



End of Session Summary

2011 - 2012

Bills of Interest to Wisconsin Technical Colleges

April 13, 2012

The 2011-2012 state legislative session adjourned on March 16, 2012. All bills that were not passed in identical fashion by both houses have expired. The next general session begins January 1, 2013, following fall general elections. All 99 Assembly seats and 16 of 33 Senate seats (“even” numbered Senate districts) will be on the fall ballot. The Senate also has at least four recall elections pending, along with two announced potential recall attempts.

Legislative activities continue through the balance of 2012 but the legislature will not return to a full floor session unless a special or extraordinary session is called.

Bills of interest to technical colleges are summarized below. Bills that passed are highlighted first, followed by significant bills that did not pass.

A directory of bills organized by subject follows on the next page.

Positions and recommended positions listed after bill descriptions are the District Boards Association’s positions or are recommended positions by the Association staff. A link to the bill at the Wisconsin State Legislature website is provided in each description. It connects to a summary page to access the bill’s full text, its sponsors, and its procedural history. A guide to reading bill histories online follows at the conclusion of this report.

Readers are welcome to contact Paul Gabriel at the Association office for more information: 608 266-9430 or pgabriel@districtboards.org. More information is also available at the colleges’ advocacy web portal: www.buildingthenextgeneration.org.

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2011-2012 Bills of Interest that Passed and Became Law

Act 10 (AB 11 in January, 2011, Special Session) – 2010-11 Budget Adjustment/Collective Bargaining Bill

Act 10, the collective bargaining and “budget adjustment” bill, became law on June 29, 2011, after months of wrangling and Capitol protests. It was introduced as AB 11 in the January Special Session and passed the Assembly after a historic 63-hour continuous floor session spanning February 22-25. The bill contained both fiscal and non-fiscal provisions. The Senate may not consider a fiscal bill unless 20 of 33 members are present. Fourteen Senate Democrats left Wisconsin leaving 19 Republican Senators unable to meet on the bill.

On March 9th, a conference committee of Assembly and Senate leaders was appointed, quickly split the fiscal provisions out of the bill, and sent it to the Senate for passage that evening while the Senate Democrats remained out of state. The Assembly immediately passed the new version and the Governor signed it on March 10th. The conference committee action was challenged in court and an injunction was issued stopping Act 10’s implementation. Act 10 was later declared “null and void” by a Dane County judge on May 26th. The state Supreme Court reversed this ruling and reinstated Act 10 on June 14th, just as the Assembly prepared to repeat Act 10’s provisions as an amendment to the 2011-13 budget bill.

While Act 10 was reinstated in its own right by the Supreme Court, the 2011-13 budget bill, AB 40, also included several adjustments and clarifications to Act 10, as noted below.

Key provisions of Act 10 affecting technical colleges included:

Wisconsin Retirement System (Pensions)

- Require employee pension contributions -- Require all state and local government employees - including technical college employees - to contribute one-half of the cost of WRS pensions, currently 5.8% of annual compensation, beginning in 2011 or, for union employees, upon the expiration, amendment or extension of the current labor agreement.
- No bargaining of pensions -- Remove pension plan benefits from collective bargaining. Like other employee benefits, pensions would become a “prohibited subject” of bargaining.
- Budget Bill Note: Study of WRS vesting periods -- Require a study of options for changing the WRS benefit (offering a defined contribution benefit) and for allowing employees to opt out of their share of contributions in return for lower value pensions. (These provisions were removed from Act 10, but were restored in the budget bill.)
- Budget Bill Note: Change WRS vesting to 5 years -- The 2011-13 budget bill eliminated immediate WRS vesting for new public employees. New employees will now vest in the WRS after 5 years’ employment.

- Budget Bill Note: WRS employee contribution timing -- This was clarified in the budget bill. For those employees not subject to an existing collective bargaining agreement, the budget bill established that WRS employee contributions begin for local government employees on a date set by the DOA Secretary. The Secretary then issued a letter requesting the timing follow “as closely as possible the timing for state employees, who will first see these deductions on their August 25th (2011) paycheck.”
- Budget Bill Note: Pre-tax nature of WRS contributions -- The budget bill clarified that WRS employee contributions will be treated as "pre-tax" for income tax purposes and “must be considered employer contributions under section 414(h)(2) of the Internal Revenue Code.” This benefits employees by reducing taxable income.
- Budget Bill Note: FICA applies to employee WRS contributions -- WRS employee contributions are pre-tax only for income tax purposes and are still subject (for the employer and employee) to FICA (Social Security and Medicare) taxes.

Health Insurance Benefits

- No bargaining health insurance -- Remove health insurance benefits as a subject of collective bargaining. Like other employee benefits, health insurance becomes a “prohibited subject” of bargaining. Subject to state law, plans and premiums would be up to the employer. Note: the requirement employees pay a minimum share of premiums applies to state employees and not to technical colleges with one exception noted in the next bullet.
- State health plan contributions -- Require local government employers participating in the Public Employers Group Health Insurance program, the “state plan” for health insurance, to pay no more than 88% of the lowest cost plan premium for employees. This applies to one technical college district, Blackhawk Technical College. At Blackhawk, this shifts at least 12% of premium costs to employees. No other technical college district offers the “state plan” at this time.

Collective Bargaining

- Limit bargaining to base wages -- For technical college districts, school districts and other local government employers (with a few exceptions for firefighters, police officers and transit workers), limit collective bargaining to employee base wages only. This removes all other topics from bargaining, including benefits, workload, and terms of employment.
- Budget Bill Note: 90-day window for single MOU -- The budget bill also added the following that affects Act 10: A technical college district (or a school district) and its employee bargaining representative may enter into a single memorandum of understanding (1 per bargaining unit): within 90 days of the effective date of the budget bill, “to modify compensation and fringe benefits,” that reduces overall costs, under an existing collective bargaining agreement on the effective date of the budget bill, that was initially entered into prior to February 1, 2011. Such an MOU is not a modification of a bargaining agreement that triggers Act 10. *See also Act 65 (AB 319), below, which created a second 90-day window to execute one additional MOU.*

- Limit wage increases to CPI -- In collective bargaining of base wages, limit wage increases to not exceed a cap based on inflation (the CPI) except as approved by a districtwide referendum.
- Limit contracts to 1 year -- Limit public labor contracts to no more than one year in duration and freeze wages after an agreement expires until a new contract is settled.
- Require unions certify annually -- Require all public collective bargaining units to vote affirmatively each year to maintain certification as a union.
- Prohibit dues collection -- Prohibit employers from collecting union dues. This is commonly known as a “fair share” agreement.
- Prohibit mandatory union dues or membership -- Prohibit members of collective bargaining units from being required to pay union dues or to be a member of the existing union. These provisions are commonly referred to as being a “right to work” state.

Civil Service

- Require technical college districts and other local governments to create a “civil service” or grievance procedure concerning termination from employment, discipline and workplace safety issues. These are being codified as employee “handbooks.”

Position: None.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/jr1/ab11>

Act 23 (introduced as AB 7) – Voter ID, Use of Student ID Cards for Voting

Wisconsin’s new “voter ID bill,” was signed into law as Act 23. The new law was initially interpreted to exclude technical college student IDs by the Government Accountability Board (GAB), which administers Wisconsin elections. Following significant statewide advocacy and appearances by the District Boards Association, the WTCS, and other advocates before the GAB at its November 9, 2011, meeting, the GAB reversed its initial ruling. It applied the plain reading of the new law, and unanimously agreed that technical college student IDs are included as college IDs under the voter ID statute.

Within days, the Legislature’s Joint Committee for Review of Administrative Rules (JCRAR) summoned GAB staff to a hearing concerning several issues, including the use of technical college student IDs for voting. The JCRAR ruled on November 15th that the GAB was “interpreting,” not simply “applying,” the new law. This, it ruled, amounted to administrative rulemaking subject to the Governor’s and Legislature’s review and approval.

The GAB followed by issuing and approving on February 7, 2012, a draft administrative rule providing that technical college IDs count as voter ID if they meet the same format requirements of other college and university degrees. The draft rule was sent to the Governor for review and

remains there at this writing. It can be returned to the GAB for rewriting or be sent on to the Legislature for final review and approval.

In the meantime, two judges have independently issued injunctions against any implementation of the voter ID law. As of this writing, the voter ID law will not be enforced. If the injunctions are lifted, technical college IDs with the correct format will be allowed as voter ID unless and until the GAB's draft rule is struck down or changed.

