



2011 - 2012 Bills of Interest to Wisconsin Technical Colleges

As of September 26, 2011

Bills or proposed bills of interest to technical colleges in the 2011 - 2012 legislative session are described below. This document evolves with the addition of new bills and changes to existing bills throughout the session. Recently posted or changed items are highlighted. The District Boards Association's position or recommended position, if any, 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 (formerly the Ethics Board) website: <http://ethics.state.wi.us/LobbyingRegistrationReports/LobbyingOverview.htm>. This site includes cross-referenced links to other organizations taking a lobbying interest in each bill.

The current legislative session officially runs through December, 2012, but effectively ends with adjournment in both houses sometime likely in late Spring or in Summer, 2012.

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

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Bills of Interest

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

Act 10, the collective bargaining and “budget adjustment” bill, became law on June 29, 2011, after months of wrangling and Capitol protests. Act 10 was introduced as AB 11 in the January Special Session. It passed the Assembly after a historic 63-hour continuous floor session spanning February 22-25. The bill contained both fiscal and non-fiscal provisions. The Senate may not consider a fiscal bill unless 20 of 33 members are present. A non-fiscal bill requires a quorum of a simple majority (17) being present. Fourteen Senate Democrats left Wisconsin leaving 19 Republican Senators unable to meet on the bill.

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

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

Key provisions of Act 10 affecting technical colleges included:

Wisconsin Retirement System (Pensions)

- Require employee pension contributions -- Require all state and local government employees - including technical college employees - to contribute one-half of the cost of WRS pensions, currently 5.8% of annual compensation, beginning in 2011 or, for union employees, upon the expiration, amendment or extension of the current labor agreement.
- No bargaining of pensions -- Remove pension plan benefits from collective bargaining. Like other employee benefits, pensions would become a “prohibited subject” of bargaining.
- Budget Bill Note: Study of WRS vesting periods -- Require a study of options for changing the WRS benefit (offering a defined contribution benefit) and for allowing employees to opt out of their share of contributions in return for lower value pensions. (These provisions were removed from Act 10, but were restored in the budget bill.)
- Budget Bill Note: Change WRS vesting to 5 years -- The 2011-13 budget bill eliminated immediate WRS vesting for new public employees. New employees will now vest in the WRS after 5 years’ employment.
- Budget Bill Note: WRS Employee Contribution Timing -- This was clarified in the budget bill. For those employees not subject to an existing collective bargaining agreement, the budget bill establishes that WRS employee contributions begin after the budget is published on a date “... as determined by the Secretary of DOA.” On June 30th, DOA Secretary Mike Huebsch issued a memo stating that for local governments

(including technical colleges) “...the effective date should parallel as closely as possible the timing for state employees, who will first see these deductions on their August 25th paycheck.”

- Budget Bill Note: Pre-tax nature of WRS contributions -- The budget bill clarified that WRS employee contributions will be treated as "pre-tax" for income tax purposes and “must be considered employer contributions under section 414(h)(2) of the Internal Revenue Code.” This benefits employees by reducing taxable income.
- Budget Bill Note: FICA applies to employee WRS contributions -- WRS employee contributions are pre-tax only for income tax purposes and are still subject (for the employer and employee) to FICA (Social Security and Medicare) taxes.

Health Insurance Benefits

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

Collective Bargaining

- Limit bargaining to base wages -- For technical college districts, school districts and other local government employers (with a few exceptions for firefighters, police officers and transit workers), limit collective bargaining to employee base wages only. This would remove all other topics from bargaining, including benefits, workload, and terms of employment.
- Budget Bill Note: 90-day window for single MOU -- The budget bill also added the following that affects Act 10: A technical college district (or a school district) and its employee bargaining representative may enter into a single memorandum of understanding (1 per bargaining unit): within 90 days of the effective date of the budget bill, “to modify compensation and fringe benefits,” that reduces overall costs, under an existing collective bargaining agreement on the effective date of the budget bill, that was initially entered into prior to February 1, 2011. Such an MOU is not a modification of a bargaining agreement that triggers Act 10.
- Limit wage increases to CPI -- In collective bargaining of base wages, limit wage increases to not exceed a cap based on inflation (the CPI) except as approved by a districtwide referendum.
- Limit contracts to 1 year -- Limit public labor contracts to no more than one year in duration and freeze wages after an agreement expires until a new contract is settled.
- Require unions certify annually -- Require all public collective bargaining units to vote affirmatively each year to maintain certification as a union.
- Prohibit dues collection -- Prohibit employers from collecting union dues. This is commonly known as “fair share” agreements.

