



April 23, 2010

2009-2010
Bills of Interest to
Wisconsin Technical Colleges

Preliminary End of Session Summary

The Wisconsin Legislature concluded its regular 2009-2010 session on April 23rd, following several days of intense floor activity, marathon session days and two Assembly “all-nighters” from Tuesday to Wednesday and from Thursday until early Friday.

This report summarizes the final status of session bills affecting technical colleges. Effectively, any bill not passed in identical form by both houses “died” as of April 23rd with regular session adjournment. While legislative activity such as committee work will continue through the summer and fall, the next regular legislative session (and chance to introduce and consider bills) begins with the inauguration of a new legislature and new Governor on January 3, 2011. All 99 Assembly seats and 17 of 33 Senate seats are on the ballot in Fall, 2010.

A final report organizing these bills around the session’s accomplishments and shortcomings relative to technical colleges will be posted in the near future.

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.

For information concerning the District Boards Association lobbying activities and reporting, see the Government Accountability Board’s website at:

<http://ethics.state.wi.us/LobbyingRegistrationReports/LobbyingOverview.htm>. This site includes cross-referenced links to other organizations that engaged in lobbying on our bills of interest.

The information provided in this report is as accurate as possible as the dust settles on April 23rd.

Any analysis or opinion in this document is exclusively that of the author, Paul Gabriel. Bills in this report include a “position” or “recommended position.” A “position” reflects District Boards Association policies or its formal position. A “recommended position” is provided by the author for the members’ consideration.

On these bills or any public policy matter affecting Wisconsin technical colleges, readers are welcome to contact Paul Gabriel at: 608 266-9430 or pgabriel@districtboards.org.

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Bills of Interest

AB 30 – Monitoring Computers and Employee Email

This bill received a hearing and was voted out of committee but was never brought to the Assembly floor. AB 30, along with AB 64, below, would have affected the ability of employers, including technical college districts, to monitor employee email. All employers, including technical college districts, would have been 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>

AB 51 – Mandating Evening Classes

AB 51 received a hearing last July but was never voted out of committee.

Separate from the AB 51 bill itself 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 still do so until the session formally ends in December, 2010.

This bill would have mandated that each district offer one-third of all class periods each semester beginning after 5 p.m. It would also have mandated 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 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 specific times. 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 never received a hearing. Along with AB 30, *above*, this bill would have affected the ability of employers, including technical college districts, to monitor employee email. It would have prohibited any employer from monitoring an employee's sent or received email unless the employer owned the computer and informed employees of its monitoring policy. It further would have limited 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 have limited an employer's right to monitor employees' personal email. It created for employees a reasonable expectation of privacy in the "content" of personal emails and prohibited 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 did not 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, 2009, 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 never received a hearing. One of multiple tax credit bills in the session, *see also SB 63*, AB 80 would have provided a 50% tax credit to businesses that pay tuition on behalf of individuals in degree-granting programs. It would have increased the credit to 75% if the tuition was paid for lower income individuals. It would have applied to payments for associate, bachelor's and graduate degree candidates attending the WTCS, UW, and Wisconsin's independent (private not-for-profit) colleges and universities. It would also have applied to degree candidates at proprietary (private for-profit) colleges and universities approved by the Educational Approval Board (EAB) if the instruction took place in Wisconsin.

This bill would not have applied to tuition payments for individuals who carried courses outside of a degree-granting program. Therefore, it would have excluded a large number of WTCS students relative to students attending other institutions. The bill also excluded tuition paid on behalf of a business owner's or managing employee's family member unless that family member was a bona fide employee and met other criteria.

Similar bills have been introduced in past sessions. The major obstacle to passage remains these bills' cost. The Legislative Fiscal Bureau estimated that, if passed, this bill would have reduced 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>

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

The Assembly version of this bill passed in that house. The full Senate did not consider either version.