Act 23 requires certain photo ID be presented to exercise the right to vote. The law takes effect with Spring, 2012, elections. Under the new law, identification for voting means one of the following:

- A Wisconsin drivers license (or certain unexpired receipt of license);
- A state-issued identification card (or certain unexpired receipt of ID);
- A U.S. uniformed service ID;
- A U.S. passport;
- A certificate of U.S. naturalization issued not more than 2 years before the election;
- A federally-recognized tribal ID issued by the U.S. for a tribe in this state; OR,
- **“An unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.30 (1)(d)”**

It is indisputable that Wisconsin technical colleges meet the accreditation requirements stated in s. 39.30 (1)(d). That section reads:

An “accredited” institution is an institution accredited by a nationally recognized accrediting agency or by the board of nursing pursuant to s. 441.01 (4), or, if not so accredited, is a non-profit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

Technical colleges are accredited by the Higher Learning Commission of the Northcentral Association of Colleges and Universities, the same “gold standard” regional accrediting bodies as UW System schools and private institutions like Ripon College and Marquette University. Likewise, our nursing programs are accredited by the same bodies as UW and quality private non-profit college/university nursing programs in the state. Finally, of course, technical college credits transfer to all UW and most private institutions.

Despite the new law’s plain language on its face, the Wisconsin Government Accountability Board (GAB) decided on September 12th that Wisconsin technical college student identification cards may not be used for “voter ID” purposes. In the same action, the GAB approved the use of student IDs by almost all other college and university students in the state - including UW and independent private college and university student IDs - so long as the cards meet certain requirements, namely, they contain elements such as a signature and certain issuance and expiration dates.

On November 9th, District Boards Association, WTCS and other advocates succeeded in convincing the GAB that it was incorrect in its legal interpretation. The GAB is comprised of former judges. One member stated, “We were wrong, and judges don’t typically admit they were wrong.” The GAB then unanimously reversed its earlier decision.

The Legislature’s Joint Committee for Review of Administrative Rules (JCRAR) almost immediately summoned the GAB before it to a hearing with testimony by invitation only. Ultimately, the JCRAR decided that the GAB was “interpreting” and not simply “applying” the new law and that this was effectively administrative rulemaking. It ordered the GAB to draft administrative rules on the topic subject to the Governor’s and Legislature’s review. This process is underway, with a rule draft on the Governor’s desk for review. That review is followed by Legislative review and action.

Until then, and unless the GAB’s draft rule is rejected, the GAB will stand behind the use of technical college student IDs as voter ID, as long as they meet the same required format of all other college and university IDs.

At both the GAB and JCRAR November meetings, a number of arguments were explored suggesting that the Legislature did not intend to include technical college IDs.

First, concerns were raised that technical colleges are not actually colleges (!). However, Wisconsin technical colleges issue fully recognized associate degrees in a wide range of programs. Wisconsin technical college credits also transfer widely. This is the common definition of “college,” that a school issues recognized and accredited transfer credits and degrees at the associate level or higher. Technical colleges are also “colleges” in statute, defined in Chapter 38.

Second, some legislators pointed out the state’s voter registration law lists “colleges, universities and technical colleges” while the new voter ID law says only “colleges and universities.” This is due to the fact that the voter registration law is from before 1994 when technical “institutes” first became technical “colleges” in state law. In 1996, a correction was made to statutes by replacing only the word “institutes” with “colleges.” This appears to be the only reason the two sections read differently; one is pre-1994 and was later corrected. The other is new and didn’t need to distinguish between technical colleges and other colleges.

Third, significant emphasis is being placed on an attempt to specifically add technical colleges by an Assembly amendment to the voter ID bill that failed. Whatever weight a failed amendment to a bill carries in understanding the law as passed, it is much less than what the passed law actually says on its face. There apparently was no discussion on the floor as to why this amendment was offered or why it failed. It was one of 80 amendments that failed between the two houses over 12 hours of floor debate and caucus discussions. It is just as plausible as any other reason that it failed because technical colleges were already understood to be included in the new law (so the amendment was unnecessary).

Finally, some legislators are stating now that they did not personally intend to include technical colleges because the majority of technical college students “live at home.” Again, what the law says carries much more weight than what an individual legislator thinks after the fact. We are not aware of any discussion to exclude technical colleges in any hearing, public discussion, bill summary, caucus or floor debate leading up to the bill’s passage. Furthermore, the law is clear on its face and there is no rational or legal reason to exclude technical college students even if they are less likely to “be away” at school. Technical college students do move to attend school and some colleges maintain residence halls.

Position: Support the GAB’s November 9th ruling and the GAB administrative rule consistent with this application of the law. This assures technical college student IDs are valid for voter ID if they meet format requirements applicable to all colleges and universities.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab7>

Act 32 (introduced as AB 40 and SB 27) – The 2011-2013 State Budget Bill

AB 40 and SB 27 were introduced as parallel state budget proposals for the biennium beginning July 1, 2011, through June 30, 2013, at the Governor’s request on March 1, 2011. AB 40 was amended by the Joint Finance Committee (JFC) over several weeks and voted out of committee on June 3rd on a 12-4 party-line vote. The Assembly considered the JFC version on the floor, amended it, and passed it on a 60-38 vote on June 16th. All 59 Republicans and the 1 Independent voted in favor, and 38 Democrats voted against. Later on June 16th, the Senate passed the same version, also on a party-line (19-14) vote. The Governor issued 50 partial vetoes and signed the bill as Act 32 on June 26, 2011.

For a complete summary of budget provisions affecting technical colleges, see:
<http://districtboards.org/advocacy/budgetsummaryprovisions062811.pdf>

Bill history and text (Warning: bill text is 1,300+ pages):
<https://docs.legis.wisconsin.gov/2011/proposals/ab40>

Act 35 (introduced as SB 93) – “Concealed Carry” of Firearms

This bill was introduced in May, 2011, and was amended and passed in the Senate on a 25-8 vote on June 14th. The Assembly passed the same bill version on June 21st on a 68-27 vote. Governor Walker signed the bill on July 8th and it took full effect on November 1, 2011.

Act 35 provides for the concealed carrying of certain weapons by individuals who have received training and a permit to carry. Allowable weapons include handguns, electric weapons, knives

other than switchblades, and clubs. As described below, technical colleges may provide appropriate training for those seeking a permit to carry.

With a few exceptions noted below, public bodies including technical colleges may limit the concealed carrying of weapons *only in “buildings” the college owns, occupies or controls*. This includes indoor leased space or other indoor space over which the college has control, regardless of ownership. A technical college may prohibit concealed carry in an eligible building (or part of a building) by posting the prohibition “in a prominent place” near “all of the entrances” to the building or portion of building that is affected.

A technical college **may not** generally limit the carrying of concealed weapons in the following places or circumstances:

- Outdoor college spaces including grounds and training facilities that are not in a building. This includes campus lawns, parking lots and training centers that are not in a building such as power utility training areas, truck driving training courses, and the like.
- Parking facilities including surface lots or in parking ramps, even if the ramp is part of a campus building.
- In the cars of employees, students or visitors, even if the car is used in the course of employment by an employee. For example, a college staff member who drives her own vehicle during a work day for work purposes may not be prohibited from carrying a weapon in the vehicle. This would also appear to allow, for example, a person to carry a weapon in a vehicle he/she brings into a posted building for an auto service program.
- By a person “... who leases residential or business premises in the building” on or in college facilities. This includes, for example:
 - A student who rents a dorm room in a college-leased or owned space.
 - A person who rents or is given business space in a college building for a bank kiosk, coffee shop, bookstore or other private business.
- By law enforcement officers (as is current law) and by certain out-of-state and former law enforcement officers in certain circumstances.

Permits to carry concealed weapons are issued by the Wisconsin Department of Justice (DOJ). After receiving an application, fee, and doing a background check, the DOJ **must** issue a license to carry a concealed weapon to an individual who: Is at least 21 years of age; is a Wisconsin resident; is not prohibited under state or federal law from possessing weapons; is not prohibited by a court from carrying while on bail or release and facing charges; and, has proof of training, as described below. The new law also provides for reciprocity with other states. The DOJ has, by administrative rule, created a list of states issuing permits that will be honored in Wisconsin.

