



## 2013 - 2014 Bills of Interest to Wisconsin Technical Colleges

As of December 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](mailto:pgabriel@districtboards.org). More information is also available at the colleges' advocacy web portal: [www.technicalcollegeeffect.org](http://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 in February and received a public hearing on October 10, 2013. After the hearing, the lead sponsor, Representative Joel Kleefisch (R-Oconomowoc), offered amendments that would have greatly expanded the bill. These were scheduled for a vote on October 31<sup>st</sup> when the committee was expected to send the bill to the full Assembly. No additional hearing would be held.*

*Media outlets report as of late October 30<sup>th</sup> that the proposed amendments have been withdrawn. The original bill applies only to concealed carry exceptions for retired and off-duty law enforcement in “no weapons” posted locations including technical college buildings. The new amendments would have extended the right to concealed carry in posted “no weapons” locations to anyone with a CC permit. This would make “no weapons” postings for K-12 schools and college buildings largely inapplicable. Such an expansion would raise serious concerns and should be subject to additional public hearings. The description and recommended position below do not include any amendments to the original bill.*

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 (as bill is originally introduced).*

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

## **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 superseded 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 23<sup>rd</sup> and concluded in early June. With very few changes, the JFC bill version passed the full Assembly on June 18<sup>th</sup> and the Senate on June 21<sup>st</sup>. The Governor made line-item vetoes and signed the bill on June 30<sup>th</sup>. 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 early in 2013. They are co-sponsored by 16 Assembly Democrats and 8 Senate Democrats. They mirror bills introduced but not passed in the 2011 session.*

*On two occasions (mid-June and early-November), Assembly Democrats have attempted a “pulling motion” to remove the Assembly version from committee for immediate consideration on the floor. Both motions failed on party lines. These efforts have appeared to be attempts to shift the debate from the topic at hand (abortion-related bills) to jobs-related bills.*

*SB 44 received a positive hearing in late August, 2013, 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 3<sup>rd</sup>. 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 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>

## **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**

*AB 177 was introduced in late April and received a public hearing on October 10, 2013. It was introduced by Representative Garey Bies (R-Sister Bay) and co-sponsored by two members of the Assembly and no members of the Senate. It remains in committee subject to “executive action,” a committee vote with a recommendation for passage that sends the bill to the full Assembly for consideration. No such vote is scheduled to date.*

After two postponed hearing dates in August, it was not clear if AB 177 would receive a public hearing at all this session. Several Assembly members and staff had expressed concerns about the bill. They noted that the bill might not receive any hearing and/or agreed with our assessment that there was no compelling reason to hold one. Others suggested that an amended or entirely new bill version would be produced prior to any public hearing. A revised or new bill might be more consistently supportable by majority members of the Assembly. Against this backdrop, a notice was issued on Monday, October 7<sup>th</sup>, for a Thursday, October 10<sup>th</sup>, public hearing by the Assembly Committee on Colleges and Universities on the bill as introduced.

**What the Bill Would Do** -- AB 177 would place a binding 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 and the districts’ status as local governments;
- eliminate all local property tax funding and local borrowing/issuance of debt;
- shift all technical college employees from being local district employees to become state employees; and
- transfer all college operations, facilities, assets, contracts, debt and liabilities to the state.

This would effectively eliminate technical college districts as local governments and re-create them as fully state-controlled colleges. The bill expressly states that, upon implementation, “... a district’s board is only responsible for advising the district director, who is appointed by the WTCS Board.”

The proposal would also increase the state sales tax by 20%, from \$.05 to .06. Representative Bies’ co-sponsorship memo stated 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, ... the tech college system would be funded by a one-cent increase in the state sales and use tax.”

However, the bill does not dedicate any 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 for operations and to meet obligations for authorized debt. This is, by far, the colleges’ largest revenue source. The referendum would not ask voters to support

using the new state sales tax revenue 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.

**Public Hearing Testimony** -- As is universal custom, a bill's author is called first to present the bill's impact and underlying rationale to the hearing committee. Representative Bies was at the hearing table for approximately 45 minutes, significantly longer than is common for most bills. He supported the bill as a solution to "voc ed institutes" of the past having evolved to become full-fledged colleges in a statewide system. In that sense, he argued, it was no longer appropriate for the colleges to be primarily funded by local property taxes. The state UW System, of course, is not. He also asserted (consistent with how he has been quoted over the years in print media) that technical college district boards are an example of "taxation without representation." They are "not responsive" and, according to some of his constituents, he stated, "ignore citizens." Representative Bies asserted that the bill's changes would not reduce local responsiveness because a local college board would still advise the local (state employed) president, who would then "come to Madison" to make the case for resources to meet local needs. To some extent, other committee members echoed this notion that eliminating local board governance would not necessarily erode college resources or responsiveness.

