



2013 - 2014 Bills of Interest to Wisconsin Technical Colleges

As of September 4, 2013

Bills or proposed bills of interest to technical colleges in the 2013 - 2014 legislative session are described below. This document evolves with the addition of new bills and updates to existing bills throughout the session. New and updated items are highlighted. The District Boards Association's position or recommended position follows the bill description.

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

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 and status. A guide to reading bill histories online follows at the conclusion of this report.

The District Boards Association's lobbying efforts and positions are available at the Government Accountability Board "Eye on Lobbying" website: <https://lobbying.wi.gov/Who/WhoIsLobbying/2013REG>. This site includes cross-referenced links to other organizations taking a lobbying interest in each bill.

The current legislative session officially runs through December, 2014, but effectively ends with adjournment in both houses sometime likely in Spring, 2014.

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.technicalcollegeeffect.org.

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Bills of Interest

AB 9 – Concealed Carry of Weapons by Law Enforcement and Former Law Enforcement Officers

This bill was introduced on February 13, 2013, and is awaiting a hearing.

Wisconsin's concealed carry of weapons law allows the owners of certain places, including buildings owned by Wisconsin technical colleges, to be posted so as to prohibit the carrying of concealed weapons by most individuals in those places. An exception to prohibiting concealed carry is already provided for law enforcement officers who are on duty. Law enforcement officers who are off duty and law enforcement officers who are retired currently may carry a concealed weapon in public by meeting certain requirements including carrying a photo ID issued by the employer or former employer, and by meeting rules established by the employer/former employer. Under current law, an off duty or retired officer may not generally carry a concealed weapon where the owner bans concealed carry.

This bill provides that any off duty law enforcement officer or retired law enforcement officer who is authorized to carry a concealed weapon may do so in any place, including a building owned by a technical college district, that is posted to otherwise prohibit the carrying of concealed weapons.

Recommended position: None/monitor.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab9>

Updated – 2013 Wisconsin Act 9 (was AB 14 and SB 23) – “Fast Forward Wisconsin” Workforce Training Grants

The Assembly version as amended was passed and signed into law as 2013 Act 9 on March 13, 2013. These identical bills were introduced at the Governor's request on February 14, 2013. They moved through the Legislature to signing on a fast track. A hearing on the DWD administrative rule (DWD 801) implementing the grant process was held on July 15, 2013. The District Boards Association successfully sought an amendment to the rule to be sure technical colleges are eligible grant recipients.

As signed into law as Act 9, this initiative creates a new \$7.5 million annual workforce training grants program to be administered by a new “Skills Development Council” created at the Department of Workforce Development (DWD). The act also requires DWD to create a statewide Labor Market Information System (LMIS) and to share its data with the public.

Act 9 provides \$7.5 million annually in new competitive grants funding for “the development and implementation of workforce training programs.” These grants may be used to train incumbent workers or unemployed/underemployed individuals.

The original bill provided the grants were to be used only to train “new and existing employees.” The bill was amended before passage at the District Boards Association’s urging to include “unemployed and underemployed” individuals in addition to persons already on a business payroll. This assures a grant can be awarded to train candidates for employment or prospective employees not yet qualified to be hired.

Grants may be awarded to public entities such as technical colleges and local workforce boards, or to private entities such as companies providing workforce training services. The grants will be awarded based on detailed rules established by DWD. Importantly, the amendment also requires that DWD consult with the Wisconsin Technical College System (state) Board and the Wisconsin Economic Development Corporation (WEDC) in implementing the grants program.

Act 9 also appropriates additional funding and authority for 4 FTE positions within DWD to administer the grant program and to create and administer a new state “Labor Market Information System (LMIS).” The LMIS will be implemented to “... collect, analyze, and disseminate information on current and projected employment opportunities in this state and other appropriate information relating to labor market dynamics as determined by (DWD). The amendment also makes clear that DWD must make the LMIS information available free of charge to technical colleges, school districts, tribal colleges, the UW System, local workforce development boards, employers, job seekers, and the general public.

Recommended position: Support.

Bill text and history:

AB 14: <https://docs.legis.wisconsin.gov/2013/proposals/ab14>

SB 23: <https://docs.legis.wisconsin.gov/2013/proposals/sb23>

AB 23 (also SB 48) – Funding Post-Retirement Health Care Benefits

AB 23 and the twin SB 48 were introduced in February, 2013. Public hearings were held and each bill was then superceded by a “substitute amendment” that replaces the original bill’s full text. The “sub” was voted out of each respective committee on party-line votes, and both versions are available for scheduling on the floor of the full body.

Substitute Amendment 1 for AB 23 and SB 48 would require local governments, including technical college districts, to fully fund any post-retirement health care insurance benefits on an actuarial basis effective for any new employee hired on or after January 1, 2015. The bill applies to any post-retirement health benefits including “compensated absences” but excluding the “implicit rate subsidy.” It requires the annual cost of post-retirement health benefits be

calculated based on an actuarial study conducted at least once each 4 years, or by another method that complies with “generally accepted accounting principles.” The amount calculated must be placed in a segregated account. The “sub” also provides for the local government to equitably distribute any funds to its beneficiaries in the event it is ever partially or fully dissolved.