Training may be demonstrated by completing a “firearms safety or training course,” including a course at a technical college, college or university, private or public institution or organization, or firearms training school. Any such course must be taught by an instructor who is certified by a national or state organization that certifies firearms instructors, or by the DOJ. A number of other training opportunities are also allowed such as DNR hunter education programs, courses conducted by a national or state organization that certifies firearms instructors, and courses

taught by law enforcement. Training requirements may also be met by demonstrating prior experiences or training such as small arms military training, training in another state, and in other circumstances. A DOJ rule requiring such training to be for a minimum of 4 hours has been suspended.

Act 35 also amended gun laws related to K-12 settings. It was previously a felony to knowingly possess a firearm if the person knows or has reason to know the place is a “gun free school zone.” This included being in a K-12 school building, on school grounds, or on public property within 1,000 feet of school grounds. There were certain exceptions. Under Act 35, it remains a felony to possess a firearm in a K-12 school or on school grounds (again, with certain exceptions). However, it is no longer a crime to carry a firearm on public property within 1,000 feet of school grounds. Now, a person with a concealed carry permit may carry a weapon up to the boundary of the school grounds. Those without a carry permit who are on public property within 1,000 feet of (but not on) school grounds may be fined, but are no longer guilty of a crime.

Besides (K-12) school property, concealed carry is outright prohibited only in: Police, sheriff, or state patrol stations; jails, prisons and secured correctional facilities; certain secured treatment and mental health facilities; county, state and federal courthouses; municipal courtrooms when court is in session; and, beyond security checkpoints at airports.

Many organizations sought unsuccessfully for additional prohibitions or authority to further post against concealed carry. These included groups seeking the ability to prohibit concealed carry for all campus grounds. Amendments to this effect were offered but tabled in each house.

The new law does not address whether colleges have authority to issue safety rules for *instructional* environments that are not otherwise in a posted building. Colleges have always had the ability to require or prohibit certain dress or equipment to promote safe learning. For example, a college may determine that it is not safe for a student to carry a weapon during instructional activities on an outdoor emergency services training course, on an electric utility pole, in an aircraft, or in many other “non-building” learning environments. Even the definition of a “building” itself may come into play as the new law is interpreted. It is not entirely clear, for example, how the law applies to an enclosed space such as the inside of a wind tower structure used for training on campus grounds.

Recommended position: The discretion of district boards to control district facilities, including allowing or posting a ban against carrying weapons, should extend beyond buildings to include all campus grounds, facilities, and instructional environments.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sb93>

Act 65 (introduced as AB 319) – Authority to Execute A Memo of Understanding Without Triggering Act 10

This bill was introduced in mid-October and moved quickly to become Act 65 as of November 24, 2011.

Act 65 created a new 90-day window for a public employer and employee organization to modify the employment contract via a memo of understanding (MOU) without triggering Act 10 collective bargaining and employee benefits law. The new window ran for 90 days beginning in late November, 2011, and ending in late February, 2012.

Many Act 10 provisions take effect only after an existing collective bargaining agreement expires *or is amended or extended*. Act 65 allows certain employers including technical college districts to enter into a single (one per bargaining unit) memorandum of understanding (MOU) with an employee organization without triggering the implementation of Act 10, if the MOU:

- Modifies compensation and fringe benefits,
- Resulting in an overall reduction in costs,
- Under an existing collective bargaining agreement.

This was the second MOU “window” allowed as an exception to Act 10. The first was part of the state budget (Act 32).

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab319>

Act 86 (introduced as SB 45 and AB 62) – Requirements to be a School Nurse

SB 45 passed and was signed into law as Act 86 effective December 9, 2011. The Senate and Assembly bills were co-introduced by Senator Luther Olsen (R-Ripon) and Representative Steve Kestell (R-Elkhart Lake), joined by co-sponsors Senator Sheila Harsdorf (R-River Falls) and by 11 members of the Assembly (10 Republicans and 1 Independent).

Act 86 reversed a Department of Public Instruction (DPI) administrative rule (and portions of its underlying bill) passed last session requiring, for the first time, that a registered nurse (RN) must hold a minimum of a bachelor’s degree in nursing to qualify for employment as a Wisconsin school nurse. Both the prior and current session bills also addressed the administration of medication in K-12 settings, which did not affect technical colleges.

Act 86 is a significant victory for associate degree (ADN) registered nurses and WTCS nursing programs. The new law provides that a Wisconsin K-12 school nurse must be an RN who has completed an appropriate course in community health or public health as approved by the DPI.

This keeps Wisconsin law from distinguishing among RNs based on the underlying degree earned prior to passing the RN board exams. Both associate degree and bachelor's degree nurses pass the same examinations to become a new RN. We have consistently argued that "an RN is an RN" and that regulatory standards for specialties in nursing should be based on the "RN plus additional training," and not on the underlying degree.

Opposition to this bill (like support for the prior session law it overturned) was vigorous and was led by the Wisconsin Association of School Nurses. Other nurses and nursing groups also supported the bachelor's minimum, including the dean of UW-Madison's School of Nursing. Generally, this advocacy tended to be based on public health and safety arguments despite the lack of any data presented concerning problems or deficiencies with ADN nurses.

The opposition also argued that the bachelor's degree includes training and education not provided to ADN nurses. Again, no data was presented showing any consistent pattern of additional work completed in bachelor's programs or any meaningful differences in nursing curriculum between degrees. Additionally, technical colleges argued we should be able to adjust the ADN curriculum or support additional training beyond the degree as needed if the additional competencies required of school nurses were agreed upon and quantified.

Interestingly, the minimum bachelor's *in nursing* standard for school nurses also meant that an ADN RN would not be eligible to be a school nurse despite advanced degrees in other relevant fields. An ADN nurse who went on to earn, for example, additional bachelor's/master's or PhD degrees in public health, child psychology or school social work would remain ineligible to be a school nurse under the prior law.

Finally, opponents repeatedly argued that the vast majority of school nurses already have a bachelor's degree. We argued in return that many K-12 teachers have a master's degree, but likely did not when initially hired. We support lifelong learning including earning additional degrees. What we oppose is limiting the lawful employment available to holders of the exact same credential – the RN license – based solely on the underlying degree earned leading to that credential.

It appears that there are general public policy initiatives underway nationally supporting the bachelor's degree as the *minimum entry degree for all RNs*. This is alternatively framed as requiring a bachelor's degree to sit for RN exams, or, by requiring the bachelor's degree be earned within a certain number of years in practice as an RN. Such initiatives suggest there will be additional battles ahead to protect the ADN as an RN.

Position: Support! The District Boards Association continues to oppose any bill or rule that distinguishes among RNs based on the underlying degree program leading to the RN.

Bill history and text:

SB 45: <https://docs.legis.wisconsin.gov/2011/proposals/sb45>

AB 62: <https://docs.legis.wisconsin.gov/2011/proposals/ab62>

Act 114 (introduced as SB 2) - Contract Renewal Dates

Act 114 was signed into law on February 1, 2012.

This bill largely dealt with changes to K-12 open enrollment and “school choice.” One important element of the bill affects technical colleges. Act 114 provides that notice of technical college “teacher” contract non-renewals and renewals be issued no later than May 15 annually. Prior to the new law, this date was March 15.

Recommended position: None.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sb2>

Act 124 (introduced as AB 322 and SB 485) – Accessible Instructional Materials for Disabled Students

Act 124 moved quickly through the Legislature in the session’s final weeks after a compromise was struck between textbook publishers, groups supporting disabled individuals, and educational institutions. It was signed on March 19, 2012.

Federal law prohibits colleges and universities from discriminating against disabled students in admission or participation in their courses, programs, services or facilities. These duties require colleges to provide auxiliary aids to students with impaired sensory, manual or speaking skills. Students who are blind, visually impaired or who have a disability affecting reading may seek alternative materials from textbook publishers. However, students and colleges report that receiving such materials can take months or sometimes is not possible.

This bill provides for a Wisconsin college or university to request an “alternate format” (Braille, large print, audio recording, etc.) or “electronic format” (digital files to be translated into alternate format) copy of a required textbook on a student’s behalf. The school must document the student’s background and need. The conditions include assuring that the student has already purchased the materials in traditional format and that he/she agrees not to further distribute the materials to others.

The publisher must respond within 7 days with a written notice informing the school of the allowable manner in which it will send the alternate or electronic format material to the school within no longer than an additional 14 days. Other exceptions and details apply for circumstances involving issues about multiple copyright holders, situations in which the alternative/electronic format is already available commercially, and cases involving unreasonable expenses to publishers, among others. The new law also allows for sharing of materials among colleges and universities with proper notice and payment to the publisher.

