

1999 DRAFTING REQUEST

Bill

Received: **12/29/98**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2843**

By/Representing: **Maternowski**

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

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Higher Education - miscellaneous
Occupational Reg. - misc
Veterans - miscellaneous**

Extra Copies: **PG, RPN**

Topic:

DOA:.....Maternowski - Eliminate EAB and transfer functions to HEAB and DVA

Instructions:

See Attached

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>
/1	kunkemd 01/14/99	wjackson 01/19/99	jfrantze 01/19/99	_____	lrb_docadmin 01/19/99		State
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/2	kunkemd 02/1/99	wjackson 02/1/99	martykr 01/27/99	_____	lrb_docadmin 01/27/99		State
/3	kunkemd 02/2/99	wjackson 02/2/99	lpaasch 02/1/99	_____	lrb_docadmin 02/1/99		State
/4			lpaasch 02/2/99	_____	lrb_docadmin 02/2/99		State

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			2/1/99	2/1/99 HM			

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km 1/26
km 1/27

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Jm'2c *Jm'1/27*

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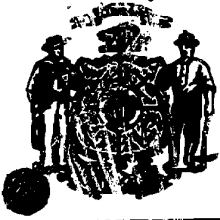
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DOA STATE BUDGET OFFICE WI → 608 264 8522

NO. 846

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



99-1516

Date: November 20, 1998

MDK

To: Stephen R. Miller, Chief
Legislative Reference Bureau

From: Peter Maternowski
Executive Policy and Budget Analyst

Subject: 1999-01 Biennial Budget Drafting Requests

Thank you for the Higher Educational Aids Board (HEAB) biennial budget drafts that I have received to date.

An additional item related to HEAB now requires drafting.

Under current law, the Educational Approval Board (EAB) is administratively attached to HEAB. EAB was transferred to HEAB as part of the 1997 WI Act 27.

Please draft language that dissolves EAB and transfers its functions and personnel to the Department of Veteran Affairs (DVA) and the Department of Regulation and Licensing (R&L).

EAB's statutory duties, as specified in s. 39.51, fall into two categories: 1.) Approval of schools and courses of instruction for the training of veterans; 2.) Proprietary school approval. EAB's responsibilities as the state approval agency for veteran's training should be transferred to DVA. Its proprietary school responsibilities should be transferred to R&L.

If you have any questions concerning this request, please contact me at 6-2843, or Peter.Maternowski@doa.state.wi.us.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1516/1

MDK.:f:...

Wlj
+
JLg

DOA:.....Maternowski – Eliminate EAB and transfer functions to DORL and DVA

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION ✓ ✓

OTHER EDUCATIONAL AND CULTURAL AGENCIES ✓

Under current law, the educational approval board, ^(EAB) which is attached to the higher educational aids board, ^(HEAB) approves and supervises education and training of veterans under certain programs under federal law. In addition, ~~the educational approval board~~ ^{EAB} also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools. ^{EAB}

This bill eliminates ~~the educational approval board~~ ^(EAB) and transfers its functions regarding veterans education and training to the department of veterans affairs, ^(DVA) The bill transfers all of the other functions of the board to the department of regulation and licensing, ^(DORL) ✓

For further information see the *state* 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:

1 SECTION 1. 15.07 (5) (i) of the statutes is repealed.

2 SECTION 2. 15.675 of the statutes is repealed.

3 SECTION 3. 16.24 (1) (b) of the statutes is amended to read:

4 16.24 (1) (b) "Institution of higher education" means a public or private
5 institution of higher education that is accredited by an accrediting association
6 recognized by the department of administration, and a proprietary school approved
7 by the ~~educational approval board~~ department of regulation and licensing under s.
8 ~~39.51~~ 440.994.

History: 1995 a. 403; 1997 a. 27, 158.

9 SECTION 4. 20.235 (3) (g) of the statutes is renumbered 20.165 (1) (gh) and
10 amended to read:

11 20.165 (1) (gh) *Proprietary school programs*. The amounts in the schedule for
12 the examination and approval of proprietary school programs. All moneys received
13 from the issuance of solicitor's permits under s. ~~39.51 (8)~~ 440.993 and fees under s.
14 ~~39.51 (10)~~ 440.994 shall be credited to this appropriation.

History: 1971 c. 44; 1971 c. 125 ss. 62, 63, 64, 65, 66, 522 (1); 1971 c. 211; 1973 c. 90, 243, 333; 1975 c. 39, 118, 189, 199, 224; 1977 c. 29, 418; 1979 c. 34 ss. 136 to 155, 2102 (22) (a); 1979 c. 175, 221; 1981 c. 20 ss. 156 to 162p, 2202 (22) (a); 1983 a. 27; 1985 a. 29, 120; 1987 a. 27, 399; 1987 a. 403 s. 256; 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16, 399; 1995 a. 27 ss. 558 to 563, 9127 (1); 1997 a. 27 s. 236 to 242, 253, 267, 268.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 SECTION 5. 20.235 (3) (m) of the statutes is renumbered 20.485 (2) (mg) and
16 amended to read:

17 20.485 (2) (mg) *Federal aid; veterans training*. All moneys received from the
18 federal government for the purpose of veterans training as authorized by the
19 governor under s. 16.54.

History: 1971 c. 44; 1971 c. 125 ss. 62, 63, 64, 65, 66, 522 (1); 1971 c. 211; 1973 c. 90, 243, 333; 1975 c. 39, 118, 189, 199, 224; 1977 c. 29, 418; 1979 c. 34 ss. 136 to 155, 2102 (22) (a); 1979 c. 175, 221; 1981 c. 20 ss. 156 to 162p, 2202 (22) (a); 1983 a. 27; 1985 a. 29, 120; 1987 a. 27, 399; 1987 a. 403 s. 256; 1989 a. 31, 336; 1991 a. 39, 269; 1993 a. 16, 399; 1995 a. 27 ss. 558 to 563, 9127 (1); 1997 a. 27 s. 236 to 242, 253, 267, 268.

NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 SECTION 6. 29.506 (7m) (a) of the statutes is amended to read:

1 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
2 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist
3 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
4 school approved by the ~~educational approval board~~ department of regulation and
5 licensing under s. 39.51 subch. XII of ch. 440.

History: 1985 a. 29; 1991 a. 39; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1997 a. 248 ss. 297 to 300; Stats. 1997 s. 29.506.

6 **SECTION 7.** 39.51 (title) and (1) (intro.) and (a) of the statutes are repealed.

7 **SECTION 8.** 39.51 (1) (b), (c) and (d) of the statutes are renumbered 440.99 (1)
8 (a), (b), (c).

9 **SECTION 9.** 39.51 (1) (e) of the statutes is renumbered 440.99 (1) (d) (intro.) and
10 amended to read:

11 440.99 (1) (d) (intro.) “School” ~~means any person, located within or outside this~~
12 ~~state, maintaining, advertising or conducting any course or course of instruction for~~
13 ~~profit or a tuition charge; but in subs. (7), (8) and (10) “school” means any private~~
14 ~~trade, correspondence, business or technical school not excepted under sub. (9), but~~
15 does not include any of the following:

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332
s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211,
1313 to 1315; Stats. 1997 s. 39.51.

16 **SECTION 10.** 39.51 (1) (f) and (g) of the statutes are renumbered 440.99 (1) (e)
17 and (f), and 440.99 (1) (f), as renumbered, is amended to read:

18 440.99 (1) (f) “Teaching location” means the area and facilities designated for
19 use by a school required to be approved by the ~~board~~ department under this section
20 subchapter.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332
s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211,
1313 to 1315; Stats. 1997 s. 39.51.