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 have allowed 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 have been entitled to be paid, but could substitute existing paid or unpaid leave. The school activity must have been one not available during non-work hours. “School” was defined as including a licensed childcare facility. An employee would have been required to give the employer advance notice of the leave and schedule the leave so that it did 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 (2009 Act 171) – Municipalities Sharing Omitted Property Taxes

This bill passed and was signed into law on March 15th as 2009 Act 171.

Formerly, when a taxpayer was over-assessed for property taxes, the municipality collecting the taxes made a refund and sought a share of the reimbursement from each taxing entity including the technical college district. However, when a property was under-taxed and the omitted taxes were later recovered, the collecting municipality was allowed to keep all of the recovered amount and did not share it with other taxing entities. This bill requires collecting municipalities to share recovered taxes with all taxing entities.

Also, a municipality formerly was required to 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 later could chargeback taxing entities for the uncollected portion of these taxes. AB 159 also streamlined 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 Assembly in late October and passed the Senate on April 22nd, the final day of Senate session. It awaits the Governor’s consideration.

After months of work by the District Boards Association and WTCS staff, the Wisconsin Engineering Examining Board and interested professional engineering groups agreed to support the bill as introduced. This supported our position and represented a victory protecting technical college graduates.

This bill changed 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 addressed our concern and continues the long tradition of allowing a PE candidate to earn either a 2 or 4-year engineering degree. All candidates would 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 could 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 requires that all Wisconsin PE’s pass the examination after meeting the approved academic and work experience requirements. We supported 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

Neither AB 293 nor its Senate companion received a hearing. This pair of bills was part of a package, *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.

These bills would have required the collection of workforce data from registered nurses and licensed practical nurses when they sought license renewals. In addition to currently collected information, the bill would have required 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 and its Senate companion never received a hearing. This pair of bills was part of a package, *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 have created a tax-advantaged savings mechanism for employees. It would have allowed 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 matched at least 25% of its employees’ contributions.

Qualified expenses would have included post-secondary tuition, fees, books, and required equipment and supplies. Qualified expenses would not have included room and board or optional expenses. The combined contributions would have been limited to \$5,000 annually and an individual would have been limited to a \$25,000 total balance. Withdrawals for unapproved purposes would have been penalized except that individuals aged 70 and over could have used the funds for other purposes and paid taxes on withdrawals as ordinary income. *Recommended position: Support.*

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 hearing and was voted out of committee. However, it was never brought to the Assembly floor.

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 would have allowed individuals or groups to inspect and copy statements of economic interest without providing any names or addresses. Given the detailed financial information shared by public officials, we argued it was reasonable to expect individuals and groups seeking such information to identify themselves. *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 never received 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 have prohibited employers from paying any part of the employee's 3% share of WRS funding. The net effect would have reduced benefit costs to college districts by 3% of payroll for WRS employees, and reduced the effective compensation of each district WRS employee by 3%. This language or similar language has been introduced in prior sessions. *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 never received a hearing. This bill would have applied 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 have prohibited 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. *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 never received a hearing. AB 476 would have required the Department of Commerce to study and report on current and possible methods to retain businesses in Wisconsin that are at risk of leaving or of expanding elsewhere. It also would have required the Department to study and report on how to best identify at-risk companies. Finally, it would have required the Department to develop an “emergency response team” to address such situations. *Recommended position: None/monitor.*

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

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

In a major disappointment, the Senate refused to bring this bill to the floor as the session ended. 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). The Senate held a hearing (on the Assembly-passed version of the bill) and voted the bill out of committee on a 3-2 party-line vote in February making it ready for a vote by the full Senate.

Western Technical College, Boards Association, and WTCS representatives sought support from Senate leaders to schedule AB 509 for a Senate floor vote. Senate leadership expressed concerns that the bill did not assure that no taxpayer funds or student tuition would be used for the project. This restriction had been agreed upon by Western and the WTCS Board in the project approval process. We helped draft an amendment placing this restriction into the bill itself.