Previous versions of this bill (this session and in prior sessions) were more controversial and were opposed by publishers. Those bills tended to extend the “public accommodations” law to publishers. The public accommodations law generally refers to laws requiring any entity offering places of accommodation or amusement to assure they are accessible to disabled individuals (e.g., wheelchair access to restaurants or hotels). Prior bills provided that publishers of instructional materials were places of public accommodation and that a publisher who refused to comply with the bill violated the public accommodations law.

The bill version that passed and became law is a great example of public-private and bipartisan compromise. It also reflects rapid changes in technology making compliance by publishers more possible and cost-effective.

Recommended position: Support. The Association supports all reasonable efforts to improve accessibility of instructional materials for disabled students.

Bill history and text:

AB 322: <https://docs.legis.wisconsin.gov/2011/proposals/ab322>

SB 485: <https://docs.legis.wisconsin.gov/2011/related/proposals/sb485.pdf>

Act 150 (introduced as AB 201 and SB 156) – Regulating Geothermal Well Drillers

These bills were subject to public hearings in early 2012. At that time, it became clear these bills would negatively affect graduates of Gateway’s geothermal technician program and other geothermal professionals. After Gateway testified at the hearing, the Assembly lead sponsor, Al Ott (R-Forest Junction), brought the parties together to discuss possible routes to compromise. This resulted in a substitute amendment (replacing the original bill in its entirety) acceptable to all parties including Gateway. That version passed on March 13th and was signed as Act 150 on March 27th.

These bills regulate the drilling of certain bore holes for “heat exchange” geothermal energy systems. Under the original bills, geothermal system excavations in Wisconsin could only be drilled if the work was done by or supervised by a licensed *water well* driller.

While water well drilling is already highly regulated, geothermal drilling is a newer field that is growing and the subject of proposed regulation for the first time. Responding to emerging industry demand, Gateway Technical College created the nation’s first geothermal technician degree program. Among other skills, this program qualifies graduates to engineer and drill effective and environmentally sound heat exchange bore holes. However, the original bills drew a “fence” around geothermal drilling and reserved it exclusively for licensed water well drillers. Typically, geothermal drillers seek to avoid groundwater from entering a closed heat transfer

system rather than to capture and pump it. Both types of drillers seek to protect groundwater resources but by using often different technology for different reasons and applications.

Based on the sponsor's work with interested parties, the bills were amended to allow the DNR to license water well and geothermal bore hole drilling separately. The DNR may issue a license applicable to one or both types of activity. The bill further creates a distinct examination and other requirements for geothermal licensing separate from water well requirements. This satisfied the concerns of our college and association and other geothermal practitioners.

Recommended position: Gateway and the Boards Association dropped their opposition upon adoption of the substitute amendment.

Bill history and text:

AB 201: <https://docs.legis.wisconsin.gov/2011/proposals/ab201>

SB 156: <https://docs.legis.wisconsin.gov/2011/proposals/sb156>

Act 286 (introduced as SB 275 and AB 353) – Disbanding and Recreating the MATC Milwaukee District Board

These identical bills were introduced by lead sponsors Representative Mark Honadel (R-South Milwaukee) and Senator Glenn Grothman (R-West Bend). A significantly amended SB 275 passed the Senate on a party-line 17-16 vote on March 13, 2012. It was concurred in by the Assembly on March 16th and was signed on April 12th as Act 286.

A major report of these bills' history, amendments, advocacy efforts, passage and impact is available at <http://districtboards.org/advocacy/SB275finalreport.pdf>. This report summarizes only the impact of the original proposed bills affecting all boards and the impact of SB 275 as passed to disband and recreate the MATC Milwaukee Board and its appointing authority.

The bills as originally introduced: The original bills would have changed the composition of all technical college district boards and eligibility to serve. They would have required each 9-member district board be comprised of:

- Six “businesspersons,”
- One elected state or local official,
- One school district administrator, and
- One additional member.

“Businessperson” was limited to an employee, owner, director or manager or retiree of a:

- for-profit business;
- non-profit hospital, clinic or healthcare organization or facility; or,
- state or federal credit union.

Other aspects of the appointment process including plans of representation would have remained unchanged.

SB 275 as passed: SB 275 was amended several times including two substitute amendments completely replacing original bill language. As passed and concurred in by the Assembly, it:

- Disbands the entire MATC Milwaukee District Board as soon as the bill becomes law. This appears to be the first time in history the Legislature summarily disbanded an entire local government's governing body of public officials. Little or no factual data was ever presented to support this action. The public hearing, of course, was held on very different bill versions.
- Eliminates the longstanding public board appointment authority of 22 elected school board presidents serving the MATC District. The appointing authority is replaced by an appointment committee of just 4 members. The new appointing body of 4 is comprised of the:
 - Washington County Board Chair (2% of population and 25% of the new appointing committee),
 - Ozaukee County Board Chair (7% of population and 25% of appointing authority) and
 - Milwaukee County Executive and the Milwaukee County Board Chair (50% of the appointing committee membership but over 90% of the district population and 85% of the district's property value).
- Permanently eliminates 5 board seats (2 employer positions, 2 employee positions, and 1 at-large seat) and replaces them with 5 who must come from private "for-profit" businesses, or from not-for-profit health care entities, credit unions or cooperatives.
 - None of the 5 "businesspersons" may come from a business with less than 15 employees.
 - 2 of the 5 must come from entities of 100 or more employees.
 - 2 of the 5 must come from manufacturing entities.
 - The "for-profit" plus health, credit union and cooperatives definition:
 - excludes any persons employed in police and fire service, chambers of commerce, business alliances and economic development groups, community organizations, foundations and charities, mutual insurance companies, fraternal organizations, the U.S. Military, college/university and K-12 education, and many others.
 - excludes all private business retirees. A private industry member would cease to be an eligible businessperson immediately upon retirement. Many leading business members currently serving on technical college boards have recently retired or will retire during the course of board service.
 - excludes taking into account a person's prior professional careers or experience. Three current board members who worked in manufacturing and as a journeyman printer but are in second careers or retired would no longer count as businesspersons.

- excludes many small private business employees arbitrarily only because the business has fewer than 15 employees. According to the U.S. Census Bureau, private firms with fewer than 10 employees comprise 73% of all Wisconsin business firms (thus, 73% of business owners), and those firms employ almost 20% of all private employees statewide.
- eliminates the board's 100-year history of having dedicated employer and employee seats. The replacement members could come from qualifying entities without regard for the level of position they hold.

These provisions make at least 3 of 5 current MATC board members unable to be reappointed. The following 5 members are removed and are not eligible for 7 of 9 new board seats:

- Lauren Baker, Director of Career and Technical Education for Milwaukee Public Schools (not a private businessperson despite 25 prior years as a journeyman printer in private industry);
- Fred Royal, Jr., the District Boards Association's Secretary/Treasurer, an employee of the Milwaukee Help in Re-Employment Center, which assists dislocated workers (not a private businessperson despite being a former longtime Delphi Electronics employee);
- Bobbie Webber, Captain, retired, Milwaukee Fire Department (not a private businessperson);
- Ann Wilson, Director of the Hillside Family Resource Center, part of City of Milwaukee Public Housing (not a private businessperson); and
- Peter Earle, Law Offices of Peter Earle (a private businessperson, but not qualified because his business has less than 15 employees).

In addition to the 5 members above, the remaining 4 members are also removed but are eligible to be re-appointed under the new law:

- Melanie Holmes, board chair, vice president of Manpower Group, Inc., a Fortune 100 Corporation (businessperson);
- Michael Katz, President, Molded Dimensions, an Ozaukee County manufacturing company (businessperson);
- Tom Michalski, an Oak Creek Alderman and retired machinist (elected official); and
- Dr. Richard Monroe, Nicolet High School District (school district administrator).
Note that a new school administrator was just appointed to replace Dr. Monroe by the outgoing appointment authority at its regular annual appointment hearing on March 17th.

Recommended position: Oppose. This appears to be the first time in modern history the Legislature has summarily dismissed the entire governing body of a duly-constituted local government and replaced it.

Bill history and text:

SB 275: <https://docs.legis.wisconsin.gov/2011/proposals/sb275>

AB 353: <https://docs.legis.wisconsin.gov/2011/proposals/ab353>

Act 156 (introduced as SB 335 and AB 447) – Vocational High School Diplomas

These bills were introduced December, 2011, to replace previous September Special Session bills that expired without passing. SB 335 was amended and passed and was concurred in by the Assembly. It was signed by the Governor as Act 156 on March 27th.

