

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB624)**

Received: **02/18/2010**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Kim Hixson (608) 266-9650**

By/Representing: **Mary Matthias**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Higher Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hixson@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Use of terms "college," "university," "state," or "Wisconsin"; exceptions

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/18/2010	kfollett 02/19/2010		_____			
/1			rschluet 02/19/2010	_____	sbasford 02/19/2010	sbasford 02/19/2010	
/2	gmalaise 02/22/2010	kfollett 02/23/2010	phenry 02/23/2010	_____	mbarman 02/23/2010	mbarman 02/23/2010	

FE Sent For:

<END>

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/?	gmalaise 02/18/2010	kfollett 02/19/2010		_____			
/1		12/gf 2/23	rschluet 02/19/2010	_____	sbasford 02/19/2010	sbasford 02/19/2010	

FE Sent For:

2/23 ph  
ph/RS  
<END>

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/?	gmalaise	1/15/10 2/1/10		_____	_____	_____	_____

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Matthias, Mary  
**Sent:** Thursday, February 18, 2010 12:14 PM  
**To:** Malaise, Gordon  
**Cc:** Vander Meer, John; Supple, Ryan  
**Subject:** new amdt for AB 624

Hi Gordon-

John Vander Meer and I just discussed AB 624 and he asked me to send you drafting instructions for a new amendment. This amendment will replace LRB 1401/1.

1. Change the title of sub. (12) to "Use of Certain Terms" and replace all occurrences of "school" in sub (12)(a) to "entity" (or person?). My thought is that by using the defined term "school", the bill's prohibitions on the use of misleading names apply only to legitimate entities, ie, "any private trade, correspondence, business or technical school". The intent of the bill is to prohibit anyone from using those terms in their name unless they meet the requirements of the statute.

2. Page 4, lines 6-9. Expand the exemption set forth on those lines to also exempt "any entity described in sub.(1)(e) 3. to 7. that was doing business in this state prior to the effective date of this paragraph." This will grandfather in "barber colleges" and any other entities already approved by DRL so they can continue to use their names, but won't allow new entities to use these names in the future. This will also grandfather in already-operating religious entities, courses offered by employers exclusively for their employees, and entities offering instruction that is avocational or recreational in nature.

**Question (maybe for Dave Dies)**—do we need to also grandfather in schools described in sub.(1)(e)8., or are they already exempt by virtue of pg. 4, lines 4-5? In other words, are there any accrediting agencies recognized by EAB that are not also recognized by the US Secretary of Education or CHEA, or that have the foreign equivalent of that accreditation, as determined by EAB?

3. Create an exemption in sub.(12)(a) for Poupon U. and similar satirical entities. They do charge \$8 for their "diplomas". Something like "This paragraph does not apply to an entity that sells or provides a certificate or degree that is clearly intended only for purposes of amusement."

4. Pg 4, line 13, delete "or this state".

5. Pg 4, line 14- before the period, add "or is a school described in sub.(1)(e)1. that has accreditation recognized by the US Secretary of Education." This is to exempt WAICU schools from the prohibition on using the words "state" or "Wisconsin" in their names.

Thanks--- and please let me know if you see any problems with these instructions.

Mary

*Mary Matthias*

Senior Staff Attorney

Wisconsin Legislative Council Staff

Ph.(608)266-0932;Fax (608)266-3830

**Malaise, Gordon**

---

**From:** Malaise, Gordon  
**Sent:** Thursday, February 18, 2010 1:27 PM  
**To:** Matthias, Mary  
**Subject:** RE: new amdt for AB 624

Mary:

You are going to have to direct your question to Dave Dies. I honestly don't know the answer, so any answer I could give would be at best only an educated guess. I agree with your analysis that whether we need to also exempt a school described in sub. (1) (e) 8. turns on whether the EAB recognizes any accrediting agency other than those referenced in lines 4 to 6. If there are other accrediting agencies, then we need to reference subd. 8. If there are not, then we do not.

Gordon

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**From:** Matthias, Mary  
**Sent:** Thursday, February 18, 2010 12:14 PM  
**To:** Malaise, Gordon  
**Cc:** Vander Meer, John; Supple, Ryan  
**Subject:** new amdt for AB 624

Hi Gordon-

John Vander Meer and I just discussed AB 624 and he asked me to send you drafting instructions for a new amendment. This amendment will replace LRB 1401/1.

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Thanks--- and please let me know if you see any problems with these instructions.

Mary

*Mary Matthias*

Senior Staff Attorney

Wisconsin Legislative Council Staff

Ph.(608)266-0932;Fax (608)266-3830



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa16017(1)  
GMM...*ff*

*IN 2/19*  
*5007*

ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 624

1

At the locations indicated, amend the bill as follows:

2

1. Page 1, line 3: delete that line and substitute "university, state, and

3

Wisconsin; the issuing".

4

2. Page 4, line 1: delete lines 1 to 14 and substitute:

5

"38.50 (12) USE OF CERTAIN TERMS PROHIBITED. (a) No person may use the term

6

"college" or "university" in the person's name unless the person provides an

7

educational program for which the person awards an associate or higher degree and

8

the person has accreditation recognized by the U.S. secretary of education; has the

9

foreign equivalent of that accreditation, as determined by the board; or has

10

accreditation recognized by the Council for Higher Education Accreditation. This

11

paragraph does not apply to any of the following:

12

1. A school that was doing business in this state with the approval of the board

13

prior to the effective date of this subdivision .... [LRB inserts date].