These bills represent good public policy that is already followed by most or all districts. There is a question of the bills’ necessity if this already represents common 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 text and history:

AB 23: <https://docs.legis.wisconsin.gov/2013/proposals/ab23> (see Substitute Amendment 1)

SB 48: <https://docs.legis.wisconsin.gov/2013/proposals/sb48> (see Substitute Amendment 1)

AB 26 – Fees Charged for Public Records Requests

This bill was introduced on February 15, 2013, and received a public hearing on February 27, 2013. It remains in committee.

State law allows public entities, including technical colleges, to charge certain fees to a person requesting a record to cover costs associated with responding to the request. In the 2012 case *Milwaukee Journal Sentinel v. City of Milwaukee*, the court held that an authority does not have the power to charge fees for “redacting” (obscuring/blacking out) or separating out information in the requested record that is not subject to disclosure. Such information might include attorney-client privileged information of certain personal information.

AB 26 would allow a public entity including a technical college district “to charge the actual, necessary and direct cost of deleting, redacting, or separating information that is not subject to disclosure” from a record being disclosed.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab26>

2013 Act 20 (was AB 40) – The 2013-2015 State Budget Bill

AB 40 was introduced at the Governor’s request on February 20, 2013. It was referred to the Joint Finance Committee (JFC), which held briefings and public hearings in March and April. The JFC then began voting to adjust the bill through hundreds of individual motions topic by topic over several weeks of “executive action.” This process began April 23rd and concluded in early June. With very few changes, the JFC bill version passed the full Assembly on June 18th and the Senate on June 21st. The Governor made line-item vetoes and signed the bill on June 30th. Act 20 establishes state appropriations and state programs for the two-year period from July 1, 2013 through June 30, 2015.

For details of budget bill provisions affecting technical colleges, see:
<http://www.districtboards.org/advocacy/budgetsummaryfinal070113.pdf>

Bill text and history (Warning: bill text is 1,093 pages):
<https://docs.legis.wisconsin.gov/2013/proposals/ab40>

AB 45 (also SB 88) – Use of U.S. Made Materials in Local Government Contracts

AB 45 was introduced in February and its twin, SB 88, was introduced in March, 2013. They are awaiting hearings.

Local governments, including technical college districts, follow a number of rules for contracting involving construction or repair of facilities, and for the furnishing of supplies and materials. These bills would affect state agency procurement and local government contracting. The relevant bill language affecting local governments states that “Any public contract entered into by a municipality must contain a provision that the contractor will use materials that are manufactured in the United States in performance of the contract.”

There is no description of what materials would or would not qualify. There is no description of any amount/percentage of materials that would suffice or fail to suffice under the bills. Furthermore, it is not entirely clear that the bill’s applicability to “a municipality” applies to technical college districts as specifically drafted in this instance.

Recommended position: None/monitor.

Bill text and history:

AB 45: <https://docs.legis.wisconsin.gov/2013/proposals/ab45>

SB 88: <https://docs.legis.wisconsin.gov/2013/proposals/sb88>

AB 48 (also SB 74) – Use of Wisconsin Products and Services in Local Government Contracts

These twin bills were introduced in February and March, 2013, respectively. They are awaiting public hearings.

The identical AB 48 and SB 74 would encourage that state and local government contracts be awarded so that at least 20% of the value of products and services be purchased through businesses located in the state. For local governments, including technical college districts, the new law would encourage, but not require, this by putting into statute that “It shall be a goal of a local government unit...” that 20% of the aggregate value of product and services purchases be made through Wisconsin-based providers.

The bill further “requires” the local government unit to evaluate its performance on the 20% purchasing goal, but allows any government unit to opt out of evaluating its own performance simply by passing a resolution.

It is not clear whether local government units generally, and technical colleges specifically, already exceed or fail to exceed the 20% standard. Given that the product and services would count if purchased through a Wisconsin business regardless of where they were manufactured, it seems highly likely this standard is already greatly exceeded. Of course, local government units can also be encouraged to maximize in-state versus out-state purchasing without the passage of new state laws.

Recommended position: None/monitor.

Bill text and history:

AB 48: <https://docs.legis.wisconsin.gov/2013/proposals/ab48>

SB 74: <https://docs.legis.wisconsin.gov/2013/proposals/sb74>

Updated – AB 52 (also SB 44) – Workforce Growth Grants for Technical Colleges

These twin bills were introduced in late February and early March. They are co-sponsored by 16 Assembly Democrats and 8 Senate Democrats. They mirror bills introduced but not passed in the 2011 session.

On August 28, 2013, SB 44 received a positive hearing in the Senate Universities and Technical Colleges Committee. Following co-sponsors Senator Julie Lassa (D-Stevens Point) and Representative Steve Doyle (D-La Crosse), the District Boards Association and WTCS President Morna Foy testified. The hearing provided an opportunity to discuss technical college capacity issues and the outcome-driven results possible through targeted state investment.

AB 52 and SB 44 would appropriate \$10 million to the WTCS Board for new technical college categorical aid in 2013-2014. 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 industry-driven curricula; and
 - student career support services including job placement and business recruitment.

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

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

Recommended position: Support!

Bill text and history:

AB 52: <https://docs.legis.wisconsin.gov/2013/proposals/ab52>

SB 44: <https://docs.legis.wisconsin.gov/2013/proposals/sb44>

AB 76 – Tax Exemption for Building Materials Purchased for a College

This bill was introduced in mid-March, 2013, and received a public hearing on April 3rd. It remains in the Jobs, Economy and Mining Committee. Because it creates a new tax exemption, it must also be referred to the Joint Committee on Tax Exemptions.