The second-generation bills reflected by SB 335 and AB 447 were dramatically improved compared with the original bill versions, which we opposed. SB 335 as passed allows a school board to approve a “technical high school” curriculum and to offer a “technical high school diploma” to students who complete it. An amendment changed the diploma name to the more appropriate “technical” diploma rather than the original “vocational” diploma in the original versions. The program and diploma may also reflect completion of specific industry skill certification credentials, and this completion may be recorded on the credential.

The passed bill was greatly improved because it requires *the technical diploma student to complete the same minimum core credit requirements as all other students overall, and in terms of specific credit requirements for math, science, English, social studies and physical education.* The bills also allow a school board to link the technical diploma opportunity to industry-wide skills certifications and to list any such certifications on the diploma.

These bill versions remove the fundamental problem in the earlier bills by requiring completion of all core requirements. The earlier bills would have allowed vocational diplomas to not meet the minimum accomplishments in math, science and other core subjects as traditional graduates. It is not clear whether this improved approach will remove all concerns in the K-12 and higher education communities. It is possible that *any* parallel diploma will be seen as inferior to the standard diploma.

It is also unclear if any school board will implement this option. It is already possible for a school board to promote an emphasis on technical education and to develop courses that lead to industry-wide skill standards certification.

Recommended position: None/monitor.

Bill history and text:

SB 335: <https://docs.legis.wisconsin.gov/2011/proposals/sb335>

AB 447: <https://docs.legis.wisconsin.gov/2011/proposals/ab447>

Act 176 (introduced as AB 144) – Establishing a Temporary Financial Aid Commission

This bill passed on the final day of session and was signed on April 3rd.

It is one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

Wisconsin higher education grants and state-level financial aid are administered largely by the Higher Educational Aids Board, “HEAB,” a small independent state agency led by a secretary appointed by the Governor.

The bill would create a temporary commission on financial aid consolidation and modernization related to HEAB programs. It would consist of 11 members as follows:

- The HEAB executive secretary.
- The chairperson of the HEA Board.
- The two student members of the HEA Board.
- Two representatives of the University of Wisconsin System.
- Two representatives of the Wisconsin Technical College System.
- Two representatives of the Wisconsin Association of Independent Colleges and Universities.
- One member of the Assembly appointed by the Speaker of the Assembly.
- One member of the Senate appointed by the Senate Majority Leader.

The act directs the temporary commission to study the potential for consolidating all grant programs administered by HEAB into a single, comprehensive, need-based grant program. It will also study options for providing grant aid for students who are attending Wisconsin institutions of higher education at less than fulltime credit loads. The commission will report its recommendations to HEAB and the Legislature.

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab144>

Act 190 (introduced as SB 489 and AB 658) – Barbering and Cosmetology Licenses

These bills were introduced late in the session and the Senate version passed that house on a fast track. It was then concurred in by the Assembly (which never held a public hearing) and was signed on April 3rd.

Prior to this bill, the Barbering and Cosmetology Board issued one license to those practicing barbering and cosmetology including cosmetologists practicing aesthetics, manicuring and electrology. The state Department of Safety and Professional Services (DSPS) also licenses managers and establishments, and training schools and instructors. A person holding a barbering and cosmetology license must complete 1,800 training hours and graduate from a licensed program, or complete an apprenticeship. Graduates also complete an examination. Several technical colleges operate programs with licensed barbering and cosmetology programs.

This bill:

- Separates barbering from cosmetology and other services and creates a parallel barbering license directly issued by the DSPS and no longer overseen by a board.
- Establishes distinct licensing for barbering managers, establishments, schools and instructors under DSPS and no longer under the board.
- Directs the Secretary of DSPS to create a barbering advisory committee.
- *Reduces required training for barbers from 1,800 to 1,000 hours.*
- Allows DSPS to require up to 4 hours annually of continuing education requirements for barbers licensed less than 8 years.
- Limits licensed barbers to the practice of barbering but appears to allow licensed cosmetologists to continue to practice barbering and cosmetology, as well as aesthetics, manicuring and electrology. Training for cosmetologists remains at 1,800 hours in schools licensed by the Cosmetology Board.

This bill was not subject to significant study or scrutiny prior to being fast-tracked in the final session days. Its impact will clearly affect training programs that will now need to distinguish among curricula, instructors, licenses, examination preparation and continuing education, among other changes.

Recommended position: None/monitor.

Bill history and text:

SB 489: <https://docs.legis.wisconsin.gov/2011/related/proposals/sb489.pdf>

AB 658: <https://docs.legis.wisconsin.gov/2011/related/proposals/ab658.pdf>

SJR 39 – Gateway Technical College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. SJR 39 passed the Senate and Assembly and was “enrolled” (formally adopted) on September 14, 2011.

This Joint Resolution commends Gateway Technical College on its centennial as the nation’s first publicly-funded Continuation School.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sjr39>

SJR 52 – Western Technical College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. SJR 52 passed the Senate and Assembly and was “enrolled” (formally adopted) on January 30, 2012.

This Joint Resolution commends Western Technical College on its centennial and commemorates the district’s achievements and contributions.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sjr52>

SJR 65 – Madison College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. SJR 65 passed the Senate and Assembly and was “enrolled” (formally adopted) on March 19, 2012.

This Joint Resolution commends Madison College on its centennial and commemorates the district’s achievements and contributions.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sjr65>

SJR 66 – Moraine Park Technical College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. SJR 66 passed the Senate and Assembly and was “enrolled” (formally adopted) on March 19, 2012.

This Joint Resolution commends Moraine Park Technical College on its centennial and commemorates the district’s achievements and contributions.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sjr66>

AJR 44 – Virgil Roberts Memorial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. AJR 44 passed the Senate and Assembly and was “enrolled” (formally adopted) on March 12, 2012.

Virgil Roberts served in the State Assembly representing the 94th District for 22 years as a Democrat from Mindoro, and later living in Holmen. He also served in many other public and private roles including on the Western Technical College Board from 2001-03 and was active in the District Boards Association. He died April 6, 2011, at age 88.

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ajr44>

AJR 107 – John Gower Memorial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. AJR 107 passed the Senate and Assembly and was “enrolled” (formally adopted) on March 15, 2012.

John Gower served in the State Assembly representing the 4th District for 6 years as a Republican from Green Bay. He also served in many other public and private roles including on the Northeast Wisconsin Technical College Board from 2003 until his death and was active in the District Boards Association. He died December 10, 2011, at age 70.

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ajr107>

AJR 125 – Milwaukee Area Technical College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. AJR 125 passed the Senate and Assembly and was “enrolled” (formally adopted) on March 15, 2012.

This Joint Resolution commends MATC Milwaukee on its centennial and commemorates the district’s achievements and contributions.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ajr125>

Executive Order 56 – Governor’s College and Workforce Readiness Council

In January, 2012, Governor Walker announced a series of steps and projects comprising the “Wisconsin Working Jobs Plan.” Part of this effort was contained in Executive Order 56, creating a new “College and Workforce Readiness Council.” The Council will consist of 15 members:

The Governor or designee, who shall serve as chair; the Senate Majority Leader or designee; the Senate Minority Leader or designee; the Speaker of the Assembly or designee; the Assembly Minority Leader or designee; the State Superintendent of the Department of Public Instruction or designee; the Secretary of the Department of Children and Families or designee; the Secretary of the Department of Workforce Development or designee; the President of the University of Wisconsin System or designee; the President of the Wisconsin Technical College System or designee; the President of the Wisconsin Association of Independent Colleges and Universities or designee; a member representing Wisconsin’s federally recognized tribes and appointed by and serving at the pleasure of the Governor; a member representing Wisconsin workers and appointed by and serving at the pleasure of the Governor; a member representing Wisconsin employers and appointed by and serving at the pleasure of the Governor; and, a member representing Wisconsin’s small business community and appointed by and serving at the pleasure of the Governor.

According to the Governor’s staff, the “...Council will report to the Governor on:

- Reducing dropout and remediation rates as well as income and racial achievement gaps therein;
- Increasing the number of degrees and certificates awarded by educational institutions;
- Designing shorter, less costly degree programs aimed at filling high need positions while promoting and supporting technical career pathways for students beginning at a young age;

- Encouraging students to pursue trades and professions in high demand or of particular importance to the State of Wisconsin;
- Easing transitions between systems and institutions, specifically through the transfer of credits and the awarding of credit for prior work or other experience; and
- Expanding dual enrollment and dual credit opportunities to elementary and secondary students statewide.”

