors), and the vet's prior credits and degree earned.

For purposes of understanding AB 781, suffice it to say that there are two interpretations of the Wisconsin GI Bill tuition remission promise. First, there is one understanding that the state has promised most veterans that they may attend college without paying tuition for up to 128 credits through a combination of colleges remitting (not charging) tuition *offset by the vet using Post-911 educational benefits when available*. Second, there is a contrary interpretation that the state promised vets 128 credits worth of tuition in addition to any federal benefits.

This bill seeks to address the later interpretation by extending the remission an additional 64 credits (up to 192 total) for vets who use the Post-911 tuition benefit to pay for some part of college tuition. While the bill would result in some vets returning to the UW for additional study including graduate, medical or law school, it would also extend the remission at technical colleges to vets who have already earned a bachelor's degree or 128 total credits.

There is no funding provided under the bill and additional remission costs would be unfunded, like the majority of existing remission costs.

Some of the confusion concerning tuition remissions is a function of new provisions passed in AB 75, the state's 2009-11 biennium budget bill. That bill attempted to reduce a largely unfunded mandate (about 15-20% is state-funded) on colleges by requiring vets eligible for Post-911 benefits to use those benefits before tapping the state remission. Both the WTCS and UW

had requested full state funding of the mandate. Instead of providing any new state support toward the mandate, the budget provision was offered to capture more federal funds. This led some legislators and veterans groups to interpret the state as renegeing on its tuition promise.

However, as the budget bill progressed, a provision was also added to “hold harmless” vets who use the Post-911 education benefit. This requires colleges to pay back to a vet any amount of total federal benefits lost due to that vet using the Post-911 education benefit to pay part of tuition. Confused yet? For example, suppose a vet owes \$100 for tuition and is eligible for \$25 toward tuition under the Post-911 program. The college receives about \$15 from the state and \$25 from Post-911 federal funds toward the \$100. Suppose, however, the vet will receive lower total federal benefits (all types) of \$480 instead of \$500 by using some toward tuition. The college must now pay back the \$20 difference to the vet under the “hold harmless” law. In this case, the net effect (besides extreme complexity and confusion) is for the college to receive \$5 instead of \$25 in federal help.

It seems reasonable to interpret the combined budget provisions as maintaining (and not eroding) the state’s promise of a 100% tuition remission for up to 128 credits. AB 781, and other similar bills being developed, would not be necessary under this interpretation. In any event, whether the tuition remission stays at 128 credits or expands to 192 credits, the situation will remain confusing and burdensome for vets, confusing and burdensome for college officials, and largely unfunded at the colleges. *Recommended position: None/monitor. The Association continues to support full state funding of tuition remissions.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB781hst.html>

LRB 2051/1 – Threatening Technical College or School District Officials

This draft bill was circulated but not introduced. It matches a bill passed in the Assembly last session but never considered in the Senate. Wisconsin law already prohibits intentionally causing bodily harm to a school district or technical college officer or employee acting in his/her official capacity if the person knows the victim is such an official or employee. The bill extends the law to cover intentionally *threatening*, as well as causing, bodily harm. It also expands the crime beyond situations in which the official is acting in official capacity at the time of the threat or harm to include acts or threats made in response to any action taken in an official capacity. *Recommended position: Support.*

Bill history and text: (Not yet available)

LRB 2823/2 – Making Student Government Subject to Open Meetings and Open Records Laws

This draft bill was circulated but not introduced. It would require that any body created by students at a technical college or UW campus that “allocates revenues derived from mandatory student fees to student groups or to itself ...” be subject to open records and open meetings laws. The bill appears to be a response to certain UW-Milwaukee and UW-Madison student government funding decisions that are perceived as favoring specific political or social viewpoints.

The bill draft appears to apply to the official student government body at each technical college district. It would make them “public” entities obligated to follow all open meeting and open records laws and be subject to sanctions for failure to do so. This includes posting notices of meetings, holding meetings open to the public, avoiding holding meetings that are not open, going into closed session only as allowed by law, maintaining records, and providing copies of those records as appropriate when requested by the public.