Municipalities, including technical college districts, and nonprofit organizations are exempt from paying sales tax on materials they purchase. Currently, a contractor must pay sales tax on taxable products the contractor purchases and uses for construction or installation at a tax-exempt municipality or nonprofit.

This bill would exempt from sales tax materials purchased by a contractor that are transferred to the tax exempt owner and become a component of the constructed facility owned by a municipality or nonprofit.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab76>

AB 90 (also SB 87) – Mandating Technical College District Board Member Contacts on Websites

See SB 87, below.

AB 117 (also SB 105) – Chiropractic Continuing Education and Exam Providers

See SB 105, below.

AB 170 – Limiting Hiring of WRS Annuitants/Retirees (aka “Double Dipping”)

This bill was introduced on April 25, 2013, and is awaiting a hearing.

A similar set of reforms was proposed by the Governor in AB 40, the 2013-15 state budget bill, and passed as law in Act 20. Details about the new law are incorporated in discussion of AB 170, below. The provisions passed are somewhat more flexible than AB 170, but are subject to the same problems described here. AB 170 will not likely proceed further given passage of the similar reform package in the budget, Act 20.

AB 170 is intended to curtail the opportunity for retirees receiving a Wisconsin Retirement System (WRS) annuity – a public pension – to keep receiving annuity payments if rehired by WRS employers, including technical colleges. The so-called “double dipping” issue was originally brought to the public’s attention when UW Green Bay rehired an administrator after the minimum 30 days of retirement. The rehire appeared to be a pre-arranged agreement without a full search and screen process.

Since then, the so-called “double dipping” issue has been interpreted by some legislators and others to be a broader public policy problem. This includes concerns that local governments may hire a top candidate in an open search and screen process when that candidate is a WRS annuitant and wishes to remain an annuitant in the new position. A WRS annuitant selected under current law in an open position search (e.g., a retired fire chief hired as a dean or instructor

in protective services) can continue to receive his/her pension (the annuity earned in a prior career) and work in the new position without receiving employee benefits (including either retirement contributions or health insurance). This saves the employer and taxpayers significant costs while the college engages a top veteran professional in a key position.

AB 170 extends the minimum separation period for WRS annuitants from 30 to 75 days. This is the timeframe after retiring and before the candidate can be hired by any WRS employer. This provision passed in the budget bill.

Second, the bill requires that a WRS annuitant hired by a WRS employer in a position at one-half of full time or more must stop receiving the retirement annuity and return to the WRS system as a participating employee (contributing toward a future pension and earning years of service toward that pension). This provision passed in amended form in the budget bill. The budget set the standard at “two thirds of fulltime or greater” rather than AB 170’s one-half of full time or greater. Because such a returnee is back in the WRS system, the employer must provide employee benefits such as the employer’s share of WRS contributions (currently 6.65% of payroll) plus health and dental insurance.

School districts, school boards, technical colleges and others are concerned that AB 170 or the budget provision limiting the hiring of WRS annuitants may eliminate the best or the only qualified candidates after open and competitive searches.

A person selected as the top (perhaps only) candidate to hire may not divulge he/she is an annuitant until an offer is made. At that time, allowing a person to continue receiving the earned pension and returning to work without pension contributions or health insurance saves significant costs. It also places in-state WRS annuitant job candidates on more equal footing with out-of-state candidates.

The original situation that raised concerns can be addressed by better enforcing existing rules. Employers should not discuss hiring a recently retired WRS annuitant until after the separation period is met. At that point, hiring a WRS annuitant should be based on an open and competitive position search and screen process.

Recommended position: Oppose.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab170>

Updated – AB 177 – Statewide Referendum to Eliminate Local Technical College Control, Facilities, Tax Funding and Employees, and to Create a State-Controlled College System and Increase the State Sales Tax

This bill was introduced on April 25, 2013, by Representative Garey Bies (R-Sister Bay), and is co-sponsored by two other Assembly members: Representatives John Nygren (R-Marinette) and

Tom Larson (R-Colfax). A public hearing was scheduled in the Assembly Committee on Colleges and Universities for August 15, 2013, but was postponed at the District Boards Association's request due to scheduling challenges. The hearing was rescheduled for August 29th, but was once again postponed, this time at the chair's request due to a funeral.

AB 177 would place a referendum on the Spring, 2014, statewide ballot. The referendum, if supported, would trigger a series of changes in Spring, 2015. These changes would:

- eliminate all technical college local control, local property tax funding and local issuance of debt;
- shift all technical college employees from being local to state employees; and
- transfer all college facilities, assets, contracts, debt and liabilities to the state.

This would effectively eliminate technical college districts as a form of local government and re-create them as fully state-controlled colleges. It makes clear that after implementation “... a district's board is only responsible for advising the district director, who is appointed by the WTCS Board.”

The bill would also increase the state sales tax by one-cent, from $\phi.05$ to $\phi.06$. Representative Bies' co-sponsorship memo states in part that:

“... Wisconsin needs a sustainable, long-term solution to keep our tech schools competitive that isn't dependent on property taxpayers. Under this bill, if approved through referendum by a majority of voters, *the tech college system would be funded by a one-cent increase in the state sales and use tax.*” (emphasis added)

However, the bill does not dedicate any amount of the new sales tax revenue (or any other state funds) to the new college system to replace lost property tax revenue. Collectively, technical colleges levy about \$790 million annually as of 2012 for operations and debt. The referendum does not ask voters to support using the new state revenue to replace local funding or to operate technical colleges, and the bill itself does not do so in any amount. Such choices, instead, would be left to future legislators and future state budget processes.