- Prohibit mandatory union dues or membership -- Prohibit members of collective bargaining units from being required to pay union dues or to be a member of the existing union. These provisions are commonly referred to as being a “right to work” state.

Civil Service

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

Position: None.

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

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

Wisconsin has passed a “voter ID bill,” signed into law as Act 23, requiring certain photo IDs be presented to exercise the right to vote. The law takes effect with Spring, 2012, elections. Under the new law, identification for voting means one of the following:

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

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

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

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

Despite the new law’s plain language on its face, the Wisconsin Government Accountability Board (GAB) decided on September 12th that Wisconsin technical college student identification

cards may not be used for “voter ID” purposes. In the same action, the GAB approved the use of student IDs by almost all other college and university students in the state - including UW and independent private college and university student IDs - so long as the cards meet certain requirements, namely, they contain elements such as a signature and certain issuance and expiration dates.

This unexpected interpretation of the law was made without consultation with technical college leadership or boards. It defies our understanding and expectation based on the law as passed. At present, the result is that, while technical college student IDs may be used for voter registration purposes, they ironically may not be used as ID for voting itself just one or two tables down in the same polling place.

The GAB staff provided a memo to its board recommending this interpretation and noting that staff conferred with a Legislative Reference Bureau drafting attorney, Jeff Kuesel. The memo in part states:

“... Attorney Kuesel noted that there were unsuccessful attempts to include technical colleges as among the institutions which could issue student ID cards for voting purposes, as illustrated by Assembly Amendment 23 to Assembly Substitute Amendment 2 to Assembly Bill 7, which is attached. This proposed amendment, specifying that identification cards from schools in the technical college system could be used for voting purposes, was rejected by the Assembly and was not included in the enacted bill.

Given this legislative action, it appears clear that the Legislature did not intend for technical college ID cards to be treated as equivalent to those issued by other universities and colleges.”

(GAB Staff memo to the GAB members for the September 12, 2011, meeting)

While it is correct that an amendment was offered to expressly include technical colleges in the statute, and that the motion failed, this does not mean technical colleges are not accredited colleges in Wisconsin. First, it is unusual to use a failed amendment that did not become law to determine the passed law’s intent. Many floor-offered amendments fail to pass (more than 80 for this bill!) and do not, by that failure, somehow exclude the possibility that their content and intention is part of the ultimate statute.

Furthermore, the statute used to describe eligible institutions, Wis. Stats. 39.30(1)(d), is part of the law specific to the Higher Educational Aids Board and its Tuition Grant Program for *private* colleges (Marquette, Ripon, St. Norbert’s, etc.). It does not list the UW either or enumerate any specific colleges or universities. There may have been a failed Assembly amendment to specifically list technical colleges. There was no amendment attempt to add UW campus IDs whatsoever. The rationale that we were not specifically enumerated would also appear to apply to the UW which - just like technical colleges - was not successfully added by amendment.

WTCS leaders, college leaders, the Boards Association and legislators themselves are communicating with the GAB requesting this incorrect action be reversed. The GAB next meets on November 9, 2011, and is requested to reconsider this action.

Position: The GAB should reconsider and reverse its interpretation of Act 23 relative to technical college student ID cards.

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

AB 33 – Tax Deduction for Bachelor’s Degree Graduates

This bill was introduced in February and is awaiting a hearing.

AB 33 is similar to a bill introduced last session. It would give *bachelor’s degree* graduates of accredited colleges and universities who live in Wisconsin year-round a \$1,000 tax deduction in each of up to 5 years following graduation. The bill is drafted to include accredited degrees earned anywhere so long as the graduate is a state resident claiming the credit. The bill is drafted to include only bachelor’s degree earners and not technical college graduates. However, staff for the bill’s lead sponsor are aware of this and have promised to review the bill language. As originally drafted to apply to only bachelor’s graduates, the bill is estimated to cost (reduce state tax revenue by) \$5.3 million annually.

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

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab33>

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

AB 40 and SB 27 were introduced as parallel state budget proposals for the biennium beginning July 1, 2011, through June 30, 2013, at the Governor’s request on March 1st. AB 40 was amended by the Joint Finance Committee (JFC) over several weeks. The JFC bill version was voted out of committee on June 3rd on a 12-4 party-line vote. The Assembly considered the JFC version on the floor, amended it, and passed it on a 60-38 vote on June 16th. All 59 Republicans and the 1 Independent voted in favor, and 38 Democrats voted against. Later on June 16th, the Senate passed the Assembly bill without further changes, also on a party-line (19-14) vote. The Governor issued 50 partial vetoes and signed the bill as Act 32 on June 26th.