However, unlike UW student governments, the fees technical college student governments influence are fully “district” funds. They are treated like other public monies derived from local and state revenue and student tuition. Expenditures are made in consultation with college administration and, ultimately, may only be made with the district board’s “confirmation.” This provides the public with an existing public body subject to open meeting and records laws through which the public may comment or seek information. *Recommended position: Because technical college student governments must seek district board confirmation to expend funds, and because those funds are exclusively district funds, the bill should be drafted to exclude technical college governments.*

Bill history and text: (Not yet available)

NEW – LRB 4027/1 – Making the Youth Options Program Voluntary

This draft is being circulated for co-sponsors and is not introduced as of March 4th. It matches a bill introduced in prior sessions.

Youth Options allows certain high school juniors and seniors to carry college credits at technical colleges, UW institutions, and independent/private colleges and universities. The credits often count toward the high school diploma as well as toward college. The local school board pays tuition on the student’s behalf for courses that count toward the high school diploma. This draft bill would make a school district’s participation in Youth Options voluntary. A school district that chooses to participate in Youth Options would create its own program including deciding who may participate, colleges a student may or may not attend, courses a student may take, and other issues such as application procedures and transportation arrangements. The school district would still pay tuition for allowable Youth Options courses under its own program, if any.

In response to previous versions of this bill, the Association and others expressed concerns that they would eliminate important educational opportunities, particularly in districts with a less affluent student body and/or that may already offer limited advanced or elective opportunities in the high school. *Recommended position: None/monitor.*

Bill history and text: (Not yet available)

NEW – LRB 4123/1 – Funding Post-Retirement Health Benefits for Local Government Employees

This draft is being circulated for co-sponsors and is not introduced as of March 4th.

Local governments, including technical college districts, may provide certain retirees with healthcare benefits, often through the terms of collective bargaining agreements. Various governments have covered current estimated costs or pre-funded some or all of the estimated total costs to provide future benefits being earned by current employees. However, some local governments have a significant unfunded future liability. Federal law recently began requiring that future liabilities be shown on the institution's books.

This draft bill would require local governments, including technical college districts, ensure that, for any employee hired after the bill goes into effect, the cost of any post-retirement healthcare benefit is fully funded on an actuarial basis. This would appear to include estimating total future costs and funding those costs up front. *Recommended position: None/monitor.*

Bill history and text: (Not yet available)

SB 11 – Leave for Vets on Veterans Day

This bill was the subject of a public hearing on August 18th. It remains in committee but is ready for executive action (a committee vote recommending passage by the full Senate).

SB 11 would require all Wisconsin employers, including technical college districts, to provide a paid day of leave to all employees who are military veterans for Veterans Day. The leave day would be granted for November 11th, or for the following Monday when Veterans Day falls on a weekend. This bill would appear to create a precedent in which one class of employee would be granted a benefit not extended to other employees. It would also create an unfunded mandate. While the technical colleges strongly support their veteran employees and honor their contribution to our freedom, it would be difficult to support a bill imposing a paid holiday upon one class of employees. The mandate would also potentially affect the colleges' ability to remain open for learners in some but not all programs. *Recommended position: Do not support unless voluntary or applicable to all employees.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB11hst.html>

SB 18 – Tuition Remissions Changes for Children and Spouses of Certain Individuals

This bill is awaiting a hearing. Under current law, a child or spouse of certain persons receives a tuition remission at technical colleges or the UW if the person was killed while serving (or was disabled while serving and later dies from the disability) as an ambulance driver, correctional officer, fire fighter, emergency services technician, or law enforcement officer. The bill applies to tuition for surviving spouses and for a child who was under age 21 or not yet born when the parent died. The remission is limited at technical colleges to completing the program in which the student is enrolled and not more than three years. It is limited at the UW to earning a bachelors degree and not more than 5 years.

This bill repeals the current age limit for qualifying children attending either system. The bill then imposes a new restriction for UW students but not technical college students. Under the bill, the remission would be available for students at the UW only up to age 30. However, the bill would not impose any age limit on WTCS students. The bill would apply retroactively to students who first enrolled in Fall, 2007, or after. It also makes changes to the term of eligibility for UW students that is not relevant to WTCS students.

The number of persons qualifying for this remission is thankfully very low. The WTCS receives a small amount of funding to cover current remissions. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB18hst.html>

SB 46 and AB 105 (2009 Act 21) – Arbitration and Fair Share Agreements during Contract Hiatus Periods

See AB 105, above.