Mr. Bies received a number of questions, mostly centered on the bill's many "moving pieces" and its undefined (by the bill) implementation process. As an example, one member asked how bonding and debt would be transferred legally from local districts to the state. This would be left to future legislation triggered by the referendum's passage, both Representative Bies and legislative legal counsel answered.

Mr. Bies testified that he believes the colleges do a good job and serve an important purpose. He also referenced having both graduated from a technical college with law enforcement training and, more recently, having taken courses and certification in support of his business as a restaurant owner.

One other citizen testified in support of the bill. A UW (or former UW) employee, this person described himself as a vigilant attendee of local technical college board meetings in his area, a regular commentator in the press in support of electing college boards and ending local taxation, and an active citizen in terms of observation and questioning of local college and systemwide operations.

In opposition to the bill, an exceptional array of testimony was presented focusing largely on business and industry leaders statewide. The following testified in person:

- Tom Felch, President/Owner, J&D Tube Benders, Weston.
- Dr. Lori Weyers, President, Northcentral Technical College.
- Stephanie Sklba, Vice President of Community & Government Relations, Gateway Technical College.
- Stephen Kohler, Director of Human Resources, Pierce Manufacturing, an Oshkosh Corporation Company, and FVTC board member, Appleton.

- Dr. Mike Lanser, President, Lakeshore Technical College.
- John Lukas, Vice President, LDI Industries, and LTC board member and former Boards Association President, Manitowoc.
- Alyce Dumke, Executive Director of the FVTC Foundation, Appleton.
- Patti Balacek, Director of Business and Industry Services, Western Technical College.
- Kelly Ryan, CEO, Encourage Community Foundation of Wisconsin Rapids.
- Morna Foy, President, Wisconsin Technical College System.

Those testifying at or attending the hearing also submitted written testimony or letters opposing the bill, which were placed into the record. They included:

- Robin K. Roberts, President, Roberts Construction Associates, Inc., Madison.
- Jim Riordan, President/CEO (retired), Wisconsin Physicians Service (WPS) Health Insurance, Madison.
- Jerry Brunner, Human Resources Director (retired), Hartung Brothers, Inc., Madison.
- Tim Casper, Vice President for Budget and Public Affairs, Madison College.
- Steve Mirecki, President, Color Craft Graphic Arts, Manitowoc.
- Mark O. Sommer, President, Precision Manufacturing Solutions, Racine.
- Chris Moore, President/CEO, Northeast Wisconsin Industries, Sturgeon Bay.
- Brian D. Rude, Vice President, External and Member Relations, Dairyland Power Cooperative, La Crosse.
- Lou Schweigert, President, Gro Alliance, Cuba City.
- Michael E. Ravn, President/CEO, Church Mutual Insurance, Merrill.
- Peter J. Manowske, President, Manowske Welding Corporation, Fond du Lac.
- Mary Krueger, President, Ministry Saint Clare's Hospital, Weston, and Ministry Good Samaritan Hospital, Merrill.
- Jay E. Torké, President/CEO, Torké Coffee Roasting Co., Sheboygan.
- Jeffrey P. Kroes, Vice President, La Crosse Operations, Pacal Industries, LLC, (La Crosse/Roseville, MN).
- Michael J. Dougherty, President/CEO, D&S Manufacturing, Black River Falls.
- Ron Brisbois, President, Prosperity Southwest Wisconsin, Fennimore.
- Rick Recktenwald, President/CEO, Walker Forge, Inc., Clintonville.
- Jim Sommer, President/CEO, Service Motor Company, Dale.
- Steve Tyink, Vice President of Business Innovation, Miron Construction, Neenah.
- Mike Weller, President/CEO, Miller Electric Manufacturing Co., Appleton.
- Dr. Tom Eckert, President, Blackhawk Technical College, Janesville.
- Paul Gabriel, Executive Director, Wisconsin Technical College District Boards Association, Madison.