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

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

AB 62 (also SB 45) – Requirements to be a School Nurse and Distributing School Medications

See SB 45, below.

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

See SB 40, below.

AB 113 (also SB 80) – County Boundary Change Between Green Lake and Marquette Counties

The Assembly bill version was the subject of a hearing and voted out of committee with unanimous support for passage. It was sent to the full Assembly floor but was tabled on May 17, 2011. The Senate version received a hearing but no action to move it from committee has been taken.

These bills change the official boundary between Green Lake and Marquette Counties affecting approximately 860 acres. According to the lead Assembly sponsor, Representative Joan Ballweg, R-Markesan, the change reflects how the land is already treated for taxes, schools and voting. In other words, residents and local governments have long treated the proposed boundaries in this bill as the official boundaries.

This bill is of interest to technical colleges because part, but not all, of the boundary between Green Lake and Marquette Counties also serves as the boundary between Moraine Park and Madison Area Technical Colleges. To the extent any boundary between technical college districts changes, a number of factors can also change including property valuation for setting levies, jurisdictions involved in board appointments and residents' eligibility to serve on district boards, among others. Also, at the time of a shift in boundaries, state law provides that each local government ceding and receiving new territory adjust assets and liabilities. This includes technical college districts. Accordingly, the relevant portion of college district assets and liabilities (including debt obligations) subject to the boundary change must be calculated and shifted.

So far, it appears these bills are intended to make the official boundary match the long held boundary used by residents and local governments alike. If that is the case, it may well mean the assets and liabilities are already matched to the new boundaries created by these bills.

Recommended position: None/monitor.

Bill history and text:

AB 113: <https://docs.legis.wisconsin.gov/2011/proposals/ab113>

SB 80: <https://docs.legis.wisconsin.gov/2011/proposals/sb80>

AB 126 (also SB 90) – “Concealed Carry” of Firearms

While these bills technically still exist, they have been preempted by the passage of SB 93.

See SB 93, below.

Bill history and text:

AB 126: <https://docs.legis.wisconsin.gov/2011/proposals/ab126>

SB 90: <https://docs.legis.wisconsin.gov/2011/proposals/sb90>

AB 133 (also SB 53) – Veterans Tuition Remissions

See SB 53, below.

AB 141 – Minnesota Wisconsin Tuition Reciprocity

While this bill still technically exists, it was preempted by similar language passed in the 2011-13 State Budget, Act 32/AB 40, as described below.

This bill was introduced in May, 2011, as one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate.

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

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

Recommended position: Monitor/none.

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

UPDATED – AB 142 – Talent Incentive Program Grants

This bill was introduced in May, 2011, and received a public hearing in September. It remains in committee. It is one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

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

This bill would maintain the current grant program except that a student could leave for a semester/quarter or more and would not lose future eligibility because he/she was not continuously enrolled every successive semester/quarter.

Recommended position: Support. Student withdrawal decisions, especially for illness or other reasons outside a student’s control, should not be influenced by the potential of lost scholarship/grant funding.

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

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

This bill was introduced in May, 2011, and received a hearing in September. It remains in committee. It is one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

This bill’s provisions were included in a motion offered to AB 40, the 2011-13 state budget bill, in the Joint Finance Committee (JFC) in May, 2011. The motion failed.

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

Grants (applicable to WTCS students) and Lawton Minority Undergraduate Grants for UW students.

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

This bill has the benefits of adjusting state funding to match tuition increases but should match WTCS WHEG funding to WTCS tuition increases. While UW increases may be higher, this is not guaranteed and a link from WTCS WHEG funding to WTCS tuition is more rational.

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

Recommended position: Monitor/none.

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

UPDATED – AB 144 – Establishing a Temporary Financial Aid Commission

This bill was introduced in May, 2011, and received a hearing in September. It is one of a package produced by the Joint Legislative Council Special Committee on the Review of Higher Education Financial Aid Programs. Joint Legislative Council committees are citizen-legislator panels assigned to study a certain topic and propose legislation as appropriate. “Leg Council” bills are directly introduced by the committee rather than by one or more legislators.

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

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

- The HEAB executive secretary.
- The chairperson of the HEA Board.
- A HEA Board member designated by the chairperson of the HEA Board.
- Two representatives of the University of Wisconsin System.
- Two representatives of the Wisconsin Technical College System.
- Two representatives of the Wisconsin Association of Independent Colleges and Universities.