SB 62 (2009 Act 2) – State 2008-09 Budget Adjustment

A state budget adjustment bill, SB 62, was signed into law as 2009 Act 2 on February 20, 2009, just three days after it was introduced. It narrowed the state's immediate budget gap for the year ending June 30, 2009, by generating new revenue and by imposing cuts on 2008-09 state operations. It gave the Department of Administration (DOA) discretion to cut state funding in amounts DOA determined in order to meet an overall target. DOA then informed the WTCS of approximately \$1.8 million in cuts to 2008-09 appropriations. These funds were already committed to staff and programming for a year that ended just a few months later.

The bill also provided a one-time \$1 million increase to the technical colleges' Workforce Advancement Training (WAT) Grants. This increase targets manufacturing with a priority for welding training. This welcome funding needed to be committed by June 30th, at which time any unused funding would lapse. In order to meet this deadline, the WTCS waived business matching fund requirements on an emergency basis (for the new \$1 million only). Working together, districts, businesses and the WTCS were able to fully utilize these funds.

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB62hst.html>

UPDATED – SB 63 – Business Tax Credits for Payment of Tuition

While this bill still technically exists, its provisions have already passed the full Senate as one element of the larger Senate “jobs bill,” SB 409 (below).

This bill provides a tax credit to businesses that pay tuition on behalf of certain individuals in certain programs and schools. The credit would be for 25% of tuition paid for individuals in a course of study at technical colleges, the UW, an independent (not-for-profit) college or university, or a proprietary (for-profit) college if the instruction takes place in the state. The bill increases the credit to 30% for tuition paid on behalf of individuals in a course of study that relates to a projected worker shortage in the state.

Originally, this bill was advantageous to similar bills in that it covered students in a “course of instruction” (an “assemblage of courses in purposeful fashion”) and did not limit the credit to students in a degree program. *However, the bill was amended and was significantly weakened in value to those paying tuition for technical college students. As amended, the bill limits the credit to tuition paid for students who are “eligible for a grant from the Federal Pell Grant Program.” Pell grants are need-based awards provided only to students in a first undergraduate degree program. Thus, the amendment eliminates the credit for those who are not in a degree program, who are degree students but already have a degree, or who are not low-income individuals.*

Recommended position: None. The Association traditionally has made increases in financial aid a priority over tuition tax credits. The amendment makes the bill much less helpful to those paying tech college tuition.

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB63hst.html>

SB 84 – Financial Aid Ineligibility for Students Previously Convicted of Certain Drug Offenses

This bill is awaiting a hearing. 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, this bill extends the same restrictions to any state-level financial aid. This includes aid provided by HEAB to WTCS students such as WHEG grants, Higher Education Excellence Grants, and Minority Recruitment and Retention Grants. *Position: None (the Association opposed identical bills last session).*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB84hst.html>

SB 85 – Tuition Remission Eligibility for Veterans and Veterans’ Spouses and Children

This bill is awaiting a hearing. Current law provides a 100% tuition remission at technical colleges and the UW for most military veterans. It also provides a remission for most surviving spouses and children of veterans who died while on active duty or who received a service-connected disability. Currently, for any individual vet or family member to qualify, the veteran must have been a resident of the state at the time of enlistment. This bill adds an alternative by providing that the veteran may also have resided in the state for at least 10 continuous years after enlisting and before the student enrolls. The bill adds this alternative residency test to meet the standard imposed by a court challenge in another state. *Recommended position: None/monitor. The WTCS currently receives less than 20% of the cost of veterans-related remissions from the state. The Association strongly supports full state funding of this mandate.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB85hst.html>

SB 86 (also AB 116) – Leave for School Activities

See AB 116, above.

SB 109 – School (K-12) Start Dates

This bill received a hearing in April. It remains in committee but is ready for executive action (a committee vote to send it to the full Senate with a recommendation for passage).

Current law prohibits school districts from beginning classes until September 1st. This bill would eliminate the restriction beginning with the 2011-12 school year. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB109hst.html>

SB 121 – Career Conversations Program at UW Center on Education and Work

This bill passed the Senate on October 20th. It received a hearing by an Assembly committee on February 24th and is awaiting a vote to send it to the full body.

SB 121 would mandate that the Center on Education and Work at UW Madison create a pilot program for students in grades 7 through 12 to engage in webcam conversations about careers with individuals in Wisconsin who have careers in math, science, agricultural education, technology education, and information technology. No funding is provided.