Also attending the hearing were WTCS Senior Policy Advisor Nancy Merrill, HWZ Associates' Jason Bauknecht for MATC Milwaukee, and Sean Stephenson of Arena Strategy Group working on behalf of the Boards Association and all 16 colleges.



The group's comprehensive testimony emphasized the close connection linking local business, industry, and community needs, the colleges' responsiveness, the colleges' strong collaborative partnerships, local control balanced with statewide coordination and accountability, local governance and local funding. It was both individually and collectively cogent and powerful testimony in support of technical colleges and in opposition to this bill.

In effective fashion, the testimony reinforced that business, industry and communities find technical colleges highly responsive to their needs, and that this responsiveness can't and should not be separated from local control and local funding. This uniquely responsive governance and funding model is accountable locally under the umbrella of a highly strategic and accountable statewide system.

The entire hearing proceeding of 3+ hours is available through the WisconsinEye video archive service at [www.wiseye.org](http://www.wiseye.org).

**Next Steps?** -- It would be hard for any hearing observer to reflect on the proceedings and believe this bill will proceed to passage and become law, at least in its current fashion. Questions and concerns were raised about enough aspects of the bill to render it non-viable for most intents and purposes. "Most intents and purposes" however, does not cover the full spectrum of either intent or purpose, of course.

Procedurally, the next step is a vote to move AB 177 forward from the committee to the full Assembly. Some bills, especially those lacking clear majority support, do not receive such a vote. A bill that remains "in committee" as the session ends expires with the session.

It is possible that an amended or entirely new version of AB 177 could emerge before the session concludes. After a limited November floor period, the Legislature returns to finish out the session in late Winter or Spring, 2014. It should be noted that significant changes or a complete replacement of the bill's provision can be adopted and voted on to the full Assembly without any additional hearing or public input.

At this point, it would appear that a revised proposal or proposals would more likely attack local property tax burdens than board governance itself. There is general continuing support among at least some Assembly Republicans for "taking technical colleges off property taxes." Technical colleges are not opposed to being less dependent on property taxes. However, they remain committed to protecting the flexibility, control and resources necessary to be highly responsive locally.

A revised proposal might also address board governance once again in head-on fashion. While an "elected boards bill" does not seem to be brewing or have steam today, we know there is a history of introducing such proposals from time-to-time when questions or concerns find legislative momentum. We could see other proposals too, from attempts to shape, but not end, local governance or funding, or to change the reporting or accountability dynamic within the system or with the legislature.

*Recommended position: Strongly oppose.*

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

### **Updated – 2013 Wisconsin Act 56 (was AB 201) – Course Registration Preference for Service Members and Veterans**

*AB 201 was signed into law effective November 9, 2013, as 2013 Act 56. This bill was introduced in May and applied only to the UW System. At the conclusion of a late-May public 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 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 in early June. It went through Senate committee in July and August and passed the full Senate by voice vote in mid-October.*

Act 56 provides 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 law 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.”

An amendment that 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) failed.

While this law represents solid public policy, it has 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 did not provide any funding and no assessment was made of the potential for non-veteran students to be displaced from course access under the new law.

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 law creates an unfunded mandate and 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

*Introduced in May and June, 2013, these bills are co-sponsored by a large and bipartisan group of members from both houses. Both bills received a hearing over the summer. SB 223 (as amended as described below) passed the full Senate 33-0 on November 11, 2013. It is awaiting action by the full Assembly.*

SB 223 as amended (its twin AB 218 is on hold as the Senate version proceeds) restricts 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. It also applies to landlords and their tenants/prospective tenants. The bill also sets 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. This bill prohibits 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. It also bars 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 bill exempts information available without a login and password, or that is available in the public domain. It defines accounts in a way that distinguishes between personal but work-related accounts and strictly private/personal accounts in no way used for work. The bill also exempts 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 bill makes 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.

The amended bill is detailed and complex. Additional details are described in a Legislative Council Amendment Memo for Senate Substitute Amendment 1, available via the SB 223 link below.

*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 July and received hearings in August. Each was voted out of committee on a unanimous vote supporting passage in October and November. Each is ready for consideration on the floor of its respective house.*

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>

### **AB 266 (also SB 244) – Exceptions to Prevailing Wage Law for Certain Projects**

*These identical bills were introduced in July 17, 2013, and are 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.