- One member of the Assembly appointed by the Speaker of the Assembly.
- One member of the Senate appointed by the Senate Majority Leader.

The bill would direct the temporary commission to study the potential for consolidating all grant programs administered by HEAB into a single, comprehensive, need-based grant program. It would also study options for providing grant aid for students who are attending Wisconsin institutions of higher education at less than fulltime credit loads. The commission would report its recommendations to HEAB and the Legislature no later than April 1, 2012.

Recommended position: Support.

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

AB 187 – Workforce Training Grants

This bill was introduced on June 16, 2011, by then-Representative (now Senator) Jennifer Shilling (D-La Crosse), joined by 11 Assembly Democrats and 4 Senate Democrats. Also see the similar SB 40, below. It awaits a hearing.

Workforce Advancement Training (WAT) Grants are awarded by the WTCS to technical college districts on a competitive basis to be used to defray the cost of customized training the college provides to a business. *For more complete background on WAT grants, see SB 40, below.*

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

This bill changes the amount of funding that must be used for advanced manufacturing training from \$2 million to \$2.4 million. In recent years, some \$2.7 million was already being allocated for manufacturing projects. Thus, the bill would have had no practical effect based on current demand, but could have limited future use and flexibility if, for example, demand for grants changed to be less manufacturing-driven.

Recommended position: None/monitor. Seek an amendment similar to those pending for SB 40 and AB 97 to expand the overall appropriation in an amount matching the new set-aside.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ab187>

NEW – AB 219 – Funding Post-Retirement Health Care Benefits

This bill was introduced on September 7, 2011, and is awaiting a hearing.

AB 219 would require local governments, including technical college districts, fully fund any post-retirement health care insurance benefits on an actuarial basis (up-front on an as-you-go basis from year-to-year) effective for any new employee hired after the bill goes into effect.

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

Recommended position: None/monitor.

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

LRB 0294/1 – Composition of Technical College District Boards

This draft bill is being circulated for legislative sponsors by Senator Glenn Grothman (R-West Bend) and has not yet been introduced. Given the length of time that has elapsed, it is not certain it will be introduced this session. The Boards Association has met with the Senator's staff and requested reconsideration given the wide range of employers and employees who would become ineligible for most board seats.

This draft bill would fundamentally change the composition of technical college district boards and eligibility to serve. The proposed bill would require each 9-member district board be comprised of:

- Six employees (or owners, directors, managers) of a for-profit business, or persons retired from positions at a for-profit business,
- one elected official,
- one school district administrator, and
- one additional member.

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

Under this bill, a large number of current members would be ineligible to serve except as the board's single additional member. Among others, the six-member board majority could no longer include persons who work for or are retired from the following types of employers and positions:

- Most hospitals, clinics and health care providers (except for-profit entities);
- School districts, including counselors, teachers, principals and other staff and

- administrators;
- Cities, counties, or other local governments including police, fire, EMT, and other public safety and health officers;
- Labor organizations/unions, and trade association employees and officials;
- Employees of community-based organizations and other not-for-profit groups including significant technical college partners such as workforce development boards, chambers of commerce, and local regional and state economic development organizations;
- Community-based organizations and groups such as employees of the Boy and Girl Scouts, Boys and Girls Clubs, and YMCA/YWCA;
- Employees of charitable organizations and foundations such as the United Way, all other charitable and philanthropic groups, and local community foundations;
- Employees of religious orders and organizations;
- The State of Wisconsin including public health, human services, all UW, natural resources, corrections, transportation, State Patrol, agricultural, Extension, and other employees;
- Federal employees including members of the U.S. Military and military recruiters, Veterans Administration, USDA, Forest Service and others;
- Veterans organizations such as the VFW and American Legion;
- Cooperative employees;
- Credit union employees;
- Tribal and Native American nation employees including gaming industry employees;
- Faculty and staff of most private colleges and universities (other than for-profit/proprietary schools);
- Cooperative, credit union, and employees of local public cooperative electric, water, sewer and telecommunications utilities;
- Employees of not-for-profit child care organizations, pre-schools and child welfare entities;
- Those working for employee-owned and member-owned not-for-profit health care plans, insurance, mutual benefit and fraternal organizations;
- Retired school superintendents/administrators not serving in the school administrator position; and
- Elected local and state public officials not serving in the elected official position.