The Referendum Factor -- Besides fundamentally transforming technical colleges, this move to California-style government reform by statewide “proposition” would itself represent a major shift in how Wisconsin is governed. While it is positive to ask voters to assess such a major state policy change, it also allows legislators to support the measure without taking direct responsibility for the changes. A legislator's vote for this bill can be characterized as voting only to give the question to the public, not to pass the changes themselves.

Property Taxes and College Funding -- Local revenue has historically been the single largest funding stream supporting technical colleges. While local college tax levies have been strictly capped since 2010, they grew steadily over decades as state revenue has eroded. As recently as the 1980's, state support accounted for almost 1/3 of college operational funding. By 2011-12, state support accounted for just 10% of technical college funding statewide (and ranged from just 6% to no more than 14% by district). In contrast, student tuition now accounts for 22% of

revenue; more than double that of state funding. Property taxes now account for 57% of operational costs.

The “MTC” the “Taskforce” and Historical Context -- Representative Bies and some of his Door County constituents have long had an interest in technical college funding and governance. In 2003, he requested Assembly leadership address these policy issues on behalf of the “Municipal Taxpayers Commission,” the MTC, a publicly funded group comprised of Door County towns and villages. The MTC hired lobbyists and registered with the Wisconsin Ethics Board as seeking to “Change the funding mechanism for Wisconsin Technical College System.” MTC meeting minutes and newspaper coverage described the MTC’s overall purposes as: eliminating technical college property tax authority, freezing technical college tax revenues, and requiring that technical college boards be elected.

In response, then-Assembly Speaker John Gard appointed an “Assembly Speaker's Taskforce” to study these questions. The leader of the MTC, a local town chair who was also the Door County Board Chair, was appointed to the Taskforce. After more than a year of detailed study, that panel of legislators and citizens made a series of recommendations by consensus. Those recommendations did not suggest that the local nature of technical colleges or the system’s mission or governance be changed. In fact, the Taskforce consensus was to maintain appointed local technical college boards and the colleges' basic funding model.

The Taskforce did recommend a goal of better balance in funding technical colleges. Specifically, the Taskforce recommended that the top three funding sources - property taxes, state support and student tuition - each provide closer to 1/3 of operating revenue. If adopted as a serious strategy, this would require significant new state resources and higher tuition. In turn, it would result in a major reduction in reliance on property taxes.

While technical colleges have consistently sought new state investment, total state support has fallen 34% in actual dollar terms (not adjusted for increased enrollment or for inflation) since the 2003 Taskforce report.

Commentary on and Context for Fiscal Reform -- Technical colleges were not opposed in 2003, and are not opposed now, to discussing new funding ideas. We have long supported better state investment. Few or no district board members would oppose honest and stable ways to be less reliant on property taxes. We remain concerned about tuition burdens but support the WTCS setting tuition now in the context of overall local and state support.

However, the colleges engage in such discussions understanding that viable ideas must protect the colleges' overall capacity, funding, local responsiveness and governance. It is not possible to disengage governance, local control and funding from outcomes. The 100-year history of community and technical colleges being primarily “community” and locally controlled distinguishes them from universities in more than simply degrees offered. The local nature of Wisconsin technical college control and funding is part of every molecule of their capacity, service and responsiveness. In contrast, this bill threatens technical college capacity, funding, responsiveness and governance. This bill threatens the basis for the colleges' local connections

and partnerships, and the colleges' outcomes.

The current proposal also portrays the move to a state-controlled system as financially positive without any assurance that state tax revenue would be dedicated to lost local revenue. It moves the state toward a new precedent of California-style state policymaking by ballot initiative.

Fundamentally, this proposal shifts an inherently positive local system to a totally state-controlled system without considering what would be lost in local service and responsiveness by doing so. A bill could be introduced to ask voters to reduce property taxes by making all local police and fire protection state controlled and state funded. It could do so for juvenile justice or for larger portions of K-12 education. On a public policy level, it is just as important to discuss the impact of doing so for technical colleges as it would be for any other local services. Besides critical questions of fiscal sufficiency and stability, such proposals must also include the critical questions of providing effective community services through local governments and not exclusively the state.

Prognosis -- This bill does not have a significant chance of passage in its current form based on informal but broad legislative reaction since its introduction. However, it is an indicator of a broader desire by some legislators, particularly among the Assembly majority, to meaningfully reduce and reform property taxes. The key in such initiatives will be to demonstrate how important technical college local responsiveness is to each district and to the state. Any proposal to reduce and reform property taxes must protect technical college local responsiveness by protecting the longstanding and proven model of board governance and accountability.

Many observers have noted that, regardless of party control, the Legislature tends to exert more control over any program or outside endeavor in which it invests more state funding. Observers will also note that this session and budget cycle have been characterized by a number of efforts chipping away at local control across various forms of government. Given the tendency to match new state funding with increased state control, it will be very difficult to replace local funding with state support without also losing local control and responsiveness.

One way to reduce property tax burdens without eroding local responsiveness would be to create a general state-level property tax credit. This would meet the important policy goal of reducing property tax burdens without undermining the governance and responsiveness of Wisconsin technical colleges.