Further, “...the Council will base its recommendations on credible data relating to current and future workforce needs.” “All recommendations must focus on immediate job creating strategies.”

Significant Bills of Interest that Did Not Pass

AB 141 – Minnesota Wisconsin Tuition Reciprocity

This bill was preempted by similar language passed in the 2011-13 State Budget, Act 32.

Under longstanding law, Wisconsin and Minnesota students can attend a public college or university in the other state and pay resident tuition equivalent to a comparable “home” state college or university. When Minnesota tuition is higher (as is common for 4-year programs), the Wisconsin student paid the home rate and the State of Wisconsin traditionally paid the balance or “supplement” to Minnesota.

A provision of the state budget bill, Act 32, above, preempted this bill by requiring that the Higher Educational Aids Board (HEAB) renegotiate with Minnesota to provide a Wisconsin student will pay the entire resident Minnesota tuition and fees amount him/herself. This effectively phases out the “supplement” Wisconsin taxpayers now make to cover the higher Minnesota tuition. The supplement will be phased-out beginning with new students in 2012-13, and will end completely at the beginning of the 2015-16 academic year.

Recommended position: Monitor/none.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab141>

AB 142 – Talent Incentive Program Grants

This bill passed the Assembly on November 3, 2011, after a controversial floor period in which Representative Peggy Krusick (D-Milwaukee) offered an amendment to bar the use of race as a factor in awarding these grants. The bill was not considered in the Senate.

It originated in a package of bills produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

Talent Incentive Program grants are awarded by the Higher Educational Aids Board (“HEAB”) to promising “uniquely needy” students attending public or non-profit private colleges and universities. Grants may be in amounts up to \$1,800 annually and can be renewed for up to 10 semesters or quarters. However, the student must be continuously enrolled in each successive semester/quarter to receive the award.

This bill would have maintained the current grant program except that a student could leave for a semester/quarter or more and would not lose future eligibility because he/she was not continuously enrolled every successive semester/quarter. With the Assembly amendment, race would no longer be considered as a factor in awarding these grants.

Recommended position: Support language concerning non-continuous enrollment. Student withdrawal decisions, especially for illness or other reasons outside a student’s control, should not be influenced by the potential of lost scholarship/grant funding. No position on race as a grant factor.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab142>

AB 143 – “Sum Sufficient” Funding for WHEG and Other Financial Aid Programs

This bill received a hearing but was never considered on the Assembly floor. It is one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

This bill affected financial aid programs including the Wisconsin Higher Education Grant, “WHEG,” the state’s main need-based higher education financial aid grant. WHEG includes fixed appropriations for WTCS students, for UW students, and for Wisconsin’s tribal college students. There is also a parallel “Tuition Grant” program for students at private independent non-profit colleges and universities. This bill also affected Minority Undergraduate Retention Grants (applicable to WTCS students) and Lawton Minority Undergraduate Grants for UW students.

This bill would have changed the appropriation from a fixed “sum certain” to an automatically adjusted “sum sufficient.” The amount appropriated would increase to the extent undergraduate tuition increases at UW institutions. The amount would be calculated using a formula that includes the higher of tuition increases at UW Madison or at all other UW institutions.

This bill would have had the benefit of automatically adjusting state funding to match UW tuition increases. A better bill, however, would match WTCS WHEG funding to WTCS tuition increases. While UW increases may be higher, this is not guaranteed. A link from WTCS WHEG funding to WTCS tuition is more rational.

It should also be noted that existing funding has resulted in a much larger “need gap” for WTCS students than for UW and private college students. The need gap is the cumulative gap between all student resources (personal, family, financial aid and loans) compared with the cost of attending school. The larger gap for technical college students is due in some part to legislative decisions favoring much larger increases for UW and private college grant programs compared with WHEG for technical college students. This bill would have frozen the larger need gap in place by beginning the indexing of new increases on top of the “base” of existing funding.

Recommended position: Monitor/none.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab143>

AB 219 – Funding Post-Retirement Health Care Benefits

This bill was considered in committee but did not go to the full Assembly.

AB 219 would have required local governments, including technical college districts, to fully fund any post-retirement health care insurance benefits on an actuarial basis (up-front on an as-you-go basis from year-to-year) effective for any new employee hired after the bill goes into effect. A pending amendment would also have required the funding be placed in a segregated account.

This bill represented good public policy that is already followed by most or all districts. There is a question of the bill’s necessity if it is already in practice. There is also uncertainty about whether this policy will always be the best decision regardless of the unique district or the changing environment. On this basis, it makes sense to leave the decision to the local government based on its needs and the current situation rather than mandating it without exception by the state.

Recommended position: None/monitor.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab219>

AB 233 (also SB 230) – Waiving Prevailing Wage Law for Certain Building Projects

AB 233 and its identical companion, SB 230, were the subject of public hearings but were never considered on the floor of either house.

Public works projects are generally subject to “prevailing wage” law. This requires that members of the trades on a qualifying public project receive the same hourly wage as paid on “the majority of hours worked on all projects” in the county in which the project is located for that trade or occupation. The law also requires that workers on a qualifying project work no more than 10 hours per day and 40 hours per week unless they are paid 1.5 times the base prevailing wage. The trigger for prevailing wage coverage is currently \$48,000 for “single trade” projects and \$100,000 for “multiple trade” projects.

These bills would have exempted a project from prevailing wage law if the public works project was:

- Funded by a private source, such as a gift or grant, for at least 85% of the project cost;
- Transferred without cost from the private source to be owned by a local government or the state; and
- Was to be used for conservation, recreation or education purposes.

Recommended position: None/monitor.

Bill history and text:

AB 233: <https://docs.legis.wisconsin.gov/2011/proposals/ab233>

SB 230: <https://docs.legis.wisconsin.gov/2011/proposals/sb230>

AB 286 (also SB 207) – Refusal to Hire Felons

These twin bills received public hearings but were never considered on the floor of either house. These bills mirror bills introduced but not passed in prior sessions.

State law generally prohibits discrimination in employment based on arrest or conviction record. However, employers, including public employers/technical college districts, currently may refuse to hire (or may lawfully terminate) an employee who has a conviction for a crime or misdemeanor “the circumstances of which *substantially relate* to the circumstances of the particular job.”

These bills would have provided that an employer lawfully may refuse to hire (or may terminate employment of) a person for conviction of a felony without any further reason. The bills also prohibited cities, counties and towns from establishing any contrary ordinance.

Recommended position: None/monitor.

Bill history and text:

AB 286: <https://docs.legis.wisconsin.gov/2011/proposals/ab286>

SB 207: <https://docs.legis.wisconsin.gov/2011/proposals/sb207>

AB 318 (also SB 239) – Limitations on Post-Retirement Rehiring

These were the so-called “double dipping” bills. AB 318 passed the Assembly but was not acted upon by the Senate. SB 239 died in Senate committee.

These bills were introduced after attention was drawn to UW-Green Bay rehiring a recently retired staff person into the same position the person previously held. Other WRS retirement system employees in various state government agencies and local governments have also retired and have been rehired over the years. These individuals generally begin collecting a pension and may be rehired after a minimum period of time (at least 30 days). Under current law, such persons may choose to stop receiving the pension and return to earning years of service toward a future pension. Many, however, choose to be paid their WRS pension and, for the new job, receive compensation but not employee benefits.

These bills had various provisions and amendments pending to them. In general, they would have required that a person who is retired and receiving a WRS pension, and who is rehired to a WRS-eligible position of ½ time or more, stop receiving any pension payments while they are back at work. Additionally, the individual would not earn additional years of service credit toward the ultimate pension payment by virtue of the new position. In effect, they would stop receiving pension payments and be prevented from earning full benefits (credit toward retirement) by returning to work.

A number of WRS employers, including technical colleges, argued that it is fiscally prudent to allow a retired person to return to work because the employer saves on pre-retirement employee benefits costs. The pension payment being received by the employee was earned by the employee and does not add to the employer’s costs. Overall, the employer reduces costs for the same employee to do the same job.

Additionally, the District Boards Association, WTCS and several districts testified or registered at the hearing concerning these bills’ negative impact on “second career” hires. Technical colleges may seek to hire retirees who have retired from other positions in other agencies or governments. For example, a person retired from a local fire department or law enforcement position may be a prime candidate to be hired as a faculty member in these fields. These bills would have prohibited such a person from continuing to receive a pension (or earn for future WRS retirement) if they return to teach (at least ½ time). This would, in turn, keep a technical college from saving employee benefits costs by hiring such an individual.