Based on 2010-11 membership, some 43% of current board members (62 of 144) would no longer be eligible to serve. This includes at least 2 and up to 6 members of each current board.

The types of employees and retirees no longer able to serve include many representing our districts' large and most important employers. They also represent employees from industries in which technical colleges provide the majority of trained workers and professionals. This bill would eliminate board eligibility for many individuals representing police, fire, public safety, nursing, health occupations, education, child care, and utility workers. Each of these is an industry in which technical colleges provide a large number or the vast majority of skilled employees.

The bill would also serve to make arbitrary distinctions among employees with similar jobs but different employers. The director of food service for a large non-profit hospital would not qualify for the six "business" board seats, but the manager of a private restaurant would. Of course, both hire and supervise technical college graduates from the same culinary programs.

Many bank employees would qualify to serve in these board positions but credit union employees would not. Similarly, an insurance professional would or would not qualify depending on the type of company. Wisconsin is home to many fraternal and non-profit insurance concerns. Employees of these organizations would not qualify while employees of a for-profit insurance company would.

The existing district board governance model assures that technical colleges have representative and responsive boards made up of individuals who carefully match and represent the real world of work. This bill would limit the diversity of individuals serving on boards, and would needlessly eliminate representation of many of the important local businesses and industries. It would make boards less, not more, responsive to the programs offered and taxpayers served.

Recommended position: Oppose.

Bill history and text: Not yet available.

NEW – LRB 2221/1 – Vocational High School Diplomas

This draft bill is being circulated for co-sponsors by Representative Mark Radcliffe (D-Black River Falls). It has not yet been introduced.

This proposal would allow a K-12 school board to grant a “vocational high school diploma” to a student who has earned credits to complete vocational curriculum approved by the local school board and by the Department of Public Instruction. The vocational credits can be earned in place of the otherwise uniformly required minimum core credits for graduation in math, science, English, social studies, PE, and health education.

Representative Radcliffe recently published an op-ed piece in the Eau Claire Leader Telegram that eloquently describes the need for a new generation of skilled workers who will build our success as a nation once again committed to industry, manufacturing, and high-skill jobs. This bill is aimed at providing “a fresh new look and new perspective for Wisconsin schools” by giving them a new tool to train high school students more directly with a job-related skill.

While this proposal is well intended to address a crucial issue for our future prosperity, it also raises concerns. It is not clear how an alternative high school credential would be recognized by employers or admitting institutions of higher education. Additionally, many high-income, high-skill jobs in areas like advanced manufacturing require post-high school math, science, and English skills that build from current high school minimums. In other words, these jobs require technical training on top of advanced high school math, science and communications. Providing a pathway for young people is essential. Making it a path in lieu of current core subjects could potentially defeat the very purpose for this diploma if students find themselves less prepared for technical college programs.

Recommended position: None/monitor.

Bill history and text: Not yet available.

AJR 46 (Assembly Joint Resolution) – Constitutional Amendment to Ban Unfunded Mandates

This proposal constitutes “first consideration” of a proposed constitutional amendment. To amend the state constitution, a measure must pass both houses in each of two consecutive legislatures (before sometime in Spring, 2012 for the current session and again in the 2013-14 session). The second passage triggers a state referendum, successful passage of which amends the constitution.

This joint resolution is proposed by a group of 11 Representatives and 4 Senators led by Representative Andre Jacque (R-Bellevue).

AJR 46 would prohibit the state from passing a bill that places a requirement on any local government, including a technical college district, unless the bill contained an appropriation reimbursing the local government for the full cost of complying with the requirement.

This provision is very positive in theory. For example, the veterans tuition remission represents a popular mandate that is largely unfunded. Absent significant state funding (about 20% of remission costs are reimbursed by the state), this shifts millions of dollars annually as internal college reallocations, increases in property tax levies and to non-veteran student tuition costs.

However, in reality, this type of resolution is problematic in enforceability both over time and in defining the “cost” of complying. First, a bill may be passed with an appropriation so as to meet the resolution. However, the appropriation is subject to the next budget bill process and nothing in this resolution would appear to require full funding of the mandate in year 3 or 4 or 22. Second, the “full cost of complying” may be difficult or impossible to administer. If the state mandated that no college have a waiting list for nursing programs that exceeds two years in length for in-district residents, is there a cost? A district could invest in expanding nursing sections and seek reimbursement. The state could instead argue the district must simply cap its waiting list at a number representing no more than current program enrollment times 2 years.