Recommended position: Strongly oppose.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab177>

Updated – AB 201 – Course Registration Preference for Service Members and Veterans

This bill was introduced on May 15, 2013 and applied only to the UW System. It received a public hearing in Assembly committee on May 23rd. At the conclusion of the hearing, Assembly Colleges and Universities Committee members discussed including Wisconsin technical colleges. After the hearing, a “substitute amendment” replacing the original bill was prepared to add technical colleges. That amendment was adopted and passed on May 29th and the bill was voted out of committee with a recommendation for passage. No additional public hearing was held.

We conveyed concerns about the bill and the lack of any hearing after technical colleges were added. The co-sponsors addressed one of those concerns by amending the bill on the Assembly floor. The bill passed the Assembly on a 94-1 vote on June 6, 2013. It received a hearing in the Senate on July 18th and was voted out of committee on August 22nd on a unanimous vote. It is awaiting scheduling for consideration by the full Senate.

AB 201 (as amended) provides, in part, that each technical college district board “... shall ensure that a student who is a service member is given priority in registering for courses at any technical college in the district.” The bill describes “service member” as any person “who has served or is serving on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces.”

Another amendment would have limited the definition of “service member” to “veterans;” those currently receiving educational benefits for veterans under either the federal or state G.I Bill laws. That motion failed.

The bill was originally applicable beginning with registration for courses in the first semester or session after the bill becomes law. It was amended by the full Assembly to be effective beginning with Spring Semester, 2014. This provides time for the colleges to better make software, publication and policy changes.

While this bill represents solid public policy, it has potential consequences for non-service member students. It also creates significant implementation costs ranging from computer programming, to developing systems to identify eligible students, to changing college publications and websites. The bill does not provide any funding and no assessment has been made of the potential for non-veteran students to be displaced from course access under this bill.

While we may universally agree that registration priority for military service members and veterans is an excellent policy goal, colleges and non-service member students face course capacity and resource limits that mean priority for one has the potential to displace another. This bill is an unfunded mandate with potentially unintended consequences for other students.

Recommended position: None/monitor.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab201>

Updated – AB 218 (also SB 223) – Prohibiting Access to Employee and Student Personal Internet Accounts

AB 218 was introduced in late May and SB 223 in late June, 2013. Both bills received a hearing over the summer. After the Senate hearing, the co-sponsors offered a substitute amendment replacing the original bill language. The new version refines the definition of a “personal” internet account and “personal communications.” These bills are co-sponsored by a large and bipartisan group of members from both houses.

AB 218 and its twin SB 223 restrict the personal “on line” information that Wisconsin employers (including technical colleges) may access concerning employees or candidates for employment, and that educational institutions (including technical colleges) may access concerning students or prospective students. They also apply to landlords and their tenants/prospective tenants. The bills also set out certain circumstances in which an employer/prospective employer or educational institution may access personal information.

No current state law regulates an employer’s or an educational institution’s access to the fully *personal* (“password” and “login” protected for personal use) Internet accounts of employees, prospective employees, students or prospective students. These bills prohibit employers and educational institutions from seeking access to, observation of, or disclosure of information from, the strictly personal Internet accounts of employees, prospective employees, students or prospective students. They also bar disciplining or penalizing any individual for refusing to provide personal login/password access or for opposing/complaining about an employer/school that seeks such information.

The bills exempt information available without a login and password, or that is available in the public domain. They define accounts in a way that distinguishes between personal but work-related accounts and strictly private/personal accounts in no way used for work. The bills also exempt electronic devices, accounts and services provided in whole or part by the employer/school, or that the employee/student has access to only due to the employment/student status. Finally, the bills make exceptions for matters such as allowing the investigation of alleged unauthorized transfers of business or school data to a personal account, the misuse of a device paid for in whole or part by the employer/school, and related situations. These exceptions also provide that an employer may lawfully request any employee’s personal email address.

Recommended position: None/monitor.

Bill text and history:

AB 218: <https://docs.legis.wisconsin.gov/2013/proposals/ab218>

SB 223: <https://docs.legis.wisconsin.gov/2013/proposals/sb223>

AB 226 – Workforce Advancement Training (WAT) Grants – Eligibility for Technical Assistance Training

This bill is co-sponsored by Representatives Steve Doyle (D-La Crosse) and Lee Nerison (R-Westby) along with Senators Joe Leibham (R-Sheboygan) and Jennifer Shilling (D-La Crosse). It matches a proposal from the prior session. It was introduced in late May, received a hearing in early Jun, and passed the Assembly on a unanimous voice vote on June 12, 2013. It is awaiting a hearing in the Senate.

AB 226 expands the purposes for which technical colleges may apply for and be awarded Workforce Advancement Training (WAT) grants. These grants are one of almost 20 different purposes for which the WTCS (state) Board may award grants to districts from a new block grant appropriation of approximately \$20 million annually. WAT grants formerly had a specific appropriation of just under \$4 million annually until the 2013-14 budget bill put together the existing purposes and funding of a number of categorical aid programs into one new block grant called “grants to districts.”

Under this bill, grants may be made to a technical college providing technical assistance to a business for “market expansion or business diversification.” This expands on the existing use of WAT grants for “skills training” for incumbent workers. The bill also makes changes regarding the size of business eligible for certain funds. However, the “small business” set-aside appears to be moot based on the change of WAT grants from a specific appropriation to one of several purposes that can be funded by any amount within the new larger pool of funds and multiple purposes.