The program would be required to: 1) select individuals for conversations in careers in greatest demand in the state; 2) use student discussion guides to facilitate the discussions; and 3) allow for recording of conversations for future use. The program must also: 1) promote participation among students, parents and the business community; 2) measure student participation; 3) notify parents and the business community after conversations take place; and 4) track the study plans of participants. Finally, the Center must evaluate the program's effectiveness and may expand and continue it if it is determined to be effective in promoting careers in the targeted areas.

Recommended position: None/monitor. While the concept is interesting, the Association has hesitated to support unfunded program mandates imposed on the WTCS or other public education entities. Done correctly, this would potentially be a significantly expensive program. The bill also raises a number of important logistical questions. For example, what supervision, monitoring and other protections might be necessary to allow adults in the private sector to interact with minors in a school setting by webcam.

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB121hst.html>

SB 157 (2009 Act 64) – Drivers Education

This bill passed both houses and was signed into law on November 12th as 2009 Act 64.

Drivers education courses may be provided by public schools, private providers and by technical college districts. This bill requires that any such provider assure that at least 30 minutes of instruction covers the hazards of railroad highway grade crossings. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB157hst.html>

SB 245 (also AB 293) – Nursing Workforce Data Collection

See AB 293, above.

SB 246 (also AB 294) – Life-Long Learning Accounts

See AB 294, above.

SB 249 – Mandating the Election of Technical College District Boards

This bill was introduced in August. It is sponsored by Senators Alberta Darling (R-River Hills), Alan Lasee (R-De Pere) and Ted Kanavas (R-Brookfield), joined by Representatives Jim Ott (R-Mequon), Garey Bies (R-Sister Bay), Dan Knodl (R-Germantown), Samantha Kerkman (R-Powers Lake), Tom Lothian (R-Williams Bay), Steve Nass (R-Whitewater), and Mark Honadel (R-South Milwaukee).

This bill is almost identical to bills introduced in each of the past two sessions. It would remove all current district board members from office as of July 1, 2011, and replace 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. An early spring primary would be held if more than two candidates run for one board seat. No public campaign funding would be provided and there is no provision for compensation of elected board members.

Detailed information about the value and importance of the longstanding appointed district board governance model is available at www.districtboards.org. *Recommended position: Oppose.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB249hst.html>

SB 260 (also AB 398) – Police Powers for Technical College District Boards

These identical bills were intended to support MATC-Milwaukee. However, the MATC District Board has taken action withdrawing its support for the bill. At this time, both the Senate and Assembly versions are awaiting a hearing. Sponsors in each body have asked that the respective bills not be heard at this time.

These bills extend “concurrent police power” to technical college district boards for all property subject to their control. This effectively gives the district board authority to create a police force, a level of authority already extended to the UW System. Some, but not all, UW institutions have created police agencies. The power is “concurrent” in that it does not diminish the authority of other law enforcement entities serving the district’s jurisdiction(s). The bills make this authority permissive and do not require districts to have their own police agency. However, this has raised

the question of whether a district choosing not to exercise its authority would be subject to criticism or liability. It also raises issues of costs, including both direct costs to operate a police force and increased district insurance costs. *Recommended position: None/monitor.*

Bill history and text:

SB 260: <http://www.legis.state.wi.us/2009/data/SB260hst.html>

AB 398: <http://www.legis.state.wi.us/2009/data/AB398hst.html>

SB 304 (also AB 702) – Expanding Part-Time Student Veterans Tuition Remissions

The Senate bill was introduced in September and received a public hearing in November. It was voted out of committee on January 27th and was referred to the Joint Committee on Finance. The Assembly version was introduced in February and is awaiting a hearing.

Recent state law exempts military veterans from paying tuition at technical colleges or UW institutions. This 100% remission is limited to veterans who enroll within 10 years following the end of active duty service, and is currently limited to 128 credits. For veterans who have been away from active duty more than 10 years or who have already exhausted the full benefit, the state's former tuition remission law still applies. This bill would amend that law.