Recommended position: Support. Although this proposal would be difficult to implement, the Boards Association should support measures that seek to better match state appropriations to state mandates.

Bill history and text: <https://docs.legis.wisconsin.gov/2011/proposals/ajr46>

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

See AB 40, above.

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

These identical bills were introduced in April, 2011. See also the similar AB 187, above. The Senate bill was the subject of a hearing in late April and is awaiting further action. The Assembly bill received a hearing in September, 2011, and also awaits a vote to move it out of committee. Importantly, an amendment has been offered to each bill (adopted in the Senate committee and pending in the Assembly committee) to increase overall funding by \$400,000 annually. As described below, this is very positive.

The substance of these bills is also part of a larger “Jobs” package being offered by Senate Democrats. The bills’ provisions were also included in a Spring, 2011, budget motion offered in the Joint Finance Committee (JFC). That motion failed.

Workforce Advancement Training (WAT) Grants are awarded by the WTCS to technical college districts on a competitive basis to be used to defray the cost of customized training the college provides to a business. The entire grant amount passes through the college to the business to use in defraying training costs. In that sense, the grants generate training contracts that might not otherwise be affordable to the business. However, the college providing the training receives only the typical cost-based training fee. These grants do not otherwise expand capacity for regular students or courses.

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

These bills as originally introduced simply reallocated the existing \$3.97 million base funding to require that \$2.4 million (rather than \$2 million) be used for advanced manufacturing projects. In recent years, some \$2.7 million was already being allocated for manufacturing projects. Thus, the bills would have had no practical effect based on current demand, but could have limited future use and flexibility if, for example, demand for grants changed to be less manufacturing-driven.

The pending amendments increase the overall appropriation by \$400,000 from \$3.97 million to \$4.37 million annually. This positive change protects the amount of funding available for non-manufacturing purposes and increases overall funding to match the expanded set-aside for advanced manufacturing.

Recommended position: Support based on the pending amendments to increase overall funding in an amount matching the increased set-aside.

Bill history and text:

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

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

SB 45 (also AB 62) – Requirements to be a School Nurse and Distributing School Medications

These identical bills were introduced in late March. The Senate version received a public hearing in April and the Assembly bill received a hearing in June. Based on concerns raised by groups including the WTCS and District Boards Association, a “substitute amendment” was adopted to each bill. A “substitute” amendment effectively replaces the entire bill with new provisions. The substitute reflects a very positive compromise between a variety of parties, most importantly technical colleges and the Department of Public Instruction (DPI). Both bills have been voted out of committee and are awaiting floor action by the respective house.

These bills once again address rules for working as a school nurse. Currently, by Department of Public Instruction (DPI) rule, a new school nurse must hold a bachelor’s degree in addition to being an RN.

The substitute amendments satisfy technical colleges’ longstanding concerns by directing DPI to license as a school nurse *any RN (regardless of degree earned)* who has successfully completed a course in public health or community health approved by DPI.

The best way to follow this complex set of proposals across two sessions is by a timeline:

- In 2010, DPI requested legislation to eliminate the DPI licensing of school nurses. In its place, DPI requested a law to require that school nurses hold a minimum of a bachelor’s degree. The bills also changed rules for administering medication in school settings.
- The Boards Association and WTCS opposed the minimum bachelor’s degree requirement as unrelated to the parallel competencies possessed by new RNs from either associate degree or bachelor’s nursing programs.
- At our urging, a compromise was reached to remove the bachelor’s degree minimum in the bill itself and, instead, to require DPI to establish school nurse qualifications by administrative rulemaking. The bill was signed into law as 2009 Act 160. We understood all along that DPI would continue to pursue the bachelor’s requirement in its rulemaking.
- DPI imposed the bachelor’s minimum in administrative rule. While there was support for this in rule-making testimony, there was also significant opposition during the rulemaking process.
- On March 1, 2011, Governor Walker introduced the 2011-13 state budget (AB 40) including a provision to repeal the new rule. Later, however, the Joint Finance Committee removed the provision from the budget (eliminating it) as one of several “non-fiscal” policy items.
- In late March, 2011, the new bills, SB 45 and AB 62, were introduced to repeal and restate last session’s Act 160.
- The new bills, SB 45 and AB 62, were written to state that DPI *may license* as a school nurse any RN who is “certified by the (DPI) as being qualified to perform professional nursing services in a public school.” While it was not clear how DPI would interpret the new standard, it had pushed for a bill and passed an administrative rule imposing the bachelor’s degree minimum.