The bill was recommended by Western Technical College staff in response to a business request in that district.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab226>

Updated – AB 260 (also SB 229) – Enrollment Flexibility for Talent Incentive Grants

These identical bills were introduced in early July, 2013. The bills received hearings in committee on August 15th (Assembly version) and August 28th (Senate version) and await further action.

Talent Incentive Grants are financial awards through the Higher Educational Aids Board for uniquely needy students attending public (and private, non-profit) colleges and universities. Current law provides for up to 10 semesters of grant support. However, the student must remain continuously enrolled. These bills provide that a student need not remain continuously enrolled

to keep receiving the grant. Instead, overall eligibility is limited to 10 semesters over up to 6 years following the initial award.

Recommended position: Support.

Bill text and history:

AB 260: <https://docs.legis.wisconsin.gov/2013/proposals/ab260>

SB 229: <https://docs.legis.wisconsin.gov/2013/proposals/sb229>

New – AB 266 – Exceptions to Prevailing Wage Law for Certain Projects

This bill was introduced July 17, 2013, and is awaiting a hearing.

“Prevailing wage” laws require that workers for certain public (local or state) construction projects (\$100,000 or more for multi-trade projects and \$48,000 or more for single-trade projects) must be paid the “prevailing wage” for workers in that trade in that area. The law also requires that workers be paid overtime if required to work more than the “prevailing hours” for full time employment for the trade in that area.

This bill exempts from state wage law all such public projects that also fall under federal (Davis-Bacon Act) wage law. For such projects, federal, not state, prevailing wages and rules would apply. Supporters of the bill argue that federal law trumps state provisions and that the bill would reduce public construction costs. Those opposing the bill argue that it would impose a national wage standard that would make some out-of-state contractors from lower-wage states more competitive bidding by setting lower wage thresholds for public projects compared with in-state contractors.

Recommended position: None/monitor.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab266>

New – AB 289 – Recalculating Tax incremental Finance (TIF) District Base Values

This bill was introduced on August 20, 2013, and is awaiting a hearing.

A city or village may create a tax incremental financing (TIF) district for an area that is “blighted” and in need of redevelopment. A TIF district allows the city or village to collect payments in lieu of property taxes to repay project costs for things such as roads and infrastructure supporting redevelopment. Upon creation, the TIF district’s total value is established. As TIF district values increase over time, the tax paid on the increased value (a tax “increment”) is used to pay the TIF’s public project costs. TIFs affect technical colleges because

their creation reduces total property values subject to local government tax levies, including by the colleges. For this reason, each TIF project includes a technical college board representative on the TIF Board of Review.

AB 289 would apply to TIF districts in which total property values fall for two consecutive years after the TIF district is approved. The bill provides that a city or village may adopt a resolution subject to the TIF Board of Review approval to request that the state recalculate a TIF's base property value to reflect a "decrement" situation. A "decrement" situation is one in which a TIF district's value has declined at least 10% since it was created. The new lower value may then be substituted as the new "base" value. The bill allows up to two decrement recalculations over the TIF's life.

This bill would have the impact of generating "increments" (amounts attributable to increased value above the "base" that are used to pay project costs) in situations where the project's total value grows but is still less than when the project was first created. This helps pay off the TIF, but also reduces the amount of taxes levied by local taxing authorities on the "base" value. In effect, it allows the base value of a TIF district to decrease for property tax purposes instead of being frozen upon creation of the TIF district.

Recommended position: None/monitor.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab289>

New – AB 307 – Eligibility for Broadband Expansion Grant Program

This bill was introduced on August 23, 2013, by 22 Assembly Democrats led by Representative Jill Billings (D-La Crosse). It is awaiting a hearing.

The 2013-15 state budget bill signed into law as Act 20 created a broadband expansion grant program. The program provides that the Public Service Commission (PSC) make up to \$500,000 in grants annually to expand broadband infrastructure in areas of the state served by less than 2 internet providers or that the PSC deems are underserved by broadband services. "Broadband" is the common name for "wide" bandwidth; large capacity and high speed capability to transmit communications and internet data. Under the budget bill, grants may be awarded to: an "organization," a telecommunications utility, or to a city, village, county or town that applies in partnership with an organization or utility.

AB 307 expands eligible applicants for grants to include technical college districts, school districts and/or public libraries that apply in partnership with a telecommunications utility.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab307>

New – AB 337 – “Sum Sufficient” Funding of Wisconsin Higher Education Grants (WHEG)

This bill was introduced on August 23, 2013, and is awaiting a hearing. It is co-sponsored by 16 Assembly Democrats led by Representative Janet Bewley (D-Ashland). This bill affects the WHEG program for technical college students. A similar proposal, introduced as AB 336, would apply to the parallel WHEG program for UW students.

Wisconsin Higher Education Grants (WHEG) are the state’s main need-based financial aid grant for technical college and UW students. There is a parallel WHEG program for tribal college students and a similar program called “Tuition Grants” for students attending independent non-profit private colleges and universities in the state. Each program has its own appropriation.

