

2009-2010 Bills of Interest to Wisconsin Technical Colleges

As of April 6, 2009

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. Items first posted or changed since the most recent Association quarterly meeting are highlighted “New” or “Updated.” The Boards 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 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 follows at the conclusion of this report. You may also view the District Boards Association’s lobbying efforts and positions at the Ethics Board website:

<http://ethics.state.wi.us/LobbyingRegistrationReports/LobbyingOverview.htm>

The site includes cross-referenced links to other organizations taking a lobbying interest in each bill.

Of course, you are always 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 51 – Mandating Evening Classes

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 decide when to offer courses driven by customer/learner need balanced with factors such as facility and faculty availability and cost. The colleges already teach a huge array of courses at night; possibly more than 30% (the WTCS is surveying districts). Hundreds of courses are taught on-line and don't have any time associated with them. 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, large scale printing presses, 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 105 and SB 46 – Arbitration and Fair Share Agreements During Contract Hiatus Periods

This bill affects employer and employee rights during a contract hiatus (during contract negotiations after the previous contract expires). It applies to the Municipal Employment Relations Act (MERA), which includes technical college districts. Employers and employees are required to maintain the status quo in a number of regards during a contract hiatus. Certain practices that are prohibited during a contract period remain prohibited after the contract expires. Under current law, this does not apply to the employer's and employee's obligation to arbitrate grievances. Either side may refuse to arbitrate a grievance during the hiatus. It also does not apply to the employer's obligation to honor a fair share agreement (collecting union dues through the employer's payroll process). However, among public employers, and certainly among

technical college districts, suspending a fair share agreement during a hiatus is rare or unheard of.

This bill would make 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. Given that the suspension of grievance arbitration is used by both employers and employees, and the suspension of fair share agreements by technical colleges is unheard of, this bill does not appear to be a solution to any existing or emerging problem. *Recommended position: Do not support.*

Bill history and text:

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

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

AB 75 – The 2009-2011 State Budget Bill

The 2009-11 state budget bill was introduced at the request of Governor Doyle on February 13, 2009. (*For analysis and updates, 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/2009/data/AB75hst.html>

AB 80 – Business Tax Credits for Payment of Tuition

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. Last session, the Legislative Fiscal Bureau estimated a similar bill would reduce tax revenues by \$23 million annually without any increase in the amount of tuition already being paid by Wisconsin businesses. *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 116 – Leave for School Activities

Current law allows most employees of most businesses 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: <http://www.legis.state.wi.us/2009/data/AB116hst.html>

AB 159 – Municipalities Sharing Omitted Property Taxes

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 has been under-taxed and the omitted taxes are later recovered, the municipality is currently allowed to keep all of the recovered amount and not share it with other taxing entities. This bill would require 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 are actually collected. The municipality may later chargeback taxing entities for these uncollected 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>

LRB 0479/1 – Professional Engineer (PE) Credential

This (draft) 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 that provision. Without a similar amendment in the Assembly (an attempt to add the amendment failed), the bill did not clear both houses and died with the session's conclusion.

The bill being circulated for introduction this session addresses our concern and continues the long tradition of allowing a candidate to earn either a 2 or 4 year engineering degree and to combine it with high-level professional experience to be qualified to sit for the PE examination. Under this bill, a candidate may have either a 2-year engineering-related degree from a technical college plus 6 years experience, or a 4-year engineering degree plus 4 years experience, in order to sit for the PE exam.

The bill amends other requirements to become a PE and changes some aspects of the examination topics. For example, current law allows some individuals to become a PE without sitting for the Wisconsin examination. The bill will require that all Wisconsin PE's pass the exam.

The bachelor's degree issue may come up again in the future. The bachelor's minimum is part of a package being promoted by a national engineering association. Last session's bill was also endorsed by the State's credentialing authority, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors. The main argument supporting the previous bill - that individuals could come to Wisconsin and become a PE without the examination - was not related to the degree earned. There was no indication of problems or deficiencies among PE's who attended technical college programs or concerning their examination performance.

We argued that a number of states do not require a bachelor's degree and that the PE is a professional, not academic, credential. We argued that talented engineering professionals have earned the PE designation through WTCS training and work experience without a bachelor's degree and should continue to be able to do so. We supported imposing the same exam on all PE candidates.

The Boards Association very much appreciates bill co-sponsor Representative Mark Gottlieb's (R-Port Washington) decision to draft this session's bill in a way that addresses our concerns and protects WTCS graduate engineers. *Recommended position: Support.*

Bill history and text: (Not yet available)

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

This draft bill is being circulated for co-sponsors and is not yet introduced. It matches a bill passed in the Assembly last session but not picked up by 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)

SB 11 – Leave for Vets on Veterans Day

This bill 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

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 and using 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 – Arbitration and Fair Share Agreements During Contract Hiatus Periods

See AB 105, above.

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

A 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 narrows the state's immediate budget gap for the year ending June 30th by generating new revenue and by imposing cuts on current year operations. This will include cuts to WTCS core state funding at a level to be determined by the Department of Administration. It will likely include cuts of at least \$1.8 million from WTCS existing year appropriations. These are funds already committed to staff and programming for a year ending in just a few months.

The bill also provides 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 will be a challenge to award and commit by June 30th, at which time unused funding lapses.

For more details, see www.districtboards.org or contact the Association office.

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

SB 63 – Business Tax Credits for Payment of Tuition

One of multiple bills this session, *see also AB 80*, it would provide 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 would increase the tax 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.

This bill has an advantage over similar bills in that it covers a “course of study,” some assemblage of courses in purposeful fashion, and does not limit the credit to “degree candidates.” The major obstacle to passage is likely to be cost. However, no fiscal estimate is available at this time. *Recommended position: None. The Association traditionally has made increases in need-based financial aid a priority over tuition tax credits.*

Note: This bill as introduced contained a drafting error. The original bill applied only to studies “approved by the Educational Approval Board” (EAB). The EAB oversees Wisconsin’s proprietary (private “for-profit”) schools but not its technical colleges, UW campuses or independent (not-for-profit) colleges and universities. The District Boards Association brought this to the sponsor’s attention and a correcting amendment has been made.

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

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, however 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

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 approximately 22% 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>

(end of Bills of Interest Section)

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.