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1999 ASSEMBLY BILL 322

May 6, 1999 – Introduced by Representatives Jensen, Rhoades, Petrowski, Kestell, Musser, Hahn, Kreibich, Brandemuehl, F. Lasee, Stone, Huebsch, Townsend, Suder, Nass, Albers, Hutchison, Seratti, Plouff, Handrick, Owens, Spillner, Montgomery, Huber, Ainsworth, Bock, Goetsch, Gronemus, Pocan, Krug, Pettis, Vrakas, Ladwig, Sykora, Olsen, Riley, Gunderson, Hundertmark, Grothman, Young, La Fave, Berceau and Jeskewitz, cosponsored by Senators Erpenbach, Fitzgerald, Schultz, Roessler, Jauch, Darling, Huelsman, Rosenzweig, Panzer, Rude and Lazich, by request of University of Wisconsin–Madison Teaching Assistants Association, University of Wisconsin–Madison and the University of Wisconsin System Administration. Referred to Committee on Colleges and Universities.

AN ACT to amend 40.41 (6) (b); and to create 40.41 (6) (c) of the statutes; relating to: social security coverage for students employed at public schools, colleges and universities.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, public employers are required to provide social security coverage to all of their employes. One of the exceptions to this social security coverage requirement involves students. Currently, public employers are not required to provide social security coverage to students if their employment is in a position that does not normally require actual performance of duty for at least 600 hours in each calendar year.

On October 21, 1998, Congress enacted P.L. 105–277, which provides a limited window of opportunity for states to modify their existing social security coverage agreements with the federal government to exclude from social security coverage services performed by students employed by the public school, college or university where they are enrolled and regularly attending classes. In order to qualify for this provision, a state must enact legislation before July 1, 2000, to provide for the exclusion from social security coverage for these students.

This bill creates this legislation. Under the bill, social security coverage is not provided for services performed in the employ of a school, college or university, if the service is performed by a student who is enrolled and regularly attending classes at the school, college or university.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 40.41 (6) (b) of the statutes is amended to read:

40.41 **(6)** (b) Services performed by a student or a member of a board or commission, except members of governing bodies, in a position or office which does not normally require actual performance of duty for at least 600 hours in each calendar year. For purposes of this paragraph, a "board" or "commission" is a body referred to in the statutes as a board or commission.

Section 2. 40.41 (6) (c) of the statutes is created to read:

40.41 (6) (c) Service performed in the employ of a school, college or university, if the service is performed by a student who is enrolled and regularly attending classes at the school, college or university.

Section 3. Initial applicability.

(1) This act first applies to services performed by a student in the employ of a school, college or university specified in section 40.41 (6) (c) of the statutes on July 1, 2000.

15 (END)