For the WTCS WHEG program, most eligible students do not receive a grant. For those who do, the grant averages \$941 annually. WTCS WHEG funding in 2012-13 was approximately \$18.8 million. Act 20, the 2013-15 state budget, increased funding for 2013-14 only by \$2 million to \$20.8 million. After June 30, 2014, funding returns to the prior \$18.8 million per year. Each year, WHEG funds are completely exhausted just weeks after the window to apply opens. Some 54,000 WTCS students who were eligible and applied for a grant last year did not receive one because funding was already exhausted.

This bill would make funding for the WTCS student WHEG program “sum sufficient” as of July 1, 2015. “Sum sufficient” means that the state must appropriate as much as is needed to fully meet the law. In contrast, the program is currently a “sum certain” appropriation based on the specific amount of funding approved in each budget bill. This bill also creates a transition for 2013-14 and 2014-15. For those years, it would appropriate an amount required to provide grants for all eligible students who apply in each of those two years and receive grants using the same formula the Higher Educational Aids Board (HEAB) used to calculate grant amounts per student in 2011-2012.

The Legislative Fiscal Bureau, the Legislature’s non-partisan fiscal experts, previously calculated that funding all eligible students at HEAB’s 2011-12 formula rate would require increased (additional) funding of about \$30 million annually (\$28 million this year and \$30 million in 2014-15). The sum sufficient to fully fund all eligible WHEG need as of July, 2015, would require significant additional funding above those increases. This amount has not yet been estimated, but will be calculated as part of the bill’s fiscal notes available before a hearing is held.

WHEG is one of the single most important tools available to promote student retention, success and closing of the state’s skills gap. The “need gap,” the unfunded cost of college after accounting for all current personal resources, aid and loans, continues to grow. Increasing WHEG funding would reduce the need gap and reduce the debt burden from loans many college students face after completing their education. This bill is unlikely to pass due to its cost and its relative priority compared with other state public policy choices for revenues and expenditures.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab337>

SB 23 (also AB 14) Signed into law as 2013 Act 9 – “Fast Forward Wisconsin” Workforce Training Grants

See AB 14, above.

SB 44 (also AB 52) – Workforce Growth Grants Funding for Technical Colleges

See AB 52, above.

SB 48 (also AB 23) – Funding Post-Retirement Health Care Benefits

See AB 23, above.

SB 49 – Academic Career Plans for K-12 and Youth Options Program Change

The academic and career plan provisions of this bill were passed into law as part of Act 20, the 2013-15 state budget bill, introduced as AB 40.

SB 49 was introduced in March, 2013, as one of a package produced by the Joint Legislative Council Special Committee on Improving Educational Opportunities in High School. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. They have the ability to directly introduce legislation as a committee. This committee’s nineteen members included WTCS Board President Mark Tyler, Moraine Park Technical College President Sheila Ruhland and former Fox Valley Technical College Board member and New London School Superintendent Bill Fitzpatrick.

The bill is awaiting a hearing.

SB 49 would address two different issues. First, SB 49 affects the application procedure for high school students carrying “Youth Options” courses at a technical college, UW, or private or tribal college. Youth Options allows students in 11th or 12th grade to carry certain college courses and to count the courses toward both high school and college. The student must meet other

requirements and the K-12 district must pay for the student's college tuition in cases where the course counts for high school credit and is "not comparable" to a course offered at the high school.

Under this bill, a student applying for Youth Options enrollment would be required to state how the Youth Options course or courses would relate to the student's academic and career plan. This would be effective beginning the year after academic and career plans become mandatory.

Second, the bill would require K-12 districts and charter schools to establish an "academic and career plan" for every student beginning in 6th grade and continuing through 12th grade. This portion of the bill was already signed into law as part of the state budget, Act 20.

Recommended position: Support.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/sb49>

SB 51 – Increased Math and Science Credits for High School Graduation

This bill was introduced in March, 2013, as one of a package produced by the Joint Legislative Council Special Committee on Improving Educational Opportunities in High School. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. They have the ability to directly introduce legislation as a committee. The committee's nineteen members included WTCS Board President Mark Tyler, Moraine Park Technical College President Sheila Ruhland and former Fox Valley Technical College Board member and New London School Superintendent Bill Fitzpatrick.

The bill is awaiting a hearing.

Currently, a student must earn the following minimum credits to graduate from high school in Wisconsin: 4 English, 3 Social Studies, 2 Mathematics, 2 Science, 1.5 Physical Education and .5 Health. SB 51 would increase the minimum credits in math and science to 3 each.

Recommended position: None/monitor pending assessment and input from our K-12 partners.

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/sb51>

SB 74 (also AB 48) – Use of Wisconsin Products and Services in Local Government Contracts

See AB 48, above.

Updated – SB 87 (also AB 90) – Mandating Technical College District Board Member Contacts on Websites

Based on an agreement by each of the 16 district boards and the WTCS to meet these bills' terms, the co-sponsors agreed to request that the respective committee chairs not schedule hearings for these bills. This effectively stalls the bills where they are in the process. Each district has now updated its website to include the required information.

On March 11, 2013, the co-sponsors, Senator Paul Farrow (R-Pewaukee) and Representative Amy Loudenbeck (R-Milton), began circulating a draft proposal seeking additional sponsors. On March 12th, the District Boards Association met with the two co-sponsors concerning the draft bills and requested that the colleges be given time to comply without the bills proceeding. In mid-April, the Boards Association met with Senator Farrow and reported that all 16 districts plus the WTCS had agreed to make changes needed to implement the bills' requirements. Based on this report, the co-sponsors agreed to not proceed with hearings (the next step for each bill) and the Boards Association agreed to report on progress implementing the changes to district websites. All district were in compliance by early July, 2013, and this was reported to the co-sponsors.