Ultimately, the Senate leadership would not schedule the bill for a vote despite the amendment and despite direct advocacy by individual senators and members of the Assembly. In the end, we were told that the bill would not be given a vote because, “it would give unelected technical college boards more flexibility than elected K-12 boards.” Of course, no tax dollars were ever at stake and K-12 districts do not operate residence halls.

Led by Representative Jennifer Shilling (D-La Crosse), AB 509 was developed at the request of Western Technical College but would have applied to all districts. It was supported by other districts, the Boards Association and the WTCS. Western partnered with a developer to build a residence hall replacing older student housing. The bill provided 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 would have allowed a district to issue general obligation bonds for the project and to pay off that debt using the lease revenue stream.

The bill preserved the accountable approval system for projects by local and state boards. It also preserved the requirement to hold a referendum for capital projects of more than \$1.5 million unless the funds came from gifts, grants, federal funds or residence hall lease revenue. *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 never received 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) introduced the extraordinary AB 513 creating the “Wisconsin Jobs Initiative,” (WJI). The WJI would have placed Wisconsin Technical Colleges at the center of the state’s economic recovery efforts. It was co-sponsored by 17 Assembly Democrats and by Senator Spencer Coggs (D-Milwaukee). The WJI had three major components, as follows. It would have been funded by increasing income taxes on Wisconsinites with incomes of more than \$1 million annually, also described below:

Technical College Funding – The bill would have created new WTCS categorical grants for technical college districts to fund programs reducing unemployment. The grants were designed to leverage new federal funding available through federal legislation proposed by President Obama. As passed, that legislation requires state and local matching funds.

Representative Mason’s WJI would have largely matched 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 would have focused grants to district-designed projects that assisted dislocated workers and/or adults who did 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 have provided a new appropriation to the colleges of **\$52 million** in 2010 and **\$30 million** in 2011. **This would have represented an increase of some 37% in total state investment in Wisconsin Technical Colleges in 2010 alone** (based on total current state funding of approximately \$140 million).

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

Financial Aid Support – The bill would also have dramatically closed 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 have increased current funding by the following amounts:

	<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 would have represented 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 have seen 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 have equaled approximately 10% in the first year and 15% in the second. Tribal College grant funding would have increased 23% and 51% respectively. Private college grant funding would have increased 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 have closed the gap and increased 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 have created new tools for business and job expansion and retention. It would have expanded the state’s “Angel Investment” tax credit to support qualified new businesses develop in the state. It would also have created 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 have targeted economically distressed areas of the state.

Despite being joined by 18 co-sponsors, Representative Mason’s WJI proposal faced major challenges. In addition to the difficulty passing any major new state funding commitment in tough fiscal times, this bill would have been funded by increasing income tax rates on extremely wealthy individuals. It would have created a new top tax bracket for earnings above \$1 million annually and increased 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 – were loath to support any tax increase. Representative Mason made it clear from the initial proposal that he was willing to consider an alternative funding source.

AB 513 reflected 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.

AB 578 – Mandating Environmentally Sensitive Building Cleaning

AB 578 was introduced and received a hearing in November. After questions arose about the bill, a substitute amendment was introduced to replace the original bill with new provisions. The amended bill was on the calendar and awaiting a vote by the full Assembly, but was tabled when the Senate adjourned for the session.

The amended bill would have created a new state Council on Healthy and Environmentally Sensitive Cleaning and required 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, used certain cleaning products and systems.

DHS would have mandated 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 products, materials for applying products, equipment, and cleaning instructions. Products and systems would need to meet certain Environmental Protection Agency standards, or the standards set by one of several private groups approved by DHS such as TerraChoice Environmental Marketing (EcoLogo), Green Seal or Greenguard Environmental Institute (GEI).

As amended, it did not appear that the bill created 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>

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

See SB 407, below.

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

See SB 414, below.

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

The Senate version of this package passed both houses as the session ended and is awaiting the Governor’s consideration.

AB 624 and SB 431 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 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” if the entity does not purport to be a legitimate institution of higher education (“College Dry Cleaners,” or the Mustard Museum’s “Poupon University”).