These bills exempt 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 bills argue that federal law trumps state provisions and that the bill would reduce public construction costs. Those opposing the bills 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:

AB 266: <https://docs.legis.wisconsin.gov/2013/proposals/ab266>

SB 244: <https://docs.legis.wisconsin.gov/2013/proposals/sb244>

## **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>

## **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>

### **Updated – AB 398 (also SB 334) – Technical Excellence Higher Education Scholarships**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor’s “Working for Wisconsin” jobs package introduced in early October, 2013.*

*AB 398 was introduced by Representative Scott Krug (R-Nekoosa) and SB 334 was introduced by Senator Rick Gudex (R-Fond du Lac). Both have bipartisan support. Both cleared hearings rapidly and passed both houses. AB 398 is scheduled to be signed into law at Chippewa Valley Technical College on December 10, 2013.*

These twin bills create a new “Technical Excellence Higher Education Scholarship Program” for high school seniors to use at Wisconsin colleges and universities including technical colleges. The awards are similar to the longstanding academic excellence scholarships that provide funding for a top graduating student or students at each high school for a portion of higher education tuition. The new program creates a distinct new award in addition to the existing scholarships.



The new grants focus on high school seniors who “demonstrate high level of proficiency in technical education courses” and who enroll on a full-time basis specifically in a Wisconsin technical college, or in other higher education programs certified by the Higher Educational Aids Board (HEAB) as “specializing in technical education.”

A student may not receive both the academic excellence and technical excellence awards. Importantly, however, the academic excellence award may continue to be used to attend a technical college as well as a UW or private, not-for-profit college/university. This reinforces that technical colleges are appropriate choices for recipients of both awards.

Very importantly, we were able to secure changes to the bills prior to introduction that assures the new scholarships may not be used at for-profit/proprietary institutions. As introduced, the bills allow for the technical excellence scholarships to be used only at a Wisconsin technical college or for a program approved by HEAB at a UW college/university or a *private not-for-profit independent* college or university (e.g., MSOE, Ripon, St. Norbert, etc.).

The number of eligible seniors at each high school will be based on school size. Recipients will be required to maintain a 3.0 GPA while in college and will be eligible for scholarships for up to three years. The program provides scholarships of \$2,250 per academic year, which will include \$1,125 funded by HEAB through a new state appropriation, plus a required match of \$1,125 from institutional (college) funds, gifts or grants. Grants will begin with 2015 high school graduates who enroll in college in 2015-16.

These bills represent an encouraging and highly positive investment in technical education. It must be noted that they also carry a significant unfunded cost to technical colleges for scholarship matching funds. While the number of existing academic excellence enrollees at technical colleges is modest, the new program could lead to hundreds of new students enrolling, each requiring a funding match.

*Recommended position: Support. These awards should be fully funded and not create a significant unfunded mandate on technical colleges.*

Bill text and history:

AB 398: <https://docs.legis.wisconsin.gov/2013/proposals/ab398>

SB 334: <https://docs.legis.wisconsin.gov/2013/proposals/sb334>

### **Updated – AB 399 (also SB 331) – Career and Technical Education Incentive Grants**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor’s “Working for Wisconsin” jobs package introduced in October, 2013.*

*Specifically, AB 399 was introduced by Representative Warren Petryk (R-Eleva) and SB 331 was introduced by Senator Rick Gudex (R-Fond du Lac). Both moved rapidly through hearings and passage by both houses. AB 398 is scheduled to be signed into law at Chippewa Valley Technical College on December 10, 2013.*

These twin bills provide \$3.0 million for career and technical education grants to be awarded by the Department of Public Instruction (DPI) to K-12 districts, as follows. Districts will receive \$1,000 per pupil for each student who graduates having completed an approved, industry-validated certification program. These bills parallel a proposal originally made by State Superintendent of Public Instruction Tony Evers as part of the DPI 2013-15 biennial budget request.

To implement the program, the State Superintendent will confer with the Department of Workforce Development (DWD) and the WTCS annually to identify industries and occupations that face workforce shortages or shortages of adequately trained entry-level workers. DPI will then notify school districts of the identified industries and occupations. The school district will then receive the funding for students who earn an industry-recognized credential in one of the identified fields.

Importantly, the bills originally required the student be part of a high school “technical diploma” program. Very few schools offer such a program. WTCS President Morna Foy succeeded in securing bill amendments removing this limitation. The grants will be offered beginning for the 2014-15 school year. The amount will be prorated/reduced if demand exceeds the set appropriation for 3,000 full grants annually.