A veteran enrolling who does not qualify for the 100% remission currently may receive a tuition waiver for only part-time studies (up to 11 credits per semester) and up to a total of 60 credits. If the veteran enrolls fulltime (12 or more credits), no remission is provided. This bill would provide that a vet enrolling fulltime receive a remission for the first 11 credits carried in the term up to the maximum of 60. No funding is provided to pay for these remissions. *Recommended position: None/monitor. While this bill would likely affect a small number of individuals, it does expand the state's unfunded mandate on technical colleges.*

Bill history and text:

SB 304: <http://www.legis.state.wi.us/2009/data/SB304hst.html>

AB 702: <http://www.legis.state.wi.us/2009/data/AB702hst.html>

SB 308 (also AB 464) – Emergency Worker Employees Arriving Late to Work

See AB 464, above.

SB 371 and AB 536 (2009 Act 59) – Creating a PK-16 Longitudinal Data System and Systems for Data Sharing and Studies

SB 371 was signed into law on November 9, 2009. It passed in lieu of AB 536. The measure was one of a package of fast-track bills introduced in late October at the Governor’s request.

This package of bills create a state-level framework to compete and qualify for federal “Race to the Top” and other emerging funding streams, and to meet new federal accountability requirements. SB 371 deals specifically with higher education. Other bills in the package deal with the use of student test results to evaluate K-12 teachers (currently banned in Wisconsin), and other new provisions ranging from the creation of a state grant to channel new federal student achievement funds to new rules for establishing charter schools.

As signed, the bill requires the WTCS Board to enter into written agreements with the Department of Public Instruction, the UW Board of Regents, and the Wisconsin Association of Independent Colleges and Universities to “cooperatively conduct research on preschool through post-secondary education programs.” They allow each entity to evaluate and study the educational programs of other educational entities. Importantly, they require the creation of a longitudinal data system of student data that links data from preschool through higher education. Finally, they create a framework for these entities to enter into data sharing agreements and allow them to import other data, such as workforce data, into the systems through agencies including the Department of Workforce Development.

These bills do not provide any funding to accomplish the mandates placed on the WTCS or others. Other questions include the ability to protect student privacy data and large questions surrounding what an effective longitudinal database would look like. *Recommended position: None/monitor.*

Bill history and text:

SB 371: <http://www.legis.state.wi.us/2009/data/SB371hst.html>

AB 536: <http://www.legis.state.wi.us/2009/data/AB536hst.html>

UPDATED – SB 378 – Residence Hall Fees Exempt from Capital Project Limit

See AB 509, above.

UPDATED – SB 407 (also AB 604) – Academic Excellence Scholarship Eligibility

These bills were introduced in November and December. Both received hearings and were voted out of committee. However, both have been referred by their respective houses to the Joint Committee on Finance.

These bills slightly change eligibility for Wisconsin Academic Excellence Scholarships. Currently, the top one or more graduating public high school seniors at each public high school receive a scholarship toward tuition if they enroll at a Wisconsin technical college, UW campus, or an independent private college/university in the state. The number of awards per high school – ranging from 1 to 6 – is determined by the school’s size. The award is made to the senior(s) with the “highest” grade point average. Current law and administrative rules affect the order in which awardees and alternates are selected from among those with the highest GPA. Rules also affect how selections are made when the school “weights” different courses differently to calculate grade point averages.

Under this bill, if the number of eligible students who receive the award *and choose to use it* is less than the number of awards available at that school, a student with the “next highest” GPA may be an alternate and may be awarded a scholarship. This would apply whether or not the school weights grades so long as the next highest student(s) had at least a 3.8 GPA.

Recommended position: Support.

Bill history and text:

SB 407: <http://www.legis.state.wi.us/2009/data/SB407hst.html>

AB 604: <http://www.legis.state.wi.us/2009/data/AB604hst.html>

UPDATED – SB 409 (also AB 641) – C.O.R.E. “Jobs” Package

SB 409 was introduced in November and received a hearing in December. A “substitute” amendment replaced the original bill with new provisions. The amended bill passed the full Senate on January 21st. The Assembly version received a hearing on February 3rd and is in committee awaiting a vote to send it to the full Assembly.

One of multiple “jobs” packages introduced or possible this session, *see also AB 513, above*, SB 409 has the distinction of being introduced by all eighteen majority Senate Democrats as co-sponsors. Senator Julie Lassa (D-Stevens Point) is the lead sponsor. It is being referred to as “C.O.R.E.,” for “Connecting Opportunity, Research and Entrepreneurship.” SB 409 combines a wide range of new ideas with others that are already introduced as bills or that have been discussed over time.