21 **SECTION 11.** 39.51 (2) of the statutes is renumbered 440.991 and amended to
22 read:

1 **440.991 Purpose.** [✓] The purpose of the board is to approve schools and courses
 2 of instruction for the training of veterans of the armed forces and war orphans
 3 receiving assistance from the federal government, protect this subchapter [✓] is to
 4 provide for the protection of the general public by inspecting and approving private
 5 trade, correspondence, business and technical schools doing business within this
 6 state whether located within or outside this state, changes of ownership or control
 7 of these schools, teaching locations used by these schools and courses of instruction
 8 offered by these schools and ~~to regulate~~ by regulating the soliciting of students for
 9 correspondence or classroom courses and courses of instruction offered by these
 10 schools.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332 s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211, 1313 to 1315; Stats. 1997 s. 39.51.

11 **SECTION 12.** 39.51 (3) [✓] of the statutes is repealed.

12 **SECTION 13.** 39.51 (5) [✓] of the statutes is repealed.

13 **SECTION 14.** 39.51 (6) [✓] of the statutes is renumbered 45.35 (11) [✓], and 45.35 (11)

14 (a) ~~(intro.)~~, as renumbered, [✓] is amended to read:

15 45.35 (11) (a) ~~(intro.)~~ Except as provided in par. (b), the ~~board~~ department shall
 16 be the state approval agency for the education and training of veterans and war
 17 orphans. ~~It~~ The department [✓] shall approve and supervise schools and courses of
 18 instruction for their training under Title 38, USC, and may enter into and receive
 19 money under contracts with the U.S. department of veterans affairs or other
 20 appropriate federal agencies. The department may promulgate rules that are
 21 necessary to carry out its duties under this paragraph. [✓]

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332 s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211, 1313 to 1315; Stats. 1997 s. 39.51.

22 **SECTION 15.** 39.51 (7) [✓] of the statutes is renumbered 440.992 [✓], and 440.992

23 (intro.) [✓], (7) [✓], (8) [✓] and (9) [✓], as renumbered, are amended to read:

1 **440.992 Approval of schools generally.** (intro.)[✓] In order to protect students,
2 prevent fraud and misrepresentation in the sale and advertising of courses and
3 courses of instruction and encourage schools to maintain courses and courses of
4 instruction consistent in quality, content and length with generally accepted
5 educational standards, the ~~board~~ department shall do each of the following:

6 (7) Approve courses of instruction, schools, changes of ownership or control of
7 schools and teaching locations meeting the requirements and standards established
8 by the ~~board~~ department and complying with rules promulgated by the ~~board~~
9 department[✓] and publish a list of the schools and courses of instruction approved.

10 (8) Issue permits to solicitors when all ~~board~~ department[✓] requirements have
11 been met.

12 (9) Require schools to furnish a surety bond in an amount as provided by rule
13 of the ~~board~~ department.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332 s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211, 1313 to 1315; Stats. 1997 s. 39.51.

14 **SECTION 16.** 39.51 (8)[✓] of the statutes is renumbered 440.993, and 440.993 (1),

15 ^{(intro.) and} (2), (3) (a) to (f)[✓] and (4) to (9)[✓], as renumbered, are amended to read:

16 **440.993 Soliciting of students.** (1) **IN GENERAL.**[✓] No solicitor representing
17 any school offering any course or course of instruction shall sell any course or course
18 of instruction or solicit students therefor in this state for a consideration or
19 remuneration, except upon the actual business premises of the school, unless the
20 solicitor first secures a solicitor's permit from the ~~board~~ department[✓]. If the solicitor
21 represents more than one school, a separate permit shall be obtained for each school
22 represented by the solicitor.

23 (2) **SOLICITOR'S PERMIT.**[✓] The application for a solicitor's permit shall be made on
24 a form furnished by the ~~board~~ department[✓] and shall be accompanied by a fee and a

1 surety bond acceptable to the ~~board~~ department in the sum of \$2,000. The ~~board~~
2 department shall, by rule, specify the amount of the fee for a solicitor's permit. Such
3 bond may be continuous and shall be conditioned to provide indemnification to any
4 student suffering loss as the result of any fraud or misrepresentation used in
5 procuring his or her enrollment or as a result of the failure of the school to faithfully
6 perform the agreement made with the student by the solicitor, and may be supplied
7 by the solicitor or by the school itself either as a blanket bond covering each of its
8 solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i) s. ^A440.992 (9).
9 Upon approval of a permit, the ~~board~~ department shall issue an identification card
10 to the solicitor giving his or her name and address, the name and address of the
11 employing school, and certifying that the person whose name appears on the card is
12 authorized to solicit students for the school. A permit shall be valid for one year from
13 the date issued. Liability under this paragraph [✓] subsection [✓] of the surety on the bond
14 for each solicitor covered thereby shall not exceed the sum of \$2,000 as an aggregate
15 for any and all students for all breaches of the conditions of the bond. The surety of
16 a bond may cancel the same upon giving 30 days' notice in writing to the ~~board~~
17 department [✓] and thereafter shall be relieved of liability under this paragraph [✓]
18 subsection [✓] for any breach of condition occurring after the effective date of the
19 cancellation. An application for renewal shall be accompanied by a fee, a surety bond
20 acceptable to the ~~board~~ department [✓] in the sum of \$2,000 if a continuous bond has not
21 been furnished, and such information as the ~~board~~ department requests of the
22 applicant. The ~~board~~ department [✓] shall, by rule, specify the amount of the fee for
23 renewal of a solicitor's permit.

1 ~~board~~ department shall grant a hearing to the applicant or holder of the permit
2 within 30 days giving that person at least 10 days' notice of the date, time and place.

3 (6) RECOVERY BY STUDENTS. The bond in force under ~~par. (b)~~ sub. (2) shall not
4 limit or impair any right of recovery otherwise available under law, nor shall the
5 amount of the bond be relevant in determining the amount of damages or other relief
6 to which any plaintiff may be entitled.

7 (7) RECOVERY ON CONTRACTS. No recovery shall be had by any school or its
8 assignee on any contract for or in connection with a course or course of instruction
9 if the representative who sold or solicited the course was not the holder of a solicitor's
10 permit under this ~~subsection~~ section at the time of the sale or solicitation.

11 (8) ENFORCEMENT. The attorney general or any district attorney may bring any
12 appropriate action or proceeding in any court of competent jurisdiction for the
13 enforcement of this ~~subsection~~ section.

14 (9) PENALTY. Whoever violates this ~~subsection~~ section may be fined not more
15 than \$500 or imprisoned not more than 3 months or both.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332
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1313 to 1315; Stats. 1997 s. 39.51.

16 **SECTION 17.** 39.51 (9) ^{(title) and} ~~(intro.)~~ of the statutes ^{are} ~~is~~ repealed.

17 **SECTION 18.** 39.51 (9) (a) to (h) of the statutes are renumbered 440.99 (1) (d)
18 1. to 8., and 440.99 (1) (d) 8., as renumbered, is amended to read:

19 440.99 (1) ^e (1) (d) 8. Schools accredited by accrediting agencies recognized by
20 the ~~board~~ department.

21 **SECTION 19.** 39.51 (10) of the statutes is renumbered 440.994, and 440.994 (1),
22 (2), (3) (intro.), (a) and (c), (4), (5) and (6), as renumbered, are amended to read:

23 **440.994 Proprietary school approval.** (1) **AUTHORITY.** All proprietary
24 schools shall be examined and approved by the ~~board~~ department before operating

1 in this state. Approval shall be granted to schools meeting the criteria established
2 by the ~~board~~ department for a period not to exceed one year. No school may advertise
3 in this state unless approved by the ~~board~~ department. All approved schools shall
4 submit quarterly reports, including information on enrollment, number of teachers
5 and their qualifications, course offerings, number of graduates, number of graduates
6 successfully employed and such other information as the ~~board~~ department deems
7 necessary.