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

The Assembly version of this package passed that house on April 13th and was concurred in by the Senate just before adjournment. It awaits the Governor’s consideration.

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. These bills 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 format.

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>

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

See SB 409, below.

AB 645 – Referendum Group Registration Requirements

This bill passed out of committee but was tabled by the full Assembly when the Senate adjourned the session. After a February hearing, the bill was voted out of committee on March 3rd and 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 currently must register with and file financial reports with a specified agency or official. AB 645 would have changed the thresholds for registration and reporting. Under the bill, the trigger for registration and reporting by groups and individuals would have increased from \$25 to \$750 per calendar year. The bill language affected only referendums and not rules affecting candidates or election committees. *Recommended position: None/monitor.*

Note: In early April, a federal judge ordered the state not to prosecute an individual who failed to register as required by current law. That person spent personal funds supporting a local vote to allow selling alcohol in a “dry” town. The judge opined that the current law is likely an unconstitutional violation of the person’s free speech rights.

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

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

See SB 442, below.

AB 671 (also SB 535) – Anesthesiologist Assistants

While the Assembly version passed that house, the full Senate did not act on either version.

These bills would have created a new licensed professional called an “Anesthesiologist Assistant” and a Council on Anesthesiologist Assistants to assist the Medical Examining Board and Department of Regulation and Licensing in regulating the new profession. The bills were indicative 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. These bills may have affected 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 have required 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. The extent of overlap between the two professional titles was not clear. In general, the technical colleges do not support placing degree thresholds in statute. It is more appropriate to require specific competencies defining the skill and training required. *Recommended position: None/monitor. In general, we do not support 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>

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

See SB 304, below.

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

Neither version of this bill received a vote by its full respective body.

These bills would have limited or prohibited activities related to credit card marketing and card sponsorship by colleges and universities. They also would have mandated colleges and universities require some students complete financial literacy training.

Related to marketing and sponsorship, the bills would have prohibited:

- Credit card issuers from offering college students any tangible inducement (a gift) to apply for a credit card;
- Credit card issuers from marketing credit card offerings physically on district campuses (the amendment clarifies that districts may allow a bank, credit union or ATM's to be located on their campuses and that the ban on marketing credit cards on campus does not include doing so inside a bank or credit union branch on a campus);
- Credit card companies from issuing cards to individuals under age 21 except under certain circumstances (these provisions appeared to match new federal law already affecting adults under age 21);
- Colleges from directly marketing cards for card 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.

The above provisions reflect an amendment made after the District Boards Association and WTCS testified with concerns about the original language. The amended version met our concern that campus-sponsored debit (versus credit) cards be allowed. These cards are increasingly used for unified student purchasing of books, food and other campus goods and services. The amended bill may still have raised constitutional concerns by barring the release of public "directory" information by a college about its students to one specific class of requester (credit card issuers).

The bills would also have required colleges to provide financial literacy information on the college website and to students during any on-campus orientation program. Importantly, the bills also mandated that colleges require students age 21 and younger to complete an on-line financial literacy tutorial once during their undergraduate career. The bills did not provide any funding to meet these provisions.

We testified that the on-line tutorial requirement was inappropriate for most technical college students and represented a significant unfunded mandate. The average age of WTCS students is greater than 30 and many students have been financially independent for years. Based on our testimony, the substitute amendment changed the mandate from requiring all students complete the tutorial to requiring only students 21 and younger complete it. The amended bill also removed language that would have prohibited a student from registering if he/she failed to complete the tutorial. *Recommended position: While the amended bill was much improved, we do not support mandating student tutorials without new funding to cover the mandate.*

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>

AB 781 – Expanding Veterans Tuition Remissions

This bill received an Assembly hearing but was sent to the Joint Finance Committee. It was expected to stay there but was “pulled” to the Assembly floor and passed unanimously at 2:38 a.m. on April 21st. The Senate did not consider the bill.