These bills provide positive opportunities for high school students and K-12 districts. They also provide opportunities for technical colleges to partner with high schools on important industry certifications that promote career and technical education and pathways to further technical college study.

*Recommended position: Support.*

Bill text and history:

AB 399: <https://docs.legis.wisconsin.gov/2013/proposals/ab399>

SB 331: <https://docs.legis.wisconsin.gov/2013/proposals/sb331>

### **Updated – AB 400 (also SB 332) – Extending the “Wisconsin Workers Win” Unemployment Benefits Pilot Program**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor’s “Working for Wisconsin” jobs package introduced in October, 2013.*

*Specifically, AB 400 was introduced by Representative Amy Loudenbeck (R-Clinton) and SB 332 was introduced by Senator Mary Lazich (R-New Berlin). The Senate version passed both houses unanimously in early November and is awaiting the Governor's signature.*

These bills do not directly affect technical colleges. They will extend a pilot program, "Wisconsin Workers Win," for another two years. Prior to expiring in 2013, the program operated in three high-unemployment areas by matching clients receiving unemployment benefits with training services in new occupational areas.

*Recommended position: Support.*

Bill text and history:

AB 400: <https://docs.legis.wisconsin.gov/2013/proposals/ab400>

SB 332: <https://docs.legis.wisconsin.gov/2013/proposals/sb332>

### **Updated – AB 401 (also SB 333) – Transitional Jobs Program**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor's "Working for Wisconsin" jobs package introduced in October, 2013.*

*The Senate version has passed both houses and is awaiting the Governor's signature as of November 7, 2013.*

These twin bills do not directly involve technical colleges. They create a new Transitional Jobs Program to serve cities and counties with high unemployment and/or high child poverty rates. The program will be administered through the Department of Children and Families and would operate using a reallocation of existing agency funds.

*Recommended position: Support.*

Bill text and history:

AB 401: <https://docs.legis.wisconsin.gov/2013/proposals/ab401>

SB 333: <https://docs.legis.wisconsin.gov/2013/proposals/sb333>

### **Updated – AB 402 (also SB 336) – Expanding Youth Apprenticeship Funding**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor's "Working for Wisconsin" jobs package introduced in October, 2013.*

*The Senate version has passed both houses and is awaiting the Governor's signature as of November 7, 2013.*

These bills provide new funding to expand youth apprenticeship by \$500,000 annually. Existing total funding of \$1.8 million is increased by 28% to \$2.3 million annually. This expansion will allow school districts and employers to expand the number of students and businesses participating. Youth apprentices receive on-the-job experience and training along with instruction, often provided by technical colleges, through the local high school.

*Recommended position: Support.*

Bill text and history:

AB 402: <https://docs.legis.wisconsin.gov/2013/proposals/ab402>

SB 336: <https://docs.legis.wisconsin.gov/2013/proposals/sb336>

### **Updated – 2013 Wisconsin Act 57 (was AB 403 and SB 335) – Adult Apprenticeship Tuition Assistance**

*This new law was one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor's "Working for Wisconsin" jobs package.*

*The Senate version was amended and passed both houses. It was signed into law as 2013 Act 57 on November 15, 2013.*

Act 57 provides up to \$1,000 per adult apprentice or apprentice employer to cover up to 25% of an apprentice's tuition costs of up to a total of no more than \$1,000. The bill provides a total of \$250,000 annually for this new program. DWD can reduce awards or deny awards if demand exceeds the full appropriation. Adult apprentices train in a variety of fields such as the traditional trades through a combination of academic work (including at technical colleges) and on-the-job experience over several years.

*Recommended position: Support.*

Bill text and history:

AB 403: <https://docs.legis.wisconsin.gov/2013/proposals/ab403>

SB 335: <https://docs.legis.wisconsin.gov/2013/proposals/sb335>

### **Updated – AB 404 (also SB 337) – Professional Licensing and Credentials Reform**

*This is one of seven pairs of bills (with identical Assembly and Senate versions for each) that together comprise the Governor's "Working for Wisconsin" jobs package introduced in October, 2013.*

*The Senate version of these bills passed both houses as of November 5, 2013, and is awaiting the Governor's signature.*

The District Boards Association secured important changes to these bills prior to their introduction, as described below. These bills prohibit state regulators (the Department of Safety and Professional Services, "DSPS," formerly the Department of Regulation and Licensing) from requiring candidates for exams to have graduated or passed academic or training programs before sitting for licensing exams. In other words, a person could not be stopped from sitting for professional licensing exams before completing the degree or training leading up to those exams.