8 (2) APPLICATION. [✓] Application for initial approval of a school or a course of
9 instruction, approval of a teaching location, change of ownership or control of a
10 school, renewal of approval of a school or reinstatement of approval of a school or
11 course of instruction which has been revoked shall be made on a form furnished by
12 the ~~board~~ department and shall be accompanied by a fee set by the ~~board~~ department
13 under ~~par. (e)~~ [✓] sub. (3), and such other information as the ~~board~~ department deems
14 necessary to evaluate the school in carrying out the purpose of this section
15 subchapter.[✓]

16 (3) FEES; RULE MAKING. (intro.)[✓] The ~~board~~ department shall promulgate rules
17 to establish fees. In promulgating rules to establish fees, the ~~board~~ department shall
18 do each of the following:

19 (a) Require that the amount of fees collected under this [✓] paragraph subsection
20 be sufficient to cover all costs that the ~~board~~ department incurs in examining and
21 approving proprietary schools under this subsection section.[✓]

22 (c) Specify a fee to accompany all applications under ~~par. (b)~~ [✓] sub. (2).[✓]

23 (4) ENFORCEMENT. The attorney general or any district attorney may bring any
24 appropriate action or proceeding in any court of competent jurisdiction for the
25 enforcement of this subsection section.[✓] including but not limited to bringing an

1 action to restrain by temporary or permanent injunction any violation of ~~par. (a) sub.~~
2 (1).

3 (5) PENALTIES. Any person who violates ~~par. (a) sub. (1)~~ may be required to
4 forfeit not more than \$500. Each day of operation in violation of ~~par. (a) sub. (1)~~
5 constitutes a separate offense.

6 (6) OTHER REMEDIES. In addition to any other remedies provided by law, a
7 student who attends a school which is in violation of ~~par. (a) sub. (1)~~ may bring a civil
8 action to recover fees paid to the school in violation of ~~par. (a) sub. (1)~~ together with
9 costs and disbursements, including reasonable attorney fees.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332
s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211,
1313 to 1315; Stats. 1997 s. 39.51.

10 SECTION 20. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

11 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
12 a student who is the claimant or who is the claimant's child and the claimant's
13 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
14 attend any university, college, technical college or a school approved under ~~s. 39.51~~
15 subch. XII of ch. 440, that is located in Wisconsin or to attend a public vocational
16 school or public institution of higher education in Minnesota under the
17 Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47 to 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 204, 263, 437; 1995 a. 27, 56, 209, 227, 261, 371,
403, 453; 1997 a. 27, 35, 39, 237. History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47 to 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 204, 263, 437; 1995
a. 27, 56, 209, 227, 261, 371, 403, 453; 1997 a. 27, 35, 39, 237.

18 SECTION 21. 125.04 (5) (a) 5. of the statutes is amended to read:

19 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
20 date of application a responsible beverage server training course at any location that
21 is offered by a technical college district and that conforms to curriculum guidelines
22 specified by the technical college system board or a comparable training course that
23 is approved by the department of regulation and licensing under subch. XII of ch. 440

1 or the educational approval board [✓] department of revenue. This subdivision does not
2 apply to an applicant who held, or who was an agent appointed and approved under
3 sub. (6) of a corporation or limited liability company that held, within the past 2
4 years, a Class “A”, “Class A” or “Class C” license or a Class “B” or “Class B” license
5 or permit or a manager’s or operator’s license.

History: 1981 c. 79, 235, 391; 1983 a. 27, 72, 74, 493, 494, 516; 1985 a. 302; 1987 a. 35, 301, 399; 1989 a. 31, 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 23; 1995 a. 27 ss. 4117b, 4117c, 9154 (1); 1995 a. 225; 1997 a. 27.

6 **SECTION 22.** 125.17 (6) (a) (intro.) [✓] of the statutes is amended to read:

7 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
8 body may issue an operator’s license unless the applicant has successfully completed
9 a responsible beverage server training course at any location that is offered by a
10 technical college district and that conforms to curriculum guidelines specified by the
11 technical college system board or a comparable training course that is approved by
12 the department [✓] of regulation and licensing under subch. XII of ch. 440 [✓] or the
13 educational approval board [✓] department of revenue, or unless the applicant fulfills
14 one of the following requirements:

History: 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 89, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27.

15 **SECTION 23.** 182.028 [✓] of the statutes is amended to read:

16 **182.028 School corporations.** Any corporation formed for the establishment
17 and maintenance of schools, academies, seminaries, colleges or universities or for the
18 cultivation and practice of music shall have power to enact bylaws for the protection
19 of its property, and provide fines as liquidated damages upon its members and
20 patrons for violating the bylaws, and may collect the same in tort actions, and to
21 prescribe and regulate the courses of instruction therein, and to confer such degrees
22 and grant such diplomas as are usually conferred by similar institutions or as shall
23 be appropriate to the courses of instruction prescribed, except that no corporation
24 shall operate or advertise a school that is subject to s. 39.51 (10) [✓] 440.994 [✓] without

1 complying with the requirements of ~~s. 39.51~~ subch. XII of ch. 440. Any stockholder
 2 may transfer his or her stock to the corporation for its use; and if the written transfer
 3 so provides the stock shall be perpetually held by the board of directors with all the
 4 rights of a stockholder, including the right to vote.

History: 1979 c. 170; 1997 a. 27.

5 **SECTION 24.** 440.982 (1) (b) of the statutes is amended to read:

6 440.982 (1) (b) Promulgate rules establishing the education, training or
 7 competency requirements that an applicant for a license must satisfy in order to be
 8 issued a license of registration under this subchapter. The rules shall require an
 9 applicant to complete at least 500 classroom hours of study in a course of instruction
 10 at a school of massage therapy or bodywork approved under ~~s. 39.51~~ subch. XII and
 11 the rules may require an applicant to pass an examination, administered or
 12 approved by the department, to determine fitness to practice massage therapy or
 13 bodywork.

History: 1997 a. 156; s. 13.93 (1) (b).

14 **SECTION 25.** Subchapter XII of chapter 440 [precedes 440.99] of the statutes
 15 is created to read:

16 **CHAPTER 440**

17 **SUBCHAPTER XII**

18 **SCHOOL APPROVAL AND SOLICITATION OF STUDENTS**

19 **440.99 Definitions.** In this subchapter:

20 **SECTION 26.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

21 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
 22 ~~approval board~~ department of regulation and licensing under ~~s. 39.51~~ subch. XII of

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1 ch. 440[✓] or is a school described in s. ~~39.51 (9) (f), (g) or (h)~~^{✓440.99} ~~440.99~~ (1) (d) 6., 7. or 8.;

2 and

History: 1977 c. 173, 272; 1987 a. 416; 1993 a. 399; 1995 a. 27 s. 9154 (1); 1997 a. 27.

3 **SECTION 27. 948.11 (4) (b) 3. a. of the statutes is amended to read:**

4 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational

5 ~~approval board~~ department of regulation and licensing under s. ~~39.51~~ subch. XII of

6 ch. 440[✓] or is a school described in s. ~~39.51 (9) (f), (g) or (h)~~^{✓440.99} ~~440.99~~ (1) (d) 6., 7. or 8.;

7 and

History: 1987 a. 332; 1989 a. 31; 1993 a. 220, 399; 1995 a. 27 s. 9154 (1); 1997 a. 27, 82.

8 **SECTION 9158. Nonstatutory provisions; other.**

9 (1) **ELIMINATION OF** [✓]EDUCATIONAL APPROVAL BOARD.

10 (a) *Assets and liabilities.*

11 1. On the effective date of this subdivision[✓], all assets and liabilities of the

12 educational approval board primarily related to the approval of veterans education

13 and training shall become the assets and liabilities of the [✓]department of veterans

14 affairs.

15 2. On the effective date of this subdivision[✓], all assets and liabilities of the

16 educational approval board not specified in subdivision 1[✓]. shall become the assets

17 and liabilities of the department of regulation and licensing.

18 3. The departments of veterans affairs and regulation and licensing shall

19 jointly determine the assets and liabilities transferred under subdivisions 1[✓] and 2[✓].