- At an April, 2011, hearing, technical colleges, DPI, and other groups all opposed the new bills for various reasons. With no real support, the Senate Health Committee asked the co-sponsors to work with the concerning parties and to re-work the bills.
- In May, 2011, the “substitute” bills addressing technical college concerns were offered. Each has now been adopted to “fix” the bills.

Technical colleges have fought steadfastly against requiring school nurses have a minimum bachelor’s degree. RNs are licensed after passing national examinations and meeting other requirements including graduating from an approved (associate degree or bachelor’s degree) nursing program. A new “RN is an RN” regardless of the degree earned, and all RNs pass the same examinations regardless of degree earned. There is no meaningful difference in examination pass rates depending on the degree earned. In many years, associate degree nurse graduates pass the examinations in Wisconsin at a higher rate than bachelor’s graduates.

While many nurses require specific competencies and training beyond the RN designation, there is no connection between the underlying nursing degree leading to the RN and such specialized training and competencies.

Recommended position: Support based on the adoption of the substitute amendments. The District Boards Association continues to oppose any bill or rule that distinguishes among RNs based on the underlying degree program leading to the RN.

Bill history and text:

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

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

SB 53 (also AB 133) – Veterans Tuition Remissions

SB 53 was introduced in April and AB 133 was introduced in May, 2011. Both bills are awaiting a hearing. The Senate’s lead sponsor is Senator Julie Lassa (D-Stevens Point) and the Assembly’s lead sponsor is Representative Janis Ringhand (D-Evansville).

A portion of these bills has been affected by similar language passed in the 2011-13 State Budget, Act 32, as described below.

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

Since 2009, veterans have been required to use any Post 9/11 tuition assistance first before using the state remission. However, vets also have a “hold harmless” guarantee that requires colleges

pay back any amount the vet would lose in total federal benefits by virtue of using the Post 9/11 tuition assistance first.

This bill includes two major provisions, the first of which is affected by the budget bill as passed.

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

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

Second, this bill also provides full state reimbursement to colleges for the remission cost by changing the state funding from a “sum certain” to a “sum sufficient” appropriation. A “sum sufficient” means the state will allocate all funds required to cover fully the tuition remissions. Currently, the state provides about 20% reimbursement to the colleges. In 2009-10, technical colleges received \$1.2 million from the state (which is 22%) of \$5.7 million remitted on behalf of 4,241 vets and family members at technical colleges. Current state funding is split on a pro-rata basis between UW and technical college remissions and varies (will decrease) as the number of vets and family members climbs.

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

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

Recommended position: Support.

Bill history and text:

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

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

SB 90 (also AB 126) – “Concealed Carry” of Firearms

See SB 93, below.

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

This bill was introduced May 10, 2011, and was amended and passed the Senate on a 25-8 vote on June 14th. The Assembly passed the same bill version on June 21st on a 68-27 vote. Governor Walker plans to sign the bill into law on July 8th. The new law takes full effect on November 1, 2011; the first day of the fourth month following publication.

This measure provides for the concealed carrying of certain weapons by individuals who have received training and a permit to carry. Allowable weapons include handguns, electric weapons, knives other than switchblades, and clubs. As described below, technical colleges may provide appropriate training for those seeking a permit to carry.

With a few exceptions noted below, public bodies including technical colleges may limit the concealed carrying of weapons *only in “buildings” the college owns, occupies or controls*. This includes indoor leased space or other indoor space over which the college has control, regardless of ownership.

A technical college may prohibit concealed carry in an eligible building (or part of a building) by posting the prohibition “in a prominent place” near “all of the entrances” to the building or portion of building that is affected.

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

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

Permits to carry concealed weapons will be issued by the Wisconsin Department of Justice (DOJ). After receiving an application, fee, and doing a background check, the DOJ must issue a license to carry a concealed weapon to an individual who: Is at least 21 years of age; is a Wisconsin resident; is not prohibited under state or federal law from possessing weapons; is not prohibited by a court from carrying while on bail or release and facing charges; and, has proof of

training. The new law also provides for reciprocity with other states. DOJ will, by administrative rule, create a list of states issuing permits that will be honored in Wisconsin.

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

This bill also amends gun laws related to K-12 settings. It is currently a felony to knowingly possess a firearm if the person knows or has reason to know the place is a “gun free school zone.” This includes being in a K-12 school building, on school grounds, or on public property within 1,000 feet of school grounds. There are certain exceptions. Under SB 93, it remains a felony to possess a firearm in a K-12 school or on school grounds (again, with certain exceptions). However, it is no longer a crime to carry a firearm on public property within 1,000 feet of school grounds. Rather, a person with a concealed carry permit may carry a weapon up to the boundary of the school grounds. Those without a carry permit who are on public property within 1,000 feet of (but not on) school grounds may be fined, but are no longer guilty of a crime.