The bills include some important exceptions. First, some professional titles have national or regional bodies that require graduation before exams can be taken (e.g., certified public accounting). The bills do not affect such situations. Second, some professional titles are outside the scope of DSPS oversight covered by the bill (e.g., bar exams and the licensing of attorneys).

Third, importantly, the bills treat several other professions uniquely. This includes registered nursing (RNs) and licensed practical nursing (LPNs). Prior to introduction, the District Boards Association secured important amendments concerning nursing (RN and LPN). Based on these changes, the bills provide *no person may sit for the RN or LPN licensing exams until they have either graduated from, or have the express approval of, their nursing program.*

These amendments are a major accomplishment resulting from a joint effort by the Boards Association, our nursing and health professions leadership (especially Dean Dessie Levy at MATC-Milwaukee and Dean Diane Skewes at Gateway), the WTCS staff, and our district advocacy partners. The amendments were supported with the assistance of the Governor's Office, DSPS staff, and the bill's lead sponsors, Senator Frank Lasee (R-DePere) and Representative Dale Kooyenga (R-Brookfield).

Other professional titles and licenses could be affected by these bills. It is challenging to establish at this time exactly which titles will be affected: 1. for which technical colleges provide training, 2. in ways that alter current licensing and exam practices, and 3. where a national or other body does not already require graduation before exams.

Importantly, in all cases, the bills do not eliminate any existing requirement for a degree or training. Rather, they change the sequence to allow students to sit for exams pre-graduation if they so choose.

*Recommended position: None/Monitor.*

Bill text and history:

AB 404: <https://docs.legis.wisconsin.gov/2013/proposals/ab404>

SB 337: <https://docs.legis.wisconsin.gov/2013/proposals/sb337>

## **New – AB 470 – Increasing the Minimum Retirement Age for WRS Retirees**

*AB 470 was introduced on November 1, 2013, and is awaiting a hearing.*

Public employees covered by the Wisconsin Retirement System (WRS) may receive a pension upon leaving employment based on certain factors including minimum years of service, final average earnings, and a minimum age. This bill increases the minimum retirement age for a full annuity/pension from 55 to 57 for regular employees, and from 50 to 52 for “protective occupations” such as law enforcement and guards in corrections facilities. If passed, this change would not apply to current WRS participants who are already age 40 or older upon the bill becoming law.

*Recommended position: None/Monitor.*

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab470>

## **New – AB 471 – Changing the Calculation of “Final Average Earnings” for WRS Retirees**

*AB 471 was introduced on November 1, 2013, and is awaiting a hearing.*

Public employees covered by the Wisconsin Retirement System (WRS) may receive a pension upon leaving employment based on certain factors including minimum years of service, final average earnings, and a minimum age. This bill changes the number of years of employment used to calculate “final average earnings.”

Pension amounts are calculated in two ways. An annuitant may receive an amount based either on a “money purchase annuity” or based on a formula. The formula is based on multiplying years of creditable service, a “multiplier” and “final average earnings.” Final earnings are currently calculated as a monthly figure based on the 3 highest earning years of all years of covered employment.

AB 471 would change the formula to count the 5 highest years of income (instead of 3) in determining the monthly “final average earnings.” Assuming an employee steadily makes slightly more each year, the larger number of years would slightly reduce the annuity/pension under the formula. The change would affect certain employees more dramatically. Some WRS employees may move from one level of compensation (e.g., serving in the Legislature) to a much higher level (e.g., a cabinet-level or higher-level state agency position). This bill would have a potentially significant impact on pension amounts for such a person who serves in the new role for less than 5 years.

*Recommended position: None/Monitor.*

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab471>

## **New – AB 477 – Entrepreneurial Assistance Grants to Businesses and Colleges**

*AB 477 was introduced on November 1, 2013, by 10 Assembly Democrats and 4 Senate Democrats. It is awaiting a hearing.*

This bill authorizes the Wisconsin Economic Development Corporation (WEDC) to award an “entrepreneurial assistance grant” of up to \$3,000 to a “new” business for the business’s expenses related to hiring a college student as a paid intern. The student must be enrolled at an institution of higher education, including a technical college, and be studying business, engineering, information technology, or a similar field. A new business is one that was organized in Wisconsin within the 5 years before applying for a grant.