20 and shall jointly develop and implement a plan for the orderly transfer of the assets

21 and liabilities. In the event of any disagreement between the departments, the

22 secretary of administration shall decide the question.

23 (b) *Employe transfers.*

SECTION 9158

1 1. On the effective date of this subdivision, 3.0 FTE PR-F positions in the
2 educational approval board, except for the executive secretary position, and the
3 incumbent employes holding those positions are transferred to the department of
4 veterans affairs.

5 2. On the effective date of this subdivision, 4.0 FTE PR positions in the
6 educational approval board, except for the executive secretary position, and the
7 incumbent employes holding those positions are transferred to the department of
8 regulation and licensing.

9 3. The departments of veterans affairs and regulation and licensing shall
10 jointly determine the employes to be transferred under subdivisions 1. and 2. and
11 shall jointly develop and implement a plan for the orderly transfer of the employes.
12 In the event of any disagreement between the departments, the secretary of
13 administration shall decide the question.

14 (c) *Employee status.* Employes transferred under paragraph (b) have all the
15 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
16 statutes in the departments of veterans affairs and regulation and licensing that
17 they enjoyed in the educational approval board immediately before the transfer.
18 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
19 has attained permanent status in class is required to serve a probationary period.

20 (d) *Tangible personal property.*

21 1. On the effective date of this subdivision, all tangible personal property,
22 including records, of the educational approval board primarily related to the
23 approval of veterans education and training is transferred to the department of
24 veterans affairs.

1 2. On the effective date of this subdivision, all tangible personal property,
2 including records, of the educational approval board ~~primarily~~ that is not specified
3 in subdivision 1. is transferred to the department of regulation and licensing.

4 3. The departments of veterans affairs and regulation and licensing shall
5 jointly identify the tangible personal property, including records, and shall jointly
6 develop and implement a plan for the orderly transfer of the property. In the event
7 of any disagreement between the departments, the secretary of administration shall
8 decide the question.

9 (e) *Pending matters.* On the effective date of this paragraph, any matter
10 pending with the educational approval board that is primarily related to the
11 approval of veterans education and training is transferred to the department of
12 veterans affairs and any other pending matter is transferred to the department of
13 regulation and licensing. All materials submitted to or actions taken by the
14 educational approval board with respect to a pending matter are considered as
15 having been submitted to or taken by the department to which the matter was
16 transferred under this paragraph.

17 (f) *Contracts.*

18 1. On the effective date of this subdivision, all contracts entered into by the
19 educational approval board primarily related to the approval of veterans education
20 and training, which are in effect on the effective date of this subdivision, remain in
21 effect and are transferred to the department of veterans affairs. The department of
22 veterans affairs shall carry out any such contractual obligations until modified or
23 rescinded by the department to the extent allowed under the contract.

24 2. On the effective date of this subdivision, all contracts entered into by the
25 educational approval board that are not specified in subdivision 1., which are in

a.r.

1 effect on the effective date of this subdivision, remain in effect and are transferred
2 to the department of regulation and licensing. The department of regulation and
3 licensing shall carry out any such contractual obligations until modified or rescinded
4 by the department to the extent allowed under the contract.

5 3. The departments of veterans affairs and regulation and licensing shall
6 jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly
7 develop and implement a plan for the orderly transfer of the contracts. In the event
8 of any disagreement between the departments, the secretary of administration shall
9 decide the question.

10 (g) *Rules and orders.*

11 1. All rules promulgated by the educational approval board that are in effect
12 on the effective date of this subdivision and that are primarily related to the approval
13 of veterans education and training remain in effect until their specified expiration
14 date or until amended or repealed by the department of veterans affairs. All orders
15 issued by the educational approval board that are in effect on the effective date of this
16 subdivision and that are primarily related to the approval of veterans education and
17 training remain in effect until their specified expiration date or until modified or
18 rescinded by the department of veterans affairs.

19 2. All rules promulgated by the educational approval board that are in effect
20 on the effective date of this subdivision and that are not specified in subdivision 1.
21 remain in effect until their specified expiration date or until amended or repealed by
22 the department of regulation and licensing. All orders issued by the educational
23 approval board that are in effect on the effective date of this subdivision and that are

1 not specified in subdivision 1. remain in effect until their specified expiration date
2 or until modified or rescinded by the department of regulation and licensing.

3 (END) ✓

DOA:.....Maternowski - Eliminate EAB and transfer functions to DORL and DVA

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

2

RM NOT RUN

1

AN ACT ... relating to: the budget.

Don't Gen Cat

The bill also creates an educational approval council

that advises HEAB in carrying out its duties under the bill

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. In addition, EAB approval board also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans education and training to the department of veterans affairs (DVA). The bill transfers all of the other functions of the board to the department of regulation and ~~licensing~~ **HEAB**.

For further information see the *state* 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:

INSERT 2-8 ✓

INSERT 2-2 ✓

✓ higher educational aids

1 SECTION 1. 15.07 (5) (i) of the statutes is repealed.

2 ~~SECTION 2. 15.675 of the statutes is repealed.~~

3 SECTION 3. 16.24 (1) (b) of the statutes is amended to read:

4 16.24 (1) (b) "Institution of higher education" means a public or private
5 institution of higher education that is accredited by an accrediting association
6 recognized by the department ~~administration~~, and a proprietary school approved
7 by the educational approval board ~~department of regulation and licensing~~ under s.

8 39.51 ~~440.993~~

plain text

9 ~~SECTION 4. 20.235 (3) (g) of the statutes is renumbered 20.165 (1) (ghi) and~~
10 ~~amended to read:~~

11 ~~20.165 (1) (ghi) Proprietary school programs. The amounts in the schedule for~~
12 ~~the examination and approval of proprietary school programs. All moneys received~~
13 ~~from the issuance of solicitor's permits under s. 39.51 (8) 440.993 and fees under s~~
14 ~~39.51 (10) 440.994 shall be credited to this appropriation.~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Fix amendment

15 SECTION 5. ~~20.235 (8) (m) of the statutes is renumbered 20.485 (2) (mg) and~~
16 ~~amended~~ to read: ~~is created~~

plain text

17 20.485 (2) (mg) Federal aid ~~veterans training~~. All moneys received from the
18 federal government ~~for the purpose of veterans training~~ as authorized by the
19 governor under s. 16.54.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 SECTION 6. 29.506 (7m) (a) of the statutes is amended to read:

21 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
22 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist

VINSEAT 3-3 ✓

higher educational aids

1 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
2 school approved by the educational approval board, department of regulation and
3 licensing under s. 39.51, subch. XII of ch. 440. (plain text)

4 SECTION 7. 39.51 (title) and (1) (intro.) and (a) of the statutes are repealed.

5 SECTION 8. 39.51 (1) (b), (c) and (d) of the statutes are renumbered 440.99 (1)
6 (a), (b), (c).

39.51 (1) (e)

7 SECTION 9. 39.51 (1) (e) of the statutes is renumbered ~~440.99 (1) (e)~~ (intro.) and
8 amended to read:

39.51 (1) (e)

9 ~~440.99 (1) (d)~~ (intro.) "School" means any person, located within or outside this
10 state, maintaining, advertising or conducting any course or course of instruction for
11 profit or a tuition charge; but in subs. (7), (8) and (10) "school" means any private
12 trade, correspondence, business or technical school not excepted under sub. (9), but
13 does not include any of the following:

14 SECTION 10. 39.51 (1) (f) and (g) of the statutes are renumbered 440.99 (1) (e)
15 and (f), and 440.99 (1) (f), as renumbered, is amended to read:

16 440.99 (1) (f) "Teaching location" means the area and facilities designated for
17 use by a school required to be approved by the board department under this section
18 subchapter.

repealed

Fix amount

19 SECTION 11. 39.51 (2) of the statutes is renumbered 440.99 (1) and amended to
20 read:

21 ~~440.99 (1) Purpose. The purpose of the board is to approve schools and courses~~
22 ~~of instruction for the training of veterans of the armed forces and war orphans~~
23 ~~receiving assistance from the federal government, protect this subchapter is to~~
24 ~~provide for the protection of the general public by inspecting and approving private~~
25 ~~trade, correspondence, business and technical schools doing business within this~~

section

1 state whether located within or outside this state, changes of ownership or control
2 of these schools, teaching locations used by these schools and courses of instruction
3 offered by these schools and to regulate ~~by regulating~~ the soliciting of students for
4 correspondence or classroom courses and courses of instruction offered by these
5 schools.