1           2. A person described in sub. (1) (e) 3. to 7. that was doing business in this state  
2 prior to the effective date of this subdivision .... [LRB inserts date].

3           3. A person that sells or otherwise provides a degree, certificate, diploma, or  
4 other similar document that is clearly intended only for purposes of amusement.

5           (b) No school, including a school described in sub. (1) (e) 1. to 8., may use the  
6 term "state" or "Wisconsin" in its name if the use of that term operates to mislead the  
7 public into believing that the school is affiliated with the University of Wisconsin  
8 System or the technical college system, unless the school actually is so affiliated.  
9 This paragraph does not apply to a school described in sub. (1) (e) 1. that has  
10 accreditation recognized by the U.S. secretary of education; has the foreign  
11 equivalent of that accreditation, as determined by the board; or has accreditation  
12 recognized by the Council for Higher Education Accreditation.".

13

(END)

## Malaise, Gordon

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**From:** Matthias, Mary  
**Sent:** Monday, February 22, 2010 4:20 PM  
**To:** Malaise, Gordon  
**Cc:** Vander Meer, John  
**Subject:** RE: LRB 09a1601 Topic: Use of terms "college," "university," "state," or "Wisconsin"; exceptions

Gordon-

Rep. Hixsons' office would like 2 changes to the amendment:

1. Replace the semicolons with commas as discussed below.
2. Pg 2, lines 3-4. reword as follows: A person who uses the term "college" or "university" in the person's name only for purposes of amusement if the person does not hold itself out to the public in any way as a legitimate institution of higher education.

thanks.

*Mary Matthias*

Senior Staff Attorney  
Wisconsin Legislative Council Staff  
Ph.(608)266-0932;Fax (608)266-3830

---

**From:** Malaise, Gordon  
**Sent:** Monday, February 22, 2010 2:45 PM  
**To:** Matthias, Mary  
**Subject:** RE: LRB 09a1601 Topic: Use of terms "college," "university," "state," or "Wisconsin"; exceptions

Mary:

My interpretation is that the person must award an associate or higher degree and have one of the three accreditations.

I can see how the semicolons could cause confusion because one could read s. 48.50 (12) (a) to mean that a person may use the terms if the person awards the degree and has the first accreditation; has the 2nd accreditation (but doesn't necessarily award the degree); or has the third accreditation ( but again doesn't necessarily award the degree).

Removing the semicolons and replacing them with commas would clear up any confusion.

Gordon

---

**From:** Matthias, Mary  
**Sent:** Monday, February 22, 2010 10:15 AM  
**To:** Malaise, Gordon  
**Subject:** FW: LRB 09a1601 Topic: Use of terms "college," "university," "state," or "Wisconsin"; exceptions

Gordon-

In 38.50(12)(a), in both the bill and the amendment, is it your interpretation that in order to use the

term college or university, a school (or person) must provide a program for which it awards an associate degree or higher **AND** the school (or person) must be accredited by one of the 3 methods mentioned? I think that is the intent but the semicolons are confusing me.

thanks—

mary

---

**From:** Rep.Hixson  
**Sent:** Monday, February 22, 2010 9:31 AM  
**To:** Matthias, Mary  
**Subject:** FW: LRB 09a1601 Topic: Use of terms "college," "university," "state," or "Wisconsin"; exceptions

---

**John J. Vander Meer**  
*Research Assistant, Office of State Representative Kim Hixson*  
*Committee Clerk, Assembly Committee on Colleges and Universities*  
Phone: (608) 266-9650  
E-mail: [john.vandermeer@legis.wi.gov](mailto:john.vandermeer@legis.wi.gov)

---

**From:** Basford, Sarah  
**Sent:** Friday, February 19, 2010 2:59 PM  
**To:** Rep.Hixson  
**Subject:** LRB 09a1601 Topic: Use of terms "college," "university," "state," or "Wisconsin"; exceptions

The attached proposal has been jacketed for introduction.

A copy has also been sent to:

<< File: LRB a1601\_1 >>



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1601/A  
GMM:kjfrs  
PWR

In 2/22  
Wanted 2/23

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 624

Now

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: delete that line and substitute "university, state, and  
3 Wisconsin; the issuing,".

4 2. Page 4, line 1: delete lines 1 to 14 and substitute:

5 "38.50 (12) USE OF CERTAIN TERMS PROHIBITED. (a) No person may use the term  
6 "college" or "university" in the person's name unless the person provides an  
7 educational program for which the person awards an associate or higher degree and  
8 the person has accreditation recognized by the U.S. secretary of education, has the  
9 foreign equivalent of that accreditation, as determined by the board, or has  
10 accreditation recognized by the Council for Higher Education Accreditation. This  
11 paragraph does not apply to any of the following:

12 1. A school that was doing business in this state with the approval of the board  
13 prior to the effective date of this subdivision .... [LRB inserts date].