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

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

A number of questions remain to be answered prior to November 1st. It is not clear, for example, whether colleges have authority to issue safety rules for instructional environments that are not otherwise in a posted building. Colleges have always had the ability to require or prohibit certain dress or equipment to promote safe learning. For example, a college may determine that it is not safe for a student to carry a weapon during instructional activities on an emergency services training course, on an electric utility pole, in an aircraft, or in many other non-building learning environments. Even the definition of a “building” itself may come into play as the new law is interpreted. It is not entirely clear, for example, how the law applies to an enclosed space such as the inside of a wind tower used for training on campus grounds.

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

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

SB 132 – Exempting Residence Hall Lease Revenue From Referendum Requirements

This bill has largely been passed in the 2011-13 State Budget (Act 32) on a motion by then-Representative (now Senator) Jennifer Shilling (D-La Crosse).

SB 132 was introduced by then-Senator Dan Kapanke (R-La Crosse) with bipartisan support in both houses. Co-sponsors are: Senators Dale Schultz (R-Richland Center), Frank Lasee (R-De Pere), and Jim Holperin (D-Conover), joined by Representatives Ed Brooks (R-Reedsburg), Roger Rivard (R-Rice Lake), Steve Doyle (D-Onalaska), and former Representative Jennifer Shilling (D-La Crosse). Shilling led the effort to pass this bill in the Assembly last session, but it did not make it to the Senate floor as the session ended. While the bill would apply most immediately to Western Technical College, it is an available tool to all districts and has been supported by all.

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

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

Both the budget amendment and this bill are great examples of bipartisan support for a technical college-related initiative. Democrat Shilling’s budget amendment needed Republican help to become law. Republican Kapanke’s bill is supported by Democrats including Shilling, Doyle and Holperin.

Recommended position: Support.

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

NEW – SJR 39 – Gateway Technical College Centennial

“Joint Resolutions” are used by each house to commemorate, recognize or celebrate milestones, people, and events important to the state. SJR 39 passed the Senate and Assembly on unanimous voice votes on September 13, 2011.

This Senate Joint Resolution (SJR) was introduced by Senator Van Wanggaard (R-Racine), and was co-sponsored by a bipartisan group including all Gateway-area legislators and other legislators. It commends Gateway Technical college on its centennial as the nation’s first

publicly-funded Continuation School and for its legacy of service, its program offerings and facilities, its transfer relationships, its “integral role in developing a skilled workforce,” and its promotion of economic development.

Recommended position: Support!

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

(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, and at www.buildingthenextgeneration.org.

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

Bill text	(Link to) the original bill's full text.
Sponsors	Sponsors are listed in the first dated entry of the procedural history or on the bill itself. This entry's date is the official date of bill introduction.
Read first time	Provides the committee to which bill is referred for a hearing.
Public hearing held	Hearing at which public may comment or register on the bill.
Executive action taken ... Report passage recommended	The committee voted the bill out of committee to the full body with its recommendation/vote for passage.
Assembly/Senate Amendment (number)	Click on the number to see text of any amendment to original bill.
"Substitute" Amendment (number)	Click on substitute amendment number to see text of an amendment that <i>replaces entire original bill</i> .
Fiscal estimate	Click on link for a report of bill's estimated fiscal effect.

Second reading	The full body considers the bill after it comes back from committee. This is the point at which amendments from committee or from the floor are officially attached.
Third reading	Clears the way for a full vote to pass or defeat the bill (it may be voted up or down but not amended).
Voice vote	Adoption by the body without a roll call.
Ayes/Noes	Click on this link to see the roll call vote (not available when the action was by “voice vote”).
Messaged	After the vote, the action sending the bill to the other house.
Concurred in	One house’s adoption of the other’s bill or bill version.
Enrolled	The bill is packaged as a complete piece of legislation and is available to be called for by, or sent to, the Governor.
Report approved, vetoed, or vetoed in part	Reflects the Governor’s signing, veto, or (for appropriations bills) partial veto.
Report Published	The date on which the Secretary of State published the new law, making it official and putting it into effect as a law.
Act (number)	When a bill becomes law it is transformed from a bill number to “2011 Act xx.” Click on the Act number to see the new law.