



1997 SENATE BILL 134

March 20, 1997 - Introduced by Senators WELCH, FARROW, WEEDEN, FITZGERALD, SCHULTZ and BUETTNER, cosponsored by Representatives HANDRICK, GROTHMAN, WALKER, JENSEN, LADWIG, HAHN, GOETSCH, DUFF, OWENS, ALBERS, OTTE, OTT, NASS, KELSO, SERATTI, GARD and GUNDERSON. Referred to Committee on Education.

- 1 **AN ACT** *to create* 36.11 (27) of the statutes; **relating to:** segregated fees at the
2 University of Wisconsin System.

Analysis by the Legislative Reference Bureau

Under the current statutes, the students enrolled in each institution in the University of Wisconsin (UW) System, in consultation with the chancellor of the institution and subject to the final confirmation of the UW board of regents, are responsible for the disposition of those student fees that constitute substantial support for campus student activities. In *Southworth v. Grebe*, No. 96-C-292-S, slip op. (W.D. Wis. Nov. 29, 1996), the U.S. district court for the western district of Wisconsin found that imposition of this mandatory segregated fee violates the First Amendment to the United States Constitution. The court determined that a portion of the mandatory segregated fee is used to support student organizations whose educational benefits are incidental to their political and ideological purposes. This practice, according to the court, compels students who are opposed to the positions that these student organizations advocate to subsidize these student organizations, resulting in a violation of the students' First Amendment rights to freedom of speech and association. The defendants in the case have appealed the district court's decision to the U.S. Court of Appeals for the 7th Circuit. As of this writing (February 21, 1997), the case is pending.

This bill prohibits the UW board of regents from approving any fee for the support of a student organization whose educational benefits are incidental to its