Recommended position: Oppose.

Bill history and text:

AB 318: <https://docs.legis.wisconsin.gov/2011/proposals/ab318>

SB 239: <https://docs.legis.wisconsin.gov/2011/proposals/sb239>

AB 340 (also SB 258) – Credit Cards and Financial Literacy Education for Students

These twin bills largely mirror proposals introduced in prior sessions. They did not receive hearings.

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

Related to marketing and sponsorship, the bills 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 campuses if anything of value is provided to students;
- Colleges from receiving any payment for allowing credit card marketing aimed at students; and
- Credit card companies from issuing cards to individuals (students or not) under age 21 except under certain circumstances.

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.

Last session, we successfully fought for amendments already included in these bills as introduced. These included: exempting debit cards, which are increasingly used by colleges for student purchasing; allowing some marketing of credit cards on campuses if nothing of value is provided (some colleges may have full-service bank or credit union branches located on their campuses); and reducing the orientation and training requirement mandates.

Recommended position: None/monitor.

Bill history and text:

AB 340: <https://docs.legis.wisconsin.gov/2011/proposals/ab340>

SB 258: <https://docs.legis.wisconsin.gov/2011/proposals/sb258>

AB 398 – “Workforce Growth Grants” for Technical Colleges

This major technical college funding and jobs bill was introduced in late November by Assembly Minority Leader Peter Barca (D-Kenosha), joined by 23 Assembly Democrats and 7 Senate Democrats. It received a public hearing in the Assembly Colleges and Universities Committee on January 12, 2012, but was never voted out of committee to the full Assembly.

This bill would have appropriated an additional \$10 million annually beginning July 1, 2012, for technical college districts distributed as categorical aid. The aid would be distributed to districts on a competitive grant basis by the WTCS for projects in which:

- the college partners with a business, consortium of businesses, an economic development organization or a local workforce development board;
- to meet local needs supporting sectors with a “documented skills gap” or high workforce shortage, including manufacturing, energy, informational technology, skilled trades and healthcare;
- for activities that address development of individuals prior to entering the workforce or for workforce training; for any of the following:
 - “Jobs training scholarships” for students;
 - building or infrastructure construction;
 - equipment and material purchases;
 - faculty hiring;
 - development of certain curricula; and
 - student career support services including job placement and business recruitment.

In awarding grants, the WTCS Board would have been required to consider the likely speed of responsiveness and would have been required to give preference to projects that sought to eliminate waiting lists for courses in topics related to jobs with high employment demand.

This bill was very positive in that it provided new capacity targeted to bottlenecks in producing workers for existing or emerging high skill jobs.

Recommended position: Support!

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab398>

AB 431 (also SB 316) – Expanding Eligible Uses and the Definition of Small Business for Workforce Advancement Training (WAT) Grants

These identical bills received hearings but neither made it to the floor of its respective house. Both bills were led by La Crosse-area sponsors; Representative Steve Doyle (D-La Crosse), plus 11 Assembly Democrats, and Senator Jennifer Shilling (D-La Crosse), plus 4 Senate Democrats.

These bills would have expanded the definition of WAT grant eligibility in two ways. First, \$500,000 of \$4 million annual WAT funding is already set aside for grants to small business. The bills changed the definition of a small business from no more than 100 employees to no more than 250. Note that a small business may already compete in the general category as well as in the small business category. Second, the bills would have expanded the allowable purposes of WAT grants to include “technical assistance” aimed at “market expansion” and/or “market diversification.”

The bills were targeted to respond to the request of a specific business but applied to the WAT grant program overall. As the bills proceeded late in session, there was bipartisan support for expanding the WAT grant purpose. However, some concerns were raised concerning the change in small business size itself.

Recommended position: Support.

Bill history and text:

AB 431: <https://docs.legis.wisconsin.gov/2011/proposals/ab431>

SB 316: <https://docs.legis.wisconsin.gov/2011/proposals/sb316>

AB 473 (also SB 375) – Extending the Time Before Prohibiting Sale of “WiscNet” Telecommunication Services by the UW System

Both of these bipartisan bill versions received public hearings and committee votes supporting passage. However, neither was brought to the floor for a vote despite significant advocacy by the UW, K-12, libraries, technical colleges, and others.

Technical colleges, the UW, K-12 school districts, public libraries and many other entities use an Internet “backbone” and other telecommunication services arrayed under “WiscNet” services operated and managed by the UW System. WiscNet has effectively provided major “bandwidth” needed for cutting edge instructional technology, communications technology, and the sharing of data not otherwise available in the private marketplace or that is significantly more expensive in that private marketplace. A provision of Act 32, the 2011-13 State Budget, effectively prohibits the UW from operating WiscNet as of July 1, 2013. Specifically, the provision states that the UW (itself or as a member, shareholder, or partner of an entity) may no longer offer, sell, resell, or provide telecommunications services to a public or private entity, except for certain pre-existing services offered only within the UW System itself.

These bills would have extended the WiscNet termination date by one year to July 1, 2014. This would have allowed additional time to study WiscNet, the alternatives, and any additional opportunities.

Recommended position: Support.

Bill history and text:

AB 473: <https://docs.legis.wisconsin.gov/2011/proposals/ab473>

SB 375: <https://docs.legis.wisconsin.gov/2011/proposals/sb375>

AB 575 – “Quick Training” Workforce Program for Businesses Locating or Expanding in Wisconsin

This bill was introduced late in the session by Representative Louis Molepske (D-Stevens Point) joined by 23 Assembly Democrats, 1 Assembly Republican, Scott Krug (R-Wisconsin Rapids), and co-sponsored by 4 Senate Democrats. It received a hearing in late February. On March 8th, it was voted out of committee on a bipartisan 11-2 vote recommending passage. It was not scheduled for consideration on the Assembly floor, however, and a “pulling motion” to force it to the floor failed on March 15th, the session’s final day.

AB 575 would have created a significant new funding tool to provide technical college training to businesses newly expanding or locating in Wisconsin. This bill gave the Wisconsin Economic Development Corporation (successor to economic development activities of the former Commerce Department) and technical colleges the authority to provide a training commitment to a new business up front as part of a state expansion or location package. In this sense, it linked highly competitive business location decisions for the first time with Wisconsin’s excellent workforce capacity by putting technical college training on the incentives table.

The State has existing significant funds available for loans to local governments through the state trust fund. This bill allowed technical colleges to promise a training package in cooperation with the WEDC, and to secure the training commitment with a trust fund loan. The college could then contract with the WEDC for the WEDC to pay back the loan using its economic development funds. Trust fund loans are not available directly to the WEDC itself as a quasi-private and quasi-state government entity.

Unlike WAT grants for existing businesses and workers on a competitive and smaller scale, this program would have allowed the state through its technical colleges to commit to potentially long-term and much more significant training at no cost to the business. It would place the colleges at the center of competitive multi-state business location packages and leverage the power of technical college workforce training in these packages. It was a flexible tool to do so without regard for existing limitations on college resources.

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab575>

SB 40 (also AB 97) – Expanding Workforce Advancement Training (WAT) Grants

SB 40 passed the Senate on October 20th (32-1) but was never considered by the Assembly for concurrence. AB 97 received a hearing in September but remained in committee. An attempt to “pull” it to the floor failed on a largely party-line 37-59 vote in late January. Lead sponsor Keith Ripp (R-Lodi) joined most Assembly Democrats in support of the pulling motion.

These bills were also introduced on similar terms as AB 4 and SB 4 in the September, 2011, Special Session. Those bills expired when the Special Session adjourned on December 13th.

Workforce Advancement Training (WAT) Grants are awarded competitively by the WTCS to technical college districts to defray the cost of customized training the college provides to a business or businesses. The entire grant amount passes through the college to the business(es) to defraying training costs. The grant covers direct training costs but not indirect or overhead costs. It expands incumbent worker training but does not expand general college capacity for program courses or students.

The current base funding amount for WAT grants is about \$4 million annually (actually \$3.97 million). Of this amount, current state law requires at least \$2 million be used for training targeted at “advanced manufacturing.” The remaining funds may be used for other purposes including, for example, training in health care, agriculture/forestry, or tourism/hospitality.

These bills would have expanded annual funding by \$400,000 to \$4.4 million. They would have also expanded the required minimum for advanced manufacturing by the same amount, to \$2.4 million.

Recommended position: Support.