To understand AB 781, suffice it to say that there are two interpretations of the Wisconsin GI Bill’s tuition remission “promise.” First, there is an understanding that the state promised veterans they may attend college without paying tuition for up to 128 credits. This may be realized by colleges remitting (not charging) tuition. Those remissions may also be *offset by the veteran using “Post-911” federal educational benefits when available*. Second, there is an interpretation that the state promised veterans a tuition remission for 128 credits *in addition to* any and all federal benefits. AB 781 was intended to implement this second interpretation.

The original version of AB 781 would have extended the 100% tuition remission for veterans attending technical colleges or UW institutions by 64 credits (from 128 to 192 credits) *if* the veteran was required to use any federal benefits toward tuition. After an early March hearing, a substitute amendment was introduced. Under that version, technical colleges and the UW would have been required to provide the full 128 credit remission to a veteran regardless of any federal benefits used toward tuition.

AB 781 as amended would have increased the number of credits to be remitted at technical colleges but would not have provided any funding for these remissions. The bill would have clarified, but not fixed, the maddeningly complex interaction between various veterans benefits programs covering different vets in very different ways. These complexities were dependent on factors such as the various federal program(s) the vet was eligible for, the timeframe of the vet’s service and his/her eligibility for the “Post-911” benefit, the length and type of military service, and the number of prior college credits earned.

Background on current law: Some of the confusion concerning tuition remissions is a function of 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 federal 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, the 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 would remit the \$100 and receive about \$15 from the state and \$25 from federal funds. Suppose, however, the vet will receive \$20 less in total federal benefits (all types) by having used 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.

Recommended position: The Association continues to strongly support full state funding of tuition remissions.

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

AB 881 – Tax Credit for Bachelor’s Degree Graduates

This bill never received a hearing. AB 881 would have given bachelor’s degree graduates of accredited colleges and universities who live in Wisconsin year-round a tax credit (by reducing the individual’s state taxable income by \$1,000) in each of up to 5 years following graduation. The bill was drafted to include accredited degrees earned anywhere so long as the graduate was a state resident claiming the credit. Technical college graduates fuel Wisconsin’s economy in highly-paid jobs following graduation but would not have qualified for this credit.

Recommended position: None/monitor. A bill seeking to keep talented graduates in Wisconsin should include WTCS graduates.

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB881hst.html>

AB 882 (also SB 638) – Accessible Materials for Disabled Students

These bills received hearings in their respective houses but neither was ever brought to the full body for a vote.

AB 882 and SB 638 were versions of bills introduced in a prior session. They were aimed at assisting students who need and are entitled to alternative format class materials, often because of blindness or other visual impairment. Students have testified on the prior bill and these bills that they request alternative format materials from a publisher well before a new term, only to receive them, if at all, too late to be useful or to complete the course. Colleges and universities have state and federal duties to assure disabled individuals are not denied participation in or the benefits of courses or services.

These bills would have provided that a student with a documented disability who purchased a standard version of the materials from the publisher would be entitled to receive an alternative format version (or permission for the college to create the alternative format version) within 15 days of a request. The bills contained significant additional provisions on matters such as required formats and the re-distribution of alternative versions. Finally, the bills would have made publishers of required materials “places of public accommodation” for purposes of enforcing the bills. This would have extended the disabled student’s rights beyond the college and to the publisher’s business.

These bills were vigorously opposed by the publishing industry on several grounds including that great progress had been made in terms of publishers' responsiveness to student requests. The anecdotal evidence presented by students and a former faculty member did not necessarily support this assertion. The publishing industry also expressed opposition to the notion that a general form of business (publishing instructional materials) could be decreed to be a public accommodation by a state's law. Typically, public accommodation law applies to access to facilities (e.g., a publisher running a museum or bookstore open to the public) and not to its product (books). *Recommended position: Support full and timely access to alternative materials while recognizing that these bills might not have been introduced in a version that would appropriately reach that goal.*

Bill history and text:

AB 882: <http://www.legis.state.wi.us/2009/data/AB882hst.html>

SB 638: <http://www.legis.state.wi.us/2009/data/SB638hst.html>

AB 888 (also SB 610) – Mandating the Use of Federal “E-Verify” in Hiring

See SB 610, below.