6 ~~SECTION 12. 39.51 (3) of the statutes is repealed.~~

7 SECTION 13. 39.51 (5) of the statutes is repealed.

8 SECTION 14. 39.51 (6) of the statutes is renumbered 45.35 (11), and 45.35 (11)

9 (a), as renumbered, is amended to read:

10 45.35 (11) (a) Except as provided in par. (b), the ~~board~~ [✓] department shall be the
11 state approval agency for the education and training of veterans and war orphans.
12 ~~It~~ The department shall approve and supervise schools and courses of instruction for
13 their training under Title 38, USC, and may enter into and receive money under
14 contracts with the U.S. department of veterans affairs or other appropriate federal
15 agencies. The department may promulgate rules that are necessary to carry out its
16 duties under this paragraph.

17 ~~SECTION 15. 39.51 (7) of the statutes is renumbered 440.992, and 440.992~~

18 (intro.), (7), (8) and (9), as renumbered, are amended to read:

19 ~~440.992 Approval of schools generally. (intro.) In order to protect students,~~
20 ~~prevent fraud and misrepresentation in the sale and advertising of courses and~~
21 ~~courses of instruction and encourage schools to maintain courses and courses of~~
22 ~~instruction consistent in quality, content and length with generally accepted~~
23 ~~educational standards, the ~~board~~ department shall do each of the following:~~

24 (7) Approve courses of instruction, schools, changes of ownership or control of
25 schools and teaching locations meeting the requirements and standards established

1 by the ~~board department~~ and complying with rules promulgated by the ~~board~~
2 ~~department~~ and publish a list of the schools and courses of instruction approved.

3 (8) Issue permits to solicitors when all ~~board department~~ requirements have
4 been met.

5 (9) Require schools to furnish a surety bond in an amount as provided by rule
6 of the ~~board department~~.

7 **SECTION 16.** 39.51 (8) of the statutes is renumbered 440.993, and 440.993 (1),
8 (2), (3) (intro.) and (a) to (f) and (4) to (9), as renumbered, are amended to read:

9 **440.993 Soliciting of students.** (1) IN GENERAL. No solicitor representing
10 any school offering any course or course of instruction shall sell any course or course
11 of instruction or solicit students therefor in this state for a consideration or
12 remuneration, except upon the actual business premises of the school, unless the
13 solicitor first secures a solicitor's permit from the ~~board department~~. If the solicitor
14 represents more than one school, a separate permit shall be obtained for each school
15 represented by the solicitor.

16 (2) SOLICITOR'S PERMIT. The application for a solicitor's permit shall be made on
17 a form furnished by the ~~board department~~ and shall be accompanied by a fee and a
18 surety bond acceptable to the ~~board department~~ in the sum of \$2,000. The ~~board~~
19 ~~department~~ shall, by rule, specify the amount of the fee for a solicitor's permit. Such
20 bond may be continuous and shall be conditioned to provide indemnification to any
21 student suffering loss as the result of any fraud or misrepresentation used in
22 procuring his or her enrollment or as a result of the failure of the school to faithfully
23 perform the agreement made with the student by the solicitor, and may be supplied
24 by the solicitor or by the school itself either as a blanket bond covering each of its
25 solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i) ~~§ 440.992 (9)~~.

1 Upon approval of a permit, the ~~board~~ department shall issue an identification card
2 to the solicitor giving his or her name and address, the name and address of the
3 employing school, and certifying that the person whose name appears on the card is
4 authorized to solicit students for the school. A permit shall be valid for one year from
5 the date issued. Liability under this ~~paragraph~~ subsection of the surety on the bond
6 for each solicitor covered thereby shall not exceed the sum of \$2,000 as an aggregate
7 for any and all students for all breaches of the conditions of the bond. The surety of
8 a bond may cancel the same upon giving 30 days' notice in writing to the ~~board~~
9 department and thereafter shall be relieved of liability under this ~~paragraph~~
10 subsection for any breach of condition occurring after the effective date of the
11 cancellation. An application for renewal shall be accompanied by a fee, a surety bond
12 acceptable to the ~~board~~ department in the sum of \$2,000 if a continuous bond has not
13 been furnished, and such information as the ~~board~~ department requests of the
14 applicant. The ~~board~~ department shall, by rule, specify the amount of the fee for
15 renewal of a solicitor's permit.

16 (3) REFUSAL OR REVOCATION OF PERMIT. (intro.) The ~~board~~ department may
17 refuse to issue or renew, or may revoke, any solicitor's permit upon one or any
18 combination of the following grounds:

19 (a) Wilful violation of this ~~subsection~~ section or any rule promulgated by the
20 ~~board~~ department under this ~~section~~; subchapter.

21 (b) Furnishing false, misleading or incomplete information to the ~~board~~;
22 department.

23 (c) Presenting information to prospective students relating to the school, a
24 course or course of instruction which is false, fraudulent or misleading.

1 (d) Refusal by the school to be represented to allow reasonable inspection or to
2 supply information after written request therefor by the ~~board;~~ department.

3 (e) Failure of the school which the solicitor represents to meet requirements
4 and standards established by and to comply with rules promulgated by the ~~board~~
5 department pursuant to ~~sub. (7);~~ s. 440.992.

6 (f) Cancellation of the solicitor's bond by surety₂.

7 (4) NOTICE OF REFUSAL TO ISSUE OR RENEW PERMIT. Notice of refusal to issue or
8 renew a permit or of the revocation of a permit shall be sent by registered mail to the
9 last address of the applicant or permit holder shown in the records of the ~~board~~
10 department. Revocation of a permit shall be effective 10 days after the notice of
11 revocation has been mailed to the permit holder.

12 (5) REQUEST FOR APPEARANCE. Within 20 days of the receipt of notice of the
13 ~~board's~~ department's refusal to issue or renew a permit or of the revocation of a
14 permit, the applicant or holder of the permit may request permission to appear
15 before the ~~board~~ department in person, with or without counsel, to present reasons
16 why the permit should be issued or reinstated. Upon receipt of such request, the
17 ~~board~~ department shall grant a hearing to the applicant or holder of the permit
18 within 30 days giving that person at least 10 days' notice of the date, time and place.

19 (6) RECOVERY BY STUDENTS. The bond in force under ~~par. (b)~~ sub. (2) shall not
20 limit or impair any right of recovery otherwise available under law, nor shall the
21 amount of the bond be relevant in determining the amount of damages or other relief
22 to which any plaintiff may be entitled.

23 (7) RECOVERY ON CONTRACTS. No recovery shall be had by any school or its
24 assignee on any contract for or in connection with a course or course of instruction

1 if the representative who sold or solicited the course was not the holder of a solicitor's
2 permit under this subsection ~~section~~ at the time of the sale or solicitation.

3 (8) ENFORCEMENT. The attorney general or any district attorney may bring any
4 appropriate action or proceeding in any court of competent jurisdiction for the
5 enforcement of this subsection ~~section~~.

6 (9) PENALTY. Whoever violates this subsection ~~section~~ may be fined not more
7 than \$500 or imprisoned not more than 3 months or both.

8 SECTION 17. 39.51 (9) (title) and (intro.) of the statutes are repealed.

9 SECTION 18. 39.51 (9) (a) to (h) of the statutes are renumbered ~~39.51 (1) (c)~~ ✓

10 1. to 8 and 440.99 (1) (d) 8, as renumbered, is amended to read:

11 440.99 (1) (d) 8. Schools accredited by accrediting agencies recognized by the
12 board department.