Additionally, if WEDC awards a grant to 3 or more businesses to fund internships for students from a single college, and the college develops a program to support internships funded by these grants, WEDC may award an additional grant to the college of up to \$25,000. The bill provides that WEDC allocate at least \$125,000 in each fiscal year to fund grants.

*Recommended position: Support.*

Bill text and history: <https://docs.legis.wisconsin.gov/2013/proposals/ab477>

## **New – AB 532 (also SB 406) – Renaming Student Higher Education Grants**

*AB 532 and SB 406 were introduced in late November, 2013, and are awaiting hearings.*

These twin bills change the name of the state’s main need-based financial aid grants. Currently, grants administered by the Higher Educational Aids Board (HEAB) are called “Wisconsin Higher Education Grants” (WHEG), for individual programs serving students in the technical colleges, the UW, and tribal colleges. A parallel program serving students at non-profit independent colleges and universities is called the “Tuition Grants” (TG) program. These bills change the grants’ name for each/all of these programs to be called the “Wisconsin Grant.” The bills do not change grant funding or eligibility.

*Recommended position: Support.*

Bill text and history:

AB 532: <https://docs.legis.wisconsin.gov/2013/proposals/ab532>

SB 406: <https://docs.legis.wisconsin.gov/2013/proposals/sb406>



## **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 11<sup>th</sup> or 12<sup>th</sup> 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 6<sup>th</sup> grade and continuing through 12<sup>th</sup> 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>

## **Updated – 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.*

*SB 51 was amended and passed both houses. It is awaiting the Governor's signature as of November 15, 2013.*

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 increases the minimum credits in math and science to 3 each. As approved by DPI, a credit of computer science may count toward the expanded math requirement.

The bill was also amended to allow a student who is a “career and technical education concentrator” (defined as a student who has taken two tech education courses and will take a third) to count approved technical education courses as appropriate toward either the expanded math and/or science credit requirements. Each such course must be approved by the local school board as appropriate for counting as math or science credit.

*Recommended position: Support as amended.*

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

### **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 12<sup>th</sup>, 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 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>

### **New – SB 237 (also AB 291) – Barbering, Changes to Barbering Education and Licensing Requirements**

*Both of the twin bill versions were amended and received favorable hearings in their respective house. SB 237 passed the full Senate as of early October. That version is awaiting action in the Assembly.*

SB 237 makes several changes to the requirements for obtaining a barbering license, including:

- Eliminating the requirement that the 1,000 classroom-hour course of instruction in barbering must be spread out over a 10-month period;
- Reducing the number of practical training hours a barbering apprentice must complete from 3,712 to 1,712; and
- Eliminating the requirement that a barbering or cosmetology course of instruction may not exceed eight hours in one day or 48 hours in one week.

These changes will affect the course of barbering and cosmetology training at technical colleges.

*Recommended position: None/monitor. The District Boards Association opposes bills that: 1. Restrict the colleges' ability to train individuals for specific job titles or credentials; 2. limit our graduates' employability or ability to be licensed for specific titles; or, 3. mandate changes to training that are not supported by the businesses and industries that hire our graduates. These bills do not appear to affect 1. or 2. Their impact relative to 3. is not yet clear.*

Bill text and history:

SB 237: <https://docs.legis.wisconsin.gov/2013/proposals/sb237>

AB 291: <https://docs.legis.wisconsin.gov/2013/proposals/ab291>

### **Updated – SB 252 (also AB 289) – Recalculating Tax incremental Finance (TIF) District Base Values**

*These identical bills were introduced in August, 2013. The Senate version was heard and passed the full Senate unanimously in September, 2013. The Senate version has been heard by the Assembly and was slightly amended. It is awaiting consideration by the full Assembly and then must go back to the Senate due to the added amendment.*

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:

AB 289: <https://docs.legis.wisconsin.gov/2013/proposals/ab289>

SB 252: <https://docs.legis.wisconsin.gov/2013/proposals/sb252>

### **SB 376 (also AB 498) – Creating a Student Loan Refinancing Authority, Student Loan Information, Counseling, and Expanding the Tuition Income Tax Subtraction**

*These identical bills were introduced by all 15 Senate Democrats and all 39 Assembly Democrats in late October and early November, 2013. The lead sponsors are Senator Dave Hansen (D-Green Bay) and Representative Cory Mason (D-Racine). Both bills are awaiting a hearing.*

SB 376 and AB 498 would make major changes related to financial aid, specifically student loans, and information about college costs, aid and loans. First, they create a new public 9-member “Wisconsin Student Loan Refinance Authority” made up of 4 legislators, 3 higher education members, and 2 financial aid professionals. The Authority would provide student loans to Wisconsin residents to allow them to refinance their outstanding loan or loans at the most economical rates.