These identical bills would require that technical colleges post an email address for each district board member and a phone number for the board chair on the college's website. The bills also require the WTCS (state) Board make the same information available on its website. Finally, the bills require that the above information be provided to any person who requests it by mail or orally. Based on the co-sponsorship cover memo and the meeting with the co-sponsors, the rationale for this effort appears to have come from a constituent issue (a person or persons contacting a legislator for assistance) concerning a district program closure decision. Additionally, the rationale appears to include that technical college boards have authority to levy property taxes but are not elected.

These bills apply only to technical college district board members and not to school boards, county boards, city boards, village boards, town boards, other special purpose public boards and public authorities, or to the UW Board of Regents.

The District Boards Association suggested that the legislators request we consider making the changes voluntarily rather than mandating this in state statute. Each district has agreed to do so as of mid-April. The co-sponsors will request the bills not proceed to committee hearings and the Boards Association will confirm that the colleges have made the required changes to their websites.

Recommended position: None/monitor:

Bill text and history:

SB 87: <https://docs.legis.wisconsin.gov/2013/proposals/sb87>

AB 90: <https://docs.legis.wisconsin.gov/2013/proposals/ab90>

SB 88 (also AB 45) – Use of U.S. Made Materials in Local Government Contracts

See AB 45, above.

SB 105 (also AB 117) – Chiropractic Continuing Education and Exam Providers

These twin bills are moot based on the same provisions being signed into law as part of Act 20 (AB 40), the 2013-2015 state budget. They are described below for reference as to the budget provisions as passed.

The provisions as passed do not directly affect technical colleges. They undo several controversial 2009 changes to state law affecting the chiropractic industry. Those 2009 provisions, however, also made changes that negatively affected Moraine Park Technical College's Chiropractic Technician program. The impact on the MPTC program remains in law and was not fixed by the 2013-15 budget reforms.

The 2009-11 state budget bill contained provisions requested by the Wisconsin Chiropractic Association (WCA). They were added to the bill by the Joint Finance Committee (JFC) on a motion that passed after midnight on the final day of budget amendments and without any debate. Among other provisions, the changes altered the definition of, training for, and continuing education related to, para-professional “chiropractic technician” (CT) and “chiropractic radiologic technician” positions. This had the effect of undermining the Moraine Park CT program. That program was graduating CTs with a high level of training for high-wage positions working with chiropractors. The amendment made the titles refer to a much lower level of training (offered by the Wisconsin Chiropractic Association). This made the college's program title and the titles used by graduates to no longer reflect the marketplace. The amendment also eliminated the college's ability to provide CTs continuing education. Any such continuing education would require that Moraine Park be sponsored by the WCA or a chiropractic college that offers doctor of chiropractic degrees.

The changes also created a practical examination as a new condition for most individuals to become a licensed Wisconsin chiropractor. This has been controversial in the state regulatory world (the exam was promulgated by the Chiropractic Examining Board despite some concerns by the State Department of Regulation and Licensing (now the State Department of Safety and Professional Services), the agency within which the board operates. It has also been a controversial issue within the chiropractic community. Some members of the chiropractic community have noted that these issues led to WCA staff changes and to creation of a new trade group, the Chiropractic Society of Wisconsin.

The budget provision matching these bills eliminated the new practical examination required of many candidates seeking to become a doctor of chiropractic in Wisconsin. It tweaked the list of sponsoring entities for continuing education but did not restore Moraine Park's ability

to offer continuing education on its own (without an authorized sponsor), despite the fact it is a fully accredited college.

Recommended position: None/monitor. We continue to support a measure to restore direct continuing education authority to Moraine Park Technical College for CTs.

Bill text and history:

SB 105: <https://docs.legis.wisconsin.gov/2013/proposals/sb105>

AB 117: <https://docs.legis.wisconsin.gov/2013/proposals/ab117>

SB 223 (also AB 218) – Prohibiting Access to Employee and Student Personal Internet Accounts

See AB 218, above.

SB 229 (also AB 260) – Enrollment Flexibility for Talent Incentive Grants

See AB 260, above.

(End of Bills of Interest Section)

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

A Guide to Reading Bill Histories follows:

Reading Wisconsin Bill Histories – A Guide to the Basics

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The text, sponsors, and procedural history of each 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.

When reviewing a specific bill history online, the following guide may be helpful:

Links:

Bill text	(Link to) the original bill’s full text.
Amendments	(Link to) any amendment that changes or replaces the original bill’s full text.
Fiscal estimates	(Link to) estimated costs of implementing the bill as a new law.
Government Accountability Board information	(Link to) lobbying background concerning this bill.

History:

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 and sent it to the full body with its recommendation/vote for passage.

Assembly/Senate amendment	Link(s) to the numbered amendment(s) to the bill.
Assembly/Senate “substitute” amendment	Link(s) to the numbered “substitute” amendment. A “substitute” amendment <i>replaces entire original bill</i> .
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). Allowing a third reading on the floor on the same day as the second reading requires waiving the rules without objection.
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 only) 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.
Act (number)	When a bill becomes law it is transformed from a bill number to “2013 Act xx.” Click on the Act number to see the new law.