13 SECTION 19. 39.51 (10) of the statutes is renumbered 440.994, and 440.994 (1),
14 (2), (3) (intro.), (a) and (c), (4), (5) and (6), as renumbered, are amended to read:

15 **440.994 Proprietary school approval.** (1) AUTHORITY. All proprietary
16 schools shall be examined and approved by the board department before operating
17 in this state. Approval shall be granted to schools meeting the criteria established
18 by the board department for a period not to exceed one year. No school may advertise
19 in this state unless approved by the board department. All approved schools shall
20 submit quarterly reports, including information on enrollment, number of teachers
21 and their qualifications, course offerings, number of graduates, number of graduates
22 successfully employed and such other information as the board department deems
23 necessary.

24 (2) APPLICATION. Application for initial approval of a school or a course of
25 instruction, approval of a teaching location, change of ownership or control of a

Fix Component

39.51 (1) (c) ✓

VINSERT 8-25 ✓

1 school, renewal of approval of a school or reinstatement of approval of a school or
2 course of instruction which has been revoked shall be made on a form furnished by
3 the ~~board~~ department and shall be accompanied by a fee set by the ~~board~~ department
4 under ~~par. (e) sub. (3)~~, and such other information as the ~~board~~ department deems
5 necessary to evaluate the school in carrying out the purpose of this ~~section~~
6 subchapter.

7 (3) FEES; RULE MAKING. (intro.) The ~~board~~ department shall promulgate rules
8 to establish fees. In promulgating rules to establish fees, the ~~board~~ department shall
9 do each of the following:

10 (a) Require that the amount of fees collected under this ~~paragraph~~ subsection
11 be sufficient to cover all costs that the ~~board~~ department incurs in examining and
12 approving proprietary schools under this ~~subsection~~ section.

13 (c) Specify a fee to accompany all applications under ~~par. (b) sub. (2)~~.

14 (4) ENFORCEMENT. The attorney general or any district attorney may bring any
15 appropriate action or proceeding in any court of competent jurisdiction for the
16 enforcement of this ~~subsection~~ section, including but not limited to bringing an
17 action to restrain by temporary or permanent injunction any violation of ~~par. (a) sub.~~
18 (1).

19 (5) PENALTIES. Any person who violates ~~par. (a) sub. (1)~~ may be required to
20 forfeit not more than \$500. Each day of operation in violation of ~~par. (a) sub. (1)~~
21 constitutes a separate offense.

22 (6) OTHER REMEDIES. In addition to any other remedies provided by law, a
23 student who attends a school which is in violation of ~~par. (a) sub. (1)~~ may bring a civil
24 action to recover fees paid to the school in violation of ~~par. (a) sub. (1)~~ together with
25 costs and disbursements, including reasonable attorney fees.

1 SECTION 20. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

2 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
3 a student who is the claimant or who is the claimant's child and the claimant's
4 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
5 attend any university, college, technical college or a school approved under s. 39.51
6 subch. XII of ch. 440, that is located in Wisconsin or to attend a public vocational
7 school or public institution of higher education in Minnesota under the
8 Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

9 SECTION 21. 125.04 (5) (a) 5. of the statutes is amended to read:

10 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
11 date of application a responsible beverage server training course at any location that
12 is offered by a technical college district and that conforms to curriculum guidelines
13 specified by the technical college system board or a comparable training course that
14 is approved by the department of regulation and licensing under subch. XII of ch. 440
15 or the educational approval board department of revenue. This subdivision does not
16 apply to an applicant who held, or who was an agent appointed and approved under
17 sub. (6) of a corporation or limited liability company that held, within the past 2
18 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license
19 or permit or a manager's or operator's license.

20 SECTION 22. 125.17 (6) (a) (intro.) of the statutes is amended to read:

21 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
22 body may issue an operator's license unless the applicant has successfully completed
23 a responsible beverage server training course at any location that is offered by a
24 technical college district and that conforms to curriculum guidelines specified by the
25 technical college system board or a comparable training course that is approved by

higher educational aids

1 the department of regulation and licensing under subch. XII of ch. 440 or the
 2 educational approval board ^{plain comma} ~~department of revenue~~ for unless the applicant fulfills
 3 one of the following requirements: ^{plain text}

4 SECTION 23. 182.028 of the statutes is amended to read:

5 **182.028 School corporations.** Any corporation formed for the establishment
 6 and maintenance of schools, academies, seminaries, colleges or universities or for the
 7 cultivation and practice of music shall have power to enact bylaws for the protection
 8 of its property, and provide fines as liquidated damages upon its members and
 9 patrons for violating the bylaws, and may collect the same in tort actions, and to
 10 prescribe and regulate the courses of instruction therein, and to confer such degrees
 11 and grant such diplomas as are usually conferred by similar institutions or as shall
 12 be appropriate to the courses of instruction prescribed, except that no corporation
 13 shall operate or advertise a school that is subject to s. 39.51 (10) 440.994 without
 14 complying with the requirements of s. 39.51 subch. XII of ch. 440. Any stockholder
 15 may transfer his or her stock to the corporation for its use; and if the written transfer
 16 so provides the stock shall be perpetually held by the board of directors with all the
 17 rights of a stockholder, including the right to vote.

18 SECTION 24. 440.982 (1) (b) of the statutes is amended to read:

19 440.982 (1) (b) Promulgate rules establishing the education, training or
 20 competency requirements that an applicant for a license must satisfy in order to be
 21 issued a license of registration under this subchapter. The rules shall require an
 22 applicant to complete at least 500 classroom hours of study in a course of instruction
 23 at a school of massage therapy or bodywork approved under s. 39.51 subch. XII and
 24 the rules may require an applicant to pass an examination, administered or

1 approved by the department, to determine fitness to practice massage therapy or
2 bodywork.

3 SECTION 25. Subchapter XII of chapter 440 [precedes 440.99] of the statutes
4 is created to read:

5 CHAPTER 440

6 SUBCHAPTER XII

7 SCHOOL APPROVAL AND SOLICITATION

8 OF STUDENTS

9 440.99 Definitions. In this subchapter:

10 SECTION 26. 944.21 (8) (b) 3. a. of the statutes is amended to read:

higher educational aids

11 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational

12 approval board department of regulation and licensing under s. 39.51, subch. XII of

13 ch. 440 or is a school described in s. 39.51 (9) (f), (g) or (h) and (1) 6., 7. or 8.;

14 and

higher educational aids

plain text

(e) plain text

15 SECTION 27. 948.11 (4) (b) 3. a. of the statutes is amended to read:

16 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational

17 approval board department of regulation and licensing under s. 39.51, subch. XII of

18 ch. 440 or is a school described in s. 39.51 (9) (f), (g) or (h) and (1) 6., 7. or 8.;

19 and

(e) ✓

20 SECTION 9158. Nonstatutory provisions; other.

21 (1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

22 (a) *Assets and liabilities.*

23 1. On the effective date of this subdivision, all assets and liabilities of the
24 educational approval board primarily related to the approval of veterans education

1 and training shall become the assets and liabilities of the department of veterans
2 affairs.

3 2. On the effective date of this subdivision, all assets and liabilities of the
4 educational approval board not specified in subdivision 1. shall become the assets

5 and liabilities of the department of regulation and licensing.

6 3. The departments of veterans affairs and regulation and licensing shall
7 jointly determine the assets and liabilities transferred under subdivisions 1. and 2.

8 and shall jointly develop and implement a plan for the orderly transfer of the assets
9 and liabilities. In the event of any disagreement between the departments, the
10 secretary of administration shall decide the question.

11 (b) *Employee transfers.*

12 1. On the effective date of this subdivision, 3.0 FTE PR-F positions in the
13 educational approval board, except for the executive secretary position, and the
14 incumbent employes holding those positions are transferred to the department of
15 veterans affairs.