The bills also require:

- The Department of Financial Institutions to compile and maintain web resources allowing students to compare private-sector student loan information reflecting the “best” providers for private student loans.
- Each technical college, UW institution, private/non-profit college and university, and tribal college to provide information to all newly accepted students listing information such as total education costs, expected financial aid awards, loan costs, and other information.
- Each college or university offering associate degrees or higher in the state to provide student financial aid and loan counseling including specific information as the student leaves his/her studies.

The bills allow colleges to assess student loan vendors a fee of up to \$50 per loan in order to fund the bill’s counseling mandate costs.

Finally, the bills expand a state income tax subtraction relative to higher education tuition. The current subtraction phases-out as income increases. Under the bills, the phase-out is removed. Also, “tuition” for income tax subtraction purposes is defined to include the cost of paying back certain loans after college.

*Recommended position: Support, with the understanding that these complex bills may need additional analysis in terms of any consequences or costs not readily apparent at this time.*

Bill text and history:

AB 498: <https://docs.legis.wisconsin.gov/2013/proposals/ab498>

SB 376: <https://docs.legis.wisconsin.gov/2013/proposals/sb376>

### **New – SB 395 (also AB 503) – Changing Training Requirements for Cosmetologist and Makeup Artists**

*These twin bills were introduced in mid-November, 2013, and have been amended. The Senate version received a hearing in late November. The Senate bill is awaiting action by the full Senate. The Assembly version is awaiting a hearing.*

These bills change the requirements to be licensed as a cosmetologist in Wisconsin. The bills also remove the occupation of “makeup artist” from being required to be a licensed cosmetologist, barber, aesthetician or manicurist.

Currently, a candidate to become a licensed Wisconsin cosmetologist must complete at least 1,800 training hours in a course of instruction in cosmetology. These bills reduce the required number of training hours to 1,550, which matches Minnesota law. This will force changes to WTCS curriculum and training if passed.

Currently, a person must be licensed in Wisconsin in order to perform barbering, cosmetology, aesthetics, or manicuring for compensation in this state. These bills exempt the following services (of “makeup artists”) from those licensure requirements: “1. A service performed preparatory to a live public performance or appearance, whether in-person or through broadcast media. 2. A service performed in the course of the production of any ... recording of a moving or still image intended for public release or broadcast.” This may affect the content of training or result in some distinctions in the nature of training included as preparation for specific licensed titles.

*Recommended position: None/monitor. The District Boards Association opposes bills that: 1. Restrict the colleges’ ability to train individuals for specific job titles or credentials; 2. limit our graduates’ employability or ability to be licensed for specific titles; or, 3. mandate changes to training that are not supported by the businesses and industries that hire our graduates. These bills do not appear to affect 1. or 2. Their impact relative to 3. is not yet clear.*

Bill text and history:

AB 503: <https://docs.legis.wisconsin.gov/2013/proposals/ab503>

SB 395: <https://docs.legis.wisconsin.gov/2013/proposals/sb395>



## **New – SB 408 (also AB 533) – Bonding/Borrowing by K-12 Districts, Public Information Required**

*These twin bills were introduced in late November, 2013, and are awaiting hearings in each house.*

SB 408 and AB 533 apply only to K-12 districts, but are instructive as to possible future legislation affecting other local government, including technical college districts.

Under current law, certain school board resolutions to issue a bond or a promissory note must be published and posted. The notice must state the maximum amount proposed to be borrowed, the purpose of the borrowing, and the location and hours for public inspection of the resolution.

These bills require that the published/posted notices also include the estimated amount of interest costs, the estimated amount of other costs associated with issuing the bond or promissory note, and the assumptions made regarding interest and other costs.

*Recommended position: None/monitor.*

Bill text and history:

SB 408: <https://docs.legis.wisconsin.gov/2013/proposals/sb408>

AB 533: <https://docs.legis.wisconsin.gov/2013/proposals/ab533>

(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](mailto: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](http://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<br>Accountability<br>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<br>held ...                                     | Hearing at which public may comment or register on the bill.   |
| Executive action<br>taken ...<br>Report passage<br>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.  |