Among several initiatives, SB 409 incorporates all of SB 63, an existing bill to create business tax credits for payment of tuition, *see SB 63, above, for details*. Additionally, SB 409 includes another initiative that directly affects technical colleges by expanding existing Workforce Advancement Training (WAT) Grant funds. WAT grants are made by the WTCS through districts to businesses and defray the cost of incumbent employee custom training at technical colleges. A match is required by the business.

WAT Grant Background: In a budget adjustment bill passed early in the session, *see SB 62, above*, the Senate led an effort for a one-time \$1 million increase in WAT grant funding (from a total of \$3 to \$4 million) and required that the new \$1 million be targeted to “advanced

manufacturing” with a preference for welding training. The increased new funding had to be used or lost by June 30, 2009. The System office, colleges, and business and industry all responded rapidly and used the one-time funds in exceptionally short order.

SB 409 adds another \$1,000,000 to total WAT grant funding beginning in 2010-11 (the year beginning July 1, 2010), once again increasing total WAT funding from \$3 to \$4 million per year. It would then expand the set-aside of total WAT grant funds for “advanced manufacturing” from \$1 million to \$1.5 million per year, but eliminate the “preference for welding” language. This effectively restores and makes permanent the prior “one time” \$1 million increase, while removing the specific target of “welding training.”

The bill contains a number of additional initiatives including: increasing annual limits on “angel” investment tax credits, grants to the WiSys Technology Foundation (handling research patents at UW campuses other than Madison), creating a business plan competition and emerging technology center in the UW System, creating new “rural outsourcing” grants, requiring the Department of Commerce to award grants to a high-technology business development corporation and grants for converting manufacturing facilities, creating “micro loans” toward new business creation, and increasing funding for existing economic development programs. *Recommended position: Support with the caveat that WAT Grant funding does not increase college funding or capacity to serve dislocated workers or the overall record enrollment of credit-based students.*

Bill history and text:

SB 409: <http://www.legis.state.wi.us/2009/data/SB409hst.html>

AB 641: <http://www.legis.state.wi.us/2009/data/AB641hst.html>

UPDATED – SB 414 (also AB 616) – Requirements to be a School Nurse

SB 414 and AB 616 were introduced at the request of the Department of Public Instruction (DPI) in December. Each bill received a hearing through which the Boards Association and WTCS secured the co-sponsors’ and DPI’s support for amendments to protect WTCS nursing graduates. The amended SB 414 passed both the Senate and Assembly on March 4th and is now ready for the Governor’s consideration.

These bills establish a number of new requirements necessary for an individual to be considered a “school nurse.” They also change requirements concerning who may administer medication to pupils in a K-12 setting. Unfortunately, these bills as initially written would require that any school nurse in Wisconsin hold at least a bachelor’s degree. This language was introduced without input from the WTCS or District Boards Association.

Registered nurses (RN’s) are licensed after passing examinations and meeting other requirements including graduating from an approved associate degree or bachelor’s degree program in nursing. An RN is an RN regardless of the degree earned, and all RN’s pass the same

examinations regardless of degree earned. There is no meaningful difference in examination pass rates depending on the degree earned.

While school nursing may require specific competencies beyond the initial RN designation, there is no legitimate connection between the underlying degree earned itself and the competencies required to practice school nursing. Despite this, the Association of School Nurses and others testified that the bachelor's degree should be a minimum requirement. One representative of a 4-year nursing program testified that associate degree nurses do well in practice so long as they are providing "direct care" in a "highly supervised" clinical setting. This opinion was not accompanied by supporting data or evidence but seemed to imply that associate degree nurses are somehow less competent than bachelor's nurses.

DPI has also noted that only a small portion of Wisconsin school nurses, (about 8% according to DPI), do not already have a bachelor's degree. However, no data has been presented to show what degree was possessed when the school nurse was first hired. Many Wisconsin K-12 teachers hold a masters degree. Very few of those teachers had already earned that degree when hired. DPI also notes that the bill "grandparents" current school nurses who do not have a bachelor's degree. While this is positive for those individuals, it is also a recognition that they are effective and do not compromise student safety.