16 2. On the effective date of this subdivision, 4.0 FTE PR positions in the
17 educational approval board, except for the executive secretary position, and the
18 incumbent employes holding those positions are transferred to the department of
19 regulation and licensing.

20 3. The departments of veterans affairs and regulation and licensing shall
21 jointly determine the employees to be transferred under subdivisions 1. and 2. and
22 shall jointly develop and implement a plan for the orderly transfer of the employees.
23 In the event of any disagreement between the departments, the secretary of
24 administration shall decide the question.

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1 (c) *Employe status.* Employes transferred under paragraph (b) have all the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the departments of veterans affairs and regulation and licensing that
4 they enjoyed in the educational approval board immediately before the transfer.
5 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
6 has attained permanent status in class is required to serve a probationary period.

7 (d) *Tangible personal property.*

8 1. On the effective date of this subdivision, all tangible personal property,
9 including records, of the educational approval board primarily related to the
10 approval of veterans education and training is transferred to the department of
11 veterans affairs.

12 2. On the effective date of this subdivision, all tangible personal property,
13 including records, of the educational approval board that is not specified in
14 subdivision 1. is transferred to the department of regulation and licensing.

15 3. The departments of veterans affairs and regulation and licensing shall
16 jointly identify the tangible personal property, including records, and shall jointly
17 develop and implement a plan for the orderly transfer of the property. In the event
18 of any disagreement between the departments and the board the secretary of administration shall
19 decide the question.

20 (e) *Pending matters.* On the effective date of this paragraph, any matter
21 pending with the educational approval board that is primarily related to the
22 approval of veterans education and training is transferred to the department of
23 veterans affairs and any other pending matter is transferred to the department of
24 regulation and licensing. All materials submitted to or actions taken by the
25 educational approval board with respect to a pending matter are considered as

1 having been submitted to or taken by the department to which the matter was
2 transferred under this paragraph.

or the board

3 (f) *Contracts.*

higher educational aids board

4 1. On the effective date of this subdivision, all contracts entered into by the
5 educational approval board primarily related to the approval of veterans education
6 and training, which are in effect on the effective date of this subdivision, remain in
7 effect and are transferred to the department of veterans affairs. The department of
8 veterans affairs shall carry out any such contractual obligations until modified or
9 rescinded by the department to the extent allowed under the contract.

10 2. On the effective date of this subdivision, all contracts entered into by the
11 educational approval board that are not specified in subdivision 1., which are in
12 effect on the effective date of this subdivision, remain in effect and are transferred
13 to the department of regulation and licensing. The department of regulation and
14 licensing shall carry out any such contractual obligations until modified or rescinded
15 by the department to the extent allowed under the contract.

16 3. The departments of veterans affairs and the department of regulation and licensing shall
17 jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly
18 develop and implement a plan for the orderly transfer of the contracts. In the event
19 of any disagreement between the departments and the board the secretary of administration shall
20 decide the question.

21 (g) *Rules and orders.*

22 1. All rules promulgated by the educational approval board that are in effect
23 on the effective date of this subdivision and that are primarily related to the approval
24 of veterans education and training remain in effect until their specified expiration
25 date or until amended or repealed by the department of veterans affairs. All orders

1 issued by the educational approval board that are in effect on the effective date of this
2 subdivision and that are primarily related to the approval of veterans education and
3 training remain in effect until their specified expiration date or until modified or
4 rescinded by the department of veterans affairs.

(higher educational aids board)

5 2. All rules promulgated by the educational approval board that are in effect
6 on the effective date of this subdivision and that are not specified in subdivision 1.
7 remain in effect until their specified expiration date or until amended or repealed by
8 the ~~department of regulation and licensing~~. All orders issued by the educational
9 approval board that are in effect on the effective date of this subdivision and that are
10 not specified in subdivision 1. remain in effect until their specified expiration date
11 or until modified or rescinded by the ~~department of regulation and licensing~~.

12

(END)

RM NOT
SUN

3

DOA:.....Maternowski – Eliminate EAB and transfer functions to HEAB and DVA

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ^{Don't Gen Cat} /...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. In addition, EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans education and training to the department of veterans affairs (DVA). The bill transfers all of the other functions of the board to HEAB. The bill also creates an educational approval council that advises HEAB in carrying out its duties under the bill.

For further information see the *state* 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:

INSERT 2-16 ✓

1 SECTION 1. 15.07 (5) (i) of the statutes is repealed.

2 SECTION 2. 15.675 of the statutes is renumbered 15.677 and amended to read:

3 15.677 Same; attached ~~board~~ council. (1) EDUCATIONAL APPROVAL BOARD
4 COUNCIL. There is created an educational approval ~~board~~ council which is attached
5 to the higher educational aids board under s. 15.03. The ~~board~~ council shall consist
6 of not more than 7 members, who shall be representatives of state agencies and other
7 persons with a demonstrated interest in educational programs, appointed to serve
8 at the pleasure of the governor.

9 SECTION 3. 16.24 (1) (b) of the statutes is amended to read:

10 16.24 (1) (b) "Institution of higher education" means a public or private
11 institution of higher education that is accredited by an accrediting association
12 recognized by the department, and a proprietary school approved by the educational
13 approval higher educational aids board under s. 39.51.

14 SECTION 4. 20.235 (3) (title) of the statutes is repealed and recreated to read:

15 20.235 (3) (title) SCHOOL APPROVAL. *WVWAM*

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 5. 20.485 (2) (mg) of the statutes is created to read:

17 20.485 (2) (mg) *Federal aid; veterans training*. All moneys received from the
18 federal government for the purpose of veterans training as authorized by the
19 governor under s. 16.54.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 SECTION 6. 29.506 (7m) (a) of the statutes is amended to read:

21 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
22 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist

1 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
2 school approved by the ~~educational approval~~ higher educational aids board under s.
3 39.51.

4 **SECTION 7.** 39.51 (title) of the statutes is repealed and recreated to read:

5 **39.51 (title) School approvals.**

6 **SECTION 8.** 39.51 (1) (a) of the statutes is repealed.

7 **SECTION 9.** 39.51 (1) (e) of the statutes is renumbered 39.51 (1) (e) (intro.) and
8 amended to read:

9 39.51 (1) (e) (intro.) “School” means ~~any person, located within or outside this~~
10 ~~state, maintaining, advertising or conducting any course or course of instruction for~~
11 ~~profit or a tuition charge; but in subs. (7), (8) and (10) “school” means any private~~
12 ~~trade, correspondence, business or technical school not excepted under sub. (9)., but~~
13 does not include any of the following:

14 **SECTION 10.** 39.51 (2) of the statutes is repealed.

15 **SECTION 11.** 39.51 (5) of the statutes is repealed.

16 **SECTION 12.** 39.51 (6) of the statutes is renumbered 45.35 (11), and 45.35 (11)
17 (a), as renumbered, is amended to read:

18 45.35 (11) (a) Except as provided in par. (b), the ~~board~~ department shall be the
19 state approval agency for the education and training of veterans and war orphans.
20 ~~It~~ The department shall approve and supervise schools and courses of instruction for
21 their training under Title 38, USC, and may enter into and receive money under
22 contracts with the U.S. department of veterans affairs or other appropriate federal
23 agencies. The department may promulgate rules that are necessary to carry out its
24 duties under this paragraph.

25 **SECTION 13.** 39.51 (9) (title) and (intro.) of the statutes are repealed.

1 **SECTION 14.** 39.51 (9) (a) to (h) of the statutes are renumbered 39.51 (1) (e) 1.
2 to 8.

3 **SECTION 15.** 39.51 (11) of the statutes is created to read:

4 **39.51 (11) EDUCATIONAL APPROVAL COUNCIL.** The board shall consult with the
5 educational approval council in carrying out its duties under this section.