Bill history and text:

SB 40: <https://docs.legis.wisconsin.gov/2011/proposals/sb40>

AB 97: <https://docs.legis.wisconsin.gov/2011/proposals/ab97>

AB 460, AB 639/SB 481 – College IDs and Voter ID Cards (Bills to Amend the New Voter ID Law, Act 23)

These bills did not receive a hearing. The GAB has ruled that WTCS student IDs are college IDs for voter ID purposes (see Act 23, above, under “passed” bills).

These bills would have clarified or amended rules for using student IDs as voter ID. AB 460 provided that a college or university photo ID including technical college IDs could be used for voter ID without needing to contain an issuance date, an expiration date within two years of

issuance, and a signature. The bill also provided that a student need not show separate proof of current enrollment to use a student ID for voting.

AB 639 and SB 481 would have specifically added technical college IDs to the statutory language allowing “college and university” IDs for voting. This is not necessary, according to the GAB (which now considers technical colleges to be accredited colleges under the existing law), but would foil those who may continue to argue the Legislature did not intend to cover technical college IDs as college IDs for voting.

Recommended position: Support.

Bill history and text:

AB 460: <https://docs.legis.wisconsin.gov/2011/proposals/ab460>

AB 639: <https://docs.legis.wisconsin.gov/2011/proposals/ab639>

SB 481: <https://docs.legis.wisconsin.gov/2011/proposals/sb481>

SB 53 (also AB 133) – Veterans Tuition Remissions

SB 53 received a public hearing in early October, 2011, but never left committee. The Assembly version did not receive a hearing. A portion of these bills has been affected by similar language passed in the 2011-13 State Budget, Act 32, as described below.

These identical bills would have changed standards for veterans’ tuition remissions and would have provided *full state funding* of remissions granted to veterans and their family members. Current law provides a 100% tuition remission at Wisconsin technical colleges and/or UW institutions for many veterans and some family members. Qualifying individuals generally include military veterans within 10 years after leaving active duty, and a veteran’s children and un-remarried spouse if the veteran died while on active duty or received a 30% or greater duty-related permanent disability. The benefit is provided for the longer of 128 credits or 8 semesters.

Since 2009, veterans have been required to use any Post 9/11 tuition assistance first before using the state remission. However, vets also have a “hold harmless” guarantee that requires colleges pay back any amount the vet would lose in total federal benefits by virtue of using the Post 9/11 tuition assistance first.

These bills included two major provisions, the first of which was also affected by the budget bill as passed.

The 2011-13 state budget (Act 32) provided in part that a veteran be eligible for a remission of up to 128 credits *in addition to any federal benefits*. This requires a vet continue to use available Post 9/11 federal benefits; and be held harmless for doing so. The vet then receives 128 credits remitted in addition to those paid for with federal dollars.

The first portion of these bills would have eliminated the requirement that vets use federal Post 9/11 tuition benefits before the balance is remitted each term (until the vet eventually reaches 128 credits).

Second, these bills provided full state reimbursement to colleges for the remission costs by changing the state funding from a “sum certain” to a “sum sufficient” appropriation. A “sum sufficient” means the state pays colleges back 100% of funds required to cover tuition remissions.

Currently, the state provides about 20% reimbursement to the colleges. In 2009-10, technical colleges received \$1.2 million from the state (which is 22%) of \$5.7 million remitted on behalf of 4,241 vets and family members at technical colleges. Current state funding is split on a pro-rata basis between UW and technical college remissions and varies (will decrease) as the number of vets and family members climbs.

The second portion of this bill (sum sufficient funding) was a fantastic proposal in its own right. It would have put the state and all state residents fully behind the policy objective of honoring many vets with tuition-free higher education.

The bill’s first provision (eliminating the use of any federal benefits toward tuition) was also positive if (but only if) combined with full state funding. While vets are held harmless either way, it’s preferable to the colleges to receive federal funds earlier (for credits 1-60, rather than only after credit number 128) if the state is not covering the full remission cost.

Recommended position: Support.

Bill history and text:

SB 53: <https://docs.legis.wisconsin.gov/2011/proposals/sb53>

AB 133: <https://docs.legis.wisconsin.gov/2011/proposals/ab133>

SB 132 – Exempting Residence Hall Lease Revenue From Referendum Requirements

This bill did not pass, but was largely included in the 2011-13 State Budget (Act 32) on a motion by then-Representative (now Senator) Jennifer Shilling (D-La Crosse).

This bill would have allowed a technical college district to subtract student lease revenue from the amount triggering a referendum for the construction, purchase, or lease/purchase of a residence hall. Under this bill, a district could use up to \$1.5 million of general college revenue (subject to existing rules) with the balance funded by student lease revenue. Such a project would not require voter approval.

The similar 2011-13 state budget provision that became law with publication of Act 32 is slightly more restrictive in that it allows the same lease revenue exception, but also requires that no “public” funds (state aid, local levies, tuition) go into the project. In other words, the project must be entirely supported by student lease revenue (and gifts or grants). SB 132 did not require the project avoid use of all public funds.

Both the budget amendment and this bill were great examples of bipartisan support for a technical college-related initiative. Democrat Shilling’s budget amendment needed Republican help to become law. The bill itself was introduced by (former) Senator Dan Kapanke (R-La Crosse) with support from Shilling, Representative Steve Doyle (D-La Crosse) and Senator Jim Holperin (D-Conover).

Recommended position: Support.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sb132>

SB 236 – The “Wisconsin Jobs Initiative” to Expand State Investment in Technical Colleges

The major “Wisconsin Jobs Initiative” bill was introduced in mid-October by Senator Chris Larson (D-Milwaukee) and Representative Cory Mason (D-Racine). It was developed largely based on Mason’s prior session “Path to Prosperity” proposal. This session’s bill was co-sponsored by seven Senate Democrats and 22 Assembly Democrats. It did not receive a hearing.

This bill would have represented the single largest new investment in technical colleges in history. The “Wisconsin Jobs Initiative,” WJI, had two major investment components. It restored general aid funding to technical colleges by \$34.2 million annually beginning July 1, 2012. General aid funds are distributed to all districts by formula. This represented restoration of almost the entire cut to general aid imposed by the 2011-13 state budget bill, Act 32.

The bill would also have created a major new categorical aid program funded by \$35.8 million annually. Together, these investments would have represented an additional \$70 million annually, a more than 60% increase in the total state investment in technical colleges. To pay for these investments, the WJI provided for a new state income tax bracket that increased taxes by 1% (from 7.75 to 8.75%) on individual incomes of more than \$1 million annually.

The new WJI categorical aid grants of \$35.8 million annually would have been awarded to districts by the WTCS for the following purposes:

- To serve dislocated workers: “To recruit, enroll, instruct, provide support services to, and pay the tuition and fees of dislocated workers who enroll in the district....”

- To serve adults seeking a high school diploma: “To recruit, enroll, instruct, and provide support services to adults who enroll in the district in a program leading to a GED certificate or a high school equivalency diploma (HSED).
- To address capacity issues and bottlenecks: “To expand existing capacity or create capacity in district programs for which there are student waiting lists or that address projected workforce needs in the district.”

Preference for funding would have been given to projects serving areas of highest unemployment.

The WJI would have placed technical colleges at the center of the most significant new program targeting unemployment and job skills in state history. It enjoyed widespread support among Senate and Assembly Democrats, but was never likely to move forward. In fact, some detractors described the bill’s funding mechanism as “inciting class warfare” by raising income taxes on the approximately 3,200 Wisconsinites with incomes over \$1 million annually.

Recommended position: Strongly support the investment in technical colleges but take no position on the mechanism for funding the WJI.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/sb236>

(End of Bills of Interest Summary)

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 state legislative bill are available at the Wisconsin Legislature’s website, <http://legis.wisconsin.gov>. Select “Assembly” or “Senate” and enter the bill number. You may also access a bill history page through links provided in the District Boards Association’s “Bills of Interest” reports found at www.districtboards.org, and at www.buildingthenextgeneration.org.

When reviewing a specific bill history on line, the following guide to may be helpful in understanding a bill’s text, sponsors, and procedural status:

Bill text	(Link to) the original bill’s full text.
Sponsors	Sponsors are listed in the first dated entry of the procedural history or on the bill itself. This entry’s date is the official date of bill introduction.
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.
Report Published	The date on which the Secretary of State published the new law, making it official and putting it into effect as a law as of midnight the following day.
Act (number)	When a bill becomes law it is transformed from a bill number to “2011 Act xx.” Click on the Act number to see the new law.