We requested that the bills require licensure of an RN as a school nurse based on specific training and competencies in public health topics relevant to school settings rather than using the degree as a standard. As a compromise, we were able to secure amendments that take the specific requirements out of statute and require DPI to promulgate administrative rules instead. This keeps the bachelor's minimum out of state law itself, but does not prevent DPI from using the bachelor's standard in its rules. *Recommended position: Do not oppose as amended to assure that the statutory requirements to be a school nurse do not require a bachelor's degree and that, instead, DPI establishes specific requirements by administrative rule.*

Bill history and text:

SB 414: <http://www.legis.state.wi.us/2009/data/SB414hst.html>

AB 616: <http://www.legis.state.wi.us/2009/data/AB616hst.html>

SB 426 (also AB 638) – Open Records Formats and Fees

See AB 638, above.

UPDATED – SB 431 (also AB 624) – “Diploma Mills” and False Credentials

See AB 624, above.

NEW – SB 442 (also AB 654) – Qualifications-Based Hiring of Consultants

The Senate bill has received a hearing and awaits a vote to send it to the full Senate. The Assembly bill has been voted out of committee and is scheduled for a vote by the full Assembly on March 4th.

These bills change the method used by local governments, including technical college districts, to hire architects, engineers, land surveyors, landscape architects, and photogrammetric and professional geology services. The bills apply to: 1. “public works or buildings” projects, 2. estimated by the local government to cost at least \$250,000, and 3. funded to any extent by state funds.

For such projects, local governments would replace current bid-based proposals and hiring with a process to accept proposals without any reference to the consultants’ proposed fees, level of effort or costs. The proposals would instead be limited to addressing matters such as the consultants’ specific expertise, capabilities, technical competence, quality of work, ability to meet schedules and method of project management. The government unit must then rate the proposals based on these qualifications and negotiate with the most qualified consultant. If the government unit and top-rated consultant do not reach an agreement (including on fees/cost), the unit must then negotiate with the second-ranked consultant, and so forth, until reaching an agreement.

The bills also provide that a local government may forego soliciting or accepting proposals and may enter into a contract for services with a consultant if it has a previously established relationship with the consultant, or if the consultant has provided it with similar services in the past. *Recommended position: None/monitor.*

Bill history and text:

SB 442: <http://www.legis.state.wi.us/2009/data/SB442hst.html>

AB 654: <http://www.legis.state.wi.us/2009/data/AB654hst.html>

NEW – SB 466 – Regulating Local Government Self-Funded Health Plans

This bill was introduced in late January and is awaiting a hearing.

SB 466 would bring self-insured or self-funded healthcare plans offered by local governments, including technical college districts, under the full regulation of the Office of the Commissioner of Insurance. Under current law, a college district offering a self-insured health plan to its employees already follows many state laws applicable to all public employee health plans. These provisions include things like defining who must be eligible for coverage, certain coverage that must be provided, and other mandates for and limits to coverage.

Healthcare plans offered to public employees that are not self-insured and self-funded are further regulated by the Office of the Commissioner of Insurance, as are plans offered in the state to private employers and individuals. This may include issues such as level of financial reserve and other laws. SB 466 would bring self-funded/self-insured plans under this additional regulatory umbrella. SB 466 is supported by WEAC, the WEA Insurance Corporation and AFSCME, among other groups. It is opposed by the Wisconsin Counties Association, the Wisconsin Association of School Administrators, the League of Wisconsin Municipalities, and others. It was reportedly requested by an insurer or insurers perceived to be losing business to governments electing to switch to self-funded/self-insured coverage. *Recommended position: Oppose. Technical college self-insured and self-funded plans have a proven track record as cost-effective, accountable, and reliable. They provide a level of local control over costs and coverage that is in the best interest of the government entity, its employees, and all taxpayers. There is no indication that additional regulation is warranted or would improve their performance.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB466hst.html>

NEW – SB 525 (also AB 745) – Student Credit Cards and Financial Literacy Education

See AB 745, above.

NEW – SB 535 (also AB 671) – Anesthesiologist Assistants

See AB 671, above.

(End of Bills of Interest Section)

This report was prepared by Paul Gabriel, who is responsible for the content including any analysis or opinion. For more information, contact Paul Gabriel at 608 266-9430 or pgabriel@districtboards.org

A Guide to reading bill histories follows:

Reading Wisconsin Bill Histories –A Guide to the Basics

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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>. 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.