6 **SECTION 16.** 125.04 (5) (a) 5. of the statutes is amended to read:

7 **125.04 (5) (a) 5.** Have successfully completed within the 2 years prior to the
8 date of application a responsible beverage server training course at any location that
9 is offered by a technical college district and that conforms to curriculum guidelines
10 specified by the technical college system board or a comparable training course that
11 is approved by the department or the ~~educational approval~~ higher educational aids
12 board. This subdivision does not apply to an applicant who held, or who was an agent
13 appointed and approved under sub. (6) of a corporation or limited liability company
14 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a
15 Class “B” or “Class B” license or permit or a manager’s or operator’s license.

16 **SECTION 17.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

17 **125.17 (6) (a) (intro.)** Except as provided in par. (b), no municipal governing
18 body may issue an operator’s license unless the applicant has successfully completed
19 a responsible beverage server training course at any location that is offered by a
20 technical college district and that conforms to curriculum guidelines specified by the
21 technical college system board or a comparable training course that is approved by
22 the department or the ~~educational approval~~ higher educational aids board, or unless
23 the applicant fulfills one of the following requirements:

24 **SECTION 18.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

1 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
2 approval higher educational aids board under s. 39.51 or is a school described in s.
3 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

4 **SECTION 19.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

5 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
6 approval higher educational aids board under s. 39.51 or is a school described in s.
7 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

8 **SECTION 9158. Nonstatutory provisions; other.**

9 (1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

10 (a) *Assets and liabilities.*

11 1. On the effective date of this subdivision, all assets and liabilities of the
12 educational approval board primarily related to the approval of veterans education
13 and training shall become the assets and liabilities of the department of veterans
14 affairs.

15 2. On the effective date of this subdivision, all assets and liabilities of the
16 educational approval board not specified in subdivision 1. shall become the assets
17 and liabilities of the higher educational aids board.

18 3. The department of veterans affairs and the higher educational aids board
19 shall jointly determine the assets and liabilities transferred under subdivisions 1.
20 and 2. and shall jointly develop and implement a plan for the orderly transfer of the
21 assets and liabilities. In the event of any disagreement between the department and
22 the board, the secretary of administration shall decide the question.

23 (b) *Employe transfers.*

24 1. On the effective date of this subdivision, 3.0 FTE PR-F positions in the
25 educational approval board, except for the executive secretary position, and the

1 incumbent employes holding those positions are transferred to the department of
2 veterans affairs.

3 2. On the effective date of this subdivision, 4.0 FTE PR positions and 1.0 FTE
4 PR project position in the educational approval board, except for the executive
5 secretary position, and the incumbent employes holding those positions are
6 transferred to the higher educational aids board.

7 3. The department of veterans affairs and the higher educational aids board
8 shall jointly determine the employes to be transferred under subdivisions 1. and 2.
9 and shall jointly develop and implement a plan for the orderly transfer of the
10 employes. In the event of any disagreement between the department and the board,
11 the secretary of administration shall decide the question.

12 (c) *Employe status.* Employes transferred under paragraph (b) have all the
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
14 statutes in the department of veterans affairs and the higher educational aids board
15 that they enjoyed in the educational approval board immediately before the transfer.
16 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
17 has attained permanent status in class is required to serve a probationary period.

18 (d) *Tangible personal property.*

19 1. On the effective date of this subdivision, all tangible personal property,
20 including records, of the educational approval board primarily related to the
21 approval of veterans education and training is transferred to the department of
22 veterans affairs.

23 2. On the effective date of this subdivision, all tangible personal property,
24 including records, of the educational approval board that is not specified in
25 subdivision 1. is transferred to the higher educational aids board.

1 3. The department of veterans affairs and the higher educational aids board
2 shall jointly identify the tangible personal property, including records, and shall
3 jointly develop and implement a plan for the orderly transfer of the property. In the
4 event of any disagreement between the department and the board, the secretary of
5 administration shall decide the question.

6 (e) *Pending matters.* On the effective date of this paragraph, any matter
7 pending with the educational approval board that is primarily related to the
8 approval of veterans education and training is transferred to the department of
9 veterans affairs and any other pending matter is transferred to the higher
10 educational aids board. All materials submitted to or actions taken by the
11 educational approval board with respect to a pending matter are considered as
12 having been submitted to or taken by the department or the board to which the
13 matter was transferred under this paragraph.

14 (f) *Contracts.*

15 1. On the effective date of this subdivision, all contracts entered into by the
16 educational approval board primarily related to the approval of veterans education
17 and training, which are in effect on the effective date of this subdivision, remain in
18 effect and are transferred to the department of veterans affairs. The department of
19 veterans affairs shall carry out any such contractual obligations until modified or
20 rescinded by the department to the extent allowed under the contract.

21 2. On the effective date of this subdivision, all contracts entered into by the
22 educational approval board that are not specified in subdivision 1., which are in
23 effect on the effective date of this subdivision, remain in effect and are transferred
24 to the higher educational aids board. The higher educational aids board shall carry

1 out any such contractual obligations until modified or rescinded by the board to the
2 extent allowed under the contract.

3 3. The department of veterans affairs and the higher educational aids board
4 shall jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly
5 develop and implement a plan for the orderly transfer of the contracts. In the event
6 of any disagreement between the department and the board, the secretary of
7 administration shall decide the question.

8 (g) *Rules and orders.*

9 1. All rules promulgated by the educational approval board that are in effect
10 on the effective date of this subdivision and that are primarily related to the approval
11 of veterans education and training remain in effect until their specified expiration
12 date or until amended or repealed by the department of veterans affairs. All orders
13 issued by the educational approval board that are in effect on the effective date of this
14 subdivision and that are primarily related to the approval of veterans education and
15 training remain in effect until their specified expiration date or until modified or
16 rescinded by the department of veterans affairs.

17 2. All rules promulgated by the educational approval board that are in effect
18 on the effective date of this subdivision and that are not specified in subdivision 1.
19 remain in effect until their specified expiration date or until amended or repealed by
20 the higher educational aids board. All orders issued by the educational approval
21 board that are in effect on the effective date of this subdivision and that are not
22 specified in subdivision 1. remain in effect until their specified expiration date or
23 until modified or rescinded by the higher educational aids board.

24 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1516/3ins
MDK:.....

1

INSERT 2-16:

2

~~SECTION 4.~~ ~~20.235~~ (3) (m)^x of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

D-NOTE

4

DOA:.....Maternowski - Eliminate EAB and transfer functions to HEAB and DVA

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

RM NOT RUN

1

AN ACT ...; relating to: the budget.

Don't Gen Cat

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. In addition, EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans education and training to the department of veterans affairs (DVA). The bill transfers all of the other functions of the board to HEAB. The bill also creates an educational approval council that advises HEAB in carrying out its duties under the bill.

For further information see the *state* 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:

1 SECTION 1. 15.07 (5) (i) of the statutes is repealed.

2 SECTION 2. 15.675 of the statutes is renumbered 15.677 and amended to read:

3 15.677 Same; attached board council. (1) EDUCATIONAL APPROVAL BOARD
4 COUNCIL. There is created an educational approval board council which is attached
5 to the higher educational aids board under s. 15.03. The board council shall consist
6 of not more than 7 members, who shall be representatives of state agencies and other
7 persons with a demonstrated interest in educational programs, appointed to serve
8 at the pleasure of the governor.

9 SECTION 3. 16.24 (1) (b) of the statutes is amended to read: ✓

10 16.24 (1) (b) "Institution of higher education" means a public or private
11 institution of higher education that is accredited by an accrediting association
12 recognized by the department, and a proprietary school approved by the educational
13 approval higher educational aids board under s. 39.51.

14 SECTION 4. 20.235 (3) (title) of the statutes is repealed and recreated to read:

15 20.235 (3) (title) SCHOOL APPROVAL.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 5. 20.235 (3) (m) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 SECTION 6. 20.485 (2) (mg) of the statutes is created to read:

18 20.485 (2) (mg) *Federal aid; veterans training*. All moneys received from the
19 federal government for the purpose of veterans training as