AB 901 – Tax Exemption for Textbooks

This bill never received a hearing. AB 901 would have created a sales tax exemption for textbooks required at a technical college or any other post-secondary institution or at a high school in the state. Recommended position: Support, with the understanding that the Association has traditionally made increasing need-based aid a higher priority than an across-the-board tax exemption.

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB901hst.html>

AB 904 (also SB 651) – “Green to Gold”

While both versions of this proposal received significant attention, the Senate bill version was amended and passed late in session. The Assembly concurred in that version. It now awaits the Governor's consideration.

These bills reallocate existing Commerce funding streams and create a new state and federal appropriation (designed in part to leverage available federal funding) creating a large revolving loan fund for manufacturing enterprises in the state. The loans would be used to assist manufacturers with initiatives such as: increasing energy efficiency and renewable energy use in

their processes and facilities to enhance competitiveness, developing manufacturing for clean and renewable energy products, and creating and retaining jobs in clean energy and “green” manufacturing. The allowable purposes for funding include training opportunities that could be provided by technical colleges. *Recommended position: Support. While not directly aimed at technical colleges, this ambitious proposal focuses significant state and federal business development resources toward new manufacturing technologies requiring highly skilled and well-trained employees.*

Bill history and text:

AB 904: <http://www.legis.state.wi.us/2009/data/AB904hst.html>

SB 651: <http://www.legis.state.wi.us/2009/data/SB651hst.html>

AB 907 – Funding Post-Retirement Health Benefits for Local Government Employees

This bill never received a hearing. Local governments, including technical college districts, may provide retirees with healthcare benefits, often through the terms of collective bargaining agreements. Various governments have 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 bill would have required local governments, including technical college districts, to ensure that, for any new employee hired after the bill was in effect, the full cost of any post-retirement healthcare benefit was fully funded up-front on an actuarial basis. *Recommended position: None/monitor.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB907hst.html>

AB 908 – Tax Credit for Student Loan Interest Payments

This bill received a hearing but was never considered by the full Assembly. Current federal and Wisconsin law provides a deduction for up to \$2,500 for student loan interest paid by a taxpayer for him/herself, a spouse or a dependent. A deduction reduces taxable income. AB 908 would have created a state tax credit for 50% of student loan interest paid by the taxpayer for him/herself, a spouse or a dependent. A credit reduces tax liability itself. This credit would have been “non-refundable.” That is, it was limited to no more than the claimant’s actual tax liability. *Recommended position: Support with the understanding that the Association has typically made better need-based aid funding the highest priority for reducing student debt.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB908hst.html>

AB 910 (also SB 690) – Restoring the Wisconsin Conservation Corps

AB 910 passed the Assembly on the last day of session. However, the Senate did not take up either bill version.

This bill would have recreated a Wisconsin Conservation Corps (“WCC”) and a state WCC Board to govern it. The WCC Board would have included one member who is a technical college faculty member appointed to the WCC Board by the WTCS Board. The WCC Board would have contracted with an entity experienced in natural resource conservation and youth training to manage conservation projects statewide with the WCC Board’s approval and oversight. The projects would have been geographically distributed by technical college districts and at least one project per year would have been required in each technical college district.

The managing entity would have overseen conservation projects proposed by local governments or nonprofit corporations across a wide range of conservation and natural resources project types such as trail construction, invasive species management, erosion control or prairie restoration, among many. The projects would have been completed with trained work crews made up of 18-25 year-olds. At least one-half of the work crew members must have had no prior college experience and been from lower income backgrounds.

Importantly, the proposal of a project by a local government or nonprofit corporation must have included plans for “training of the work crew members, providing transportation to each project work site, making available educational opportunities for work crew members while they were employed on a project, and for assisting work crew members in making full use of all benefits provided under a youth corps program.” The proposal must also have included a plan “for the crew members to visit a technical college at least once every three months while they are employed on a project in order to familiarize them with application and enrollment procedures, programs, and course offerings.”

The WCC Board and sponsor would have been required to seek funding from existing appropriations attached to UW Extension supporting national service programs. WCC projects would have become the priority for this funding for a minimum of 240 WCC workers.

Since the bill was introduced, there had been some movement to expand training and educational opportunities beyond technical colleges to include UW Colleges. No amendment to the bill has been proposed to date. *Recommended position: Support.*

Bill history and text: <http://www.legis.state.wi.us/2009/data/AB910hst.html>

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

This draft bill was circulated but never introduced. It matched a bill passed in the Assembly last session but was 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 would have extended the law to cover intentionally *threatening*, as well as causing, bodily harm. It also expanded the crime beyond situations in which the official was acting in an 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: (N/A)

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

This draft bill was circulated but never introduced. It would have required 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 appeared to be drafted in response to certain UW-Milwaukee and UW-Madison student government funding decisions that were perceived as favoring specific political or social viewpoints.

The bill draft appeared to apply to the official student government body at each technical college district. It would have made them “public” entities obligated to follow all open meeting and open records laws and be subject to sanctions for failure to do so. 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, we argued the bill should be drafted to exclude technical college governments.*

Bill history and text: (N/A)

LRB 4027/1 – Making the Youth Options Program Voluntary

This draft was circulated but not introduced. It would have matched 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 have made a school district's participation in Youth Options voluntary. A school district that chose to participate in Youth Options would have created its own program. This would have included deciding who could participate, colleges a student could or could not attend, courses a student could take, and other issues such as application procedures and transportation arrangements. The school district would have still paid 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: (N/A)

SB 11 – Leave for Vets on Veterans Day

This bill received a hearing but never came to the full body for a vote. SB 11 would have required all Wisconsin employers, including technical college districts, to provide a paid day of leave for Veterans Day to all employees who are military veterans. This bill appeared to create a precedent in which one class of employee would be granted a benefit not extended to other employees. It would also have created an unfunded mandate. While the technical colleges strongly support their veteran employees and honor their contribution to our freedom, it would have been difficult to support a bill imposing a paid holiday upon one class of employees. *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 never received 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 law 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 bachelor's degree and not more than 5 years.

This bill would have repealed the current age limit for qualifying children attending either system. The bill would have then imposed a new restriction for UW students but not technical college students. Under the bill, the remission would have been available for students at the UW only up to age 30. However, the bill would not have imposed any age limit on WTCS students.

Sadly, the number of persons qualifying for this remission is growing. The WTCS receives a small amount of (partial) 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 targeted 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>

SB 63 – Business Tax Credits for Payment of Tuition

This bill's provisions were passed as one element of the larger "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 is for 25% of tuition paid for individuals in a degree program 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.

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 eliminated the credit for those who are not in a degree program, who are degree students but already have a degree, or who have an income high enough to not receive Pell grants.*

Recommended position: None. The Association traditionally supports increases in financial aid as a priority over tax credits. The amended bill is limited in its help to those paying technical college tuition.

Bill history and text: <http://www.legis.state.wi.us/2009/data/SB63hst.html> (this bill passed as part of SB 409. For that history and text, see SB 409, below)

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

This bill never received 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. Also introduced in prior sessions, this bill would have extended the same restrictions to any state-level financial aid. This would have included 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 never received 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 would have added 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 enrolled. The bill intended to add 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 but never came to the full Senate for a vote. Current law prohibits school districts from beginning classes until September 1st. This bill would have eliminated 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 both houses late in the session and is awaiting the Governor's consideration.

SB 121 mandates 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.

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 never received a hearing. SB 249 was 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 was almost identical to bills introduced in each of the past two sessions. It would have removed all current district board members from office as of July 1, 2011, and replaced them with members elected in non-partisan spring general elections from nine sub-districts (formed to be of approximately equal population) within each college district. There would no longer have been specific categories of board service. Candidates would have needed to reside in the sub-district in which they run and serve. Terms would have been four years and staggered so that at least two members would be elected each spring. Rules concerning nomination papers, campaigns and campaign finance would have been the same as for State Assembly contests. An early spring primary would have been held if more than two candidates ran for one board seat. No public campaign funding would have been provided and there were no provisions 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 bills were intended to support MATC-Milwaukee. However, the MATC District Board took action withdrawing its support. Neither bill received a hearing.

These bills would have extended “concurrent police power” to technical college district boards for all property subject to their control. This effectively would have given the district board authority to create a police force (a level of authority already extended to the UW System). The power would have been “concurrent” in that it would not diminish the authority of other law enforcement entities serving the district. The bills would have made the authority permissive and did not require districts to have their own police agency. However, this raised the question of whether a district choosing not to exercise its authority would have been subject to criticism or liability. It also raised 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 version of these bills passed both houses (clearing the Assembly on the last day of session) and is awaiting the Governor’s consideration. .

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 amends 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 provides 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 will 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>

SB 378 – Residence Hall Fees Exempt from Capital Project Limit

See AB 509, above.

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

The Senate version of this bill passed both houses and awaits the Governor’s consideration.

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 the bill as passed, 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>

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

The Senate version of this package was amended and adopted by both houses late in the session. It awaits the Governor’s consideration.

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

Among several initiatives, SB 409 incorporated all of SB 63, which created business tax credits for payment of tuition, *see SB 63, above, for details*. Additionally, SB 409 included 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, creating a state office of Regulatory Assistance, making 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>

SB 414 (also AB 616) (2009 Act 160) – Requirements to be a School Nurse

SB 414 and AB 616 were introduced at the request of the Department of Public Instruction (DPI). 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 houses and was signed into law as 2009 Act 160 on March 16th.

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 have required 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 any evidence, but seemed to imply that associate degree nurses are in some way less competent than bachelor's nurses.

DPI 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 was 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.

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. DPI suggested that it will include the bachelor's degree minimum in administrative rules after the bill passes. *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.*

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.

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

See AB 624, above.

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

Neither version of these bills reached a full vote of its respective body.

These bills would have changed 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 applied 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 have replaced 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 have been 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 would then have rated the proposals based on these qualifications and negotiated for a contract with the most qualified consultant. If the government unit and top-rated consultant did not reach an agreement (including on fees/cost), the unit would then have negotiated with the second-ranked consultant, and so forth, until reaching an agreement.

The bills also provided that a local government could forego soliciting or accepting proposals and could directly enter into a contract for services with a consultant if it had a previously established relationship with that consultant, or if the consultant had 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>

SB 466 – Regulating Local Government Self-Funded Health Plans

This bill never received a hearing. SB 466 would have brought 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 have brought self-funded/self-insured plans under this additional regulatory umbrella. This bill 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>

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

See AB 745, above.

SB 535 (also AB 671) – Anesthesiologist Assistants

See AB 671, above.

SB 610 (also AB 888) – Mandating Federal E-Verify Program in Hiring

These bills never received a hearing. SB 610 and AB 888 would have required a variety of changes to state contracting and to state and local government hiring practices. Technical colleges would have been affected under provisions requiring that all local governments use the federal employment eligibility verification program known as “E-Verify” to determine an individual is eligible to work in the United States before hiring the individual. Recommended position: None/monitor. College districts already engage in detailed and thorough compliance and employment eligibility checks. This requirement would have added complexity and costs without addressing any known shortcoming in or problem with current hiring practices at technical colleges. The bill did not provide funding to implement its requirements.

Bill history and text:

SB 610: <http://www.legis.state.wi.us/2009/data/SB610hst.html>

AB 888: <http://www.legis.state.wi.us/2009/data/AB888hst.html>

SB 638 (also AB 882) – Accessible Instructional Materials for Disabled Students

See AB 882, above.

SB 651 (also AB 904) – “Green to Gold”

See AB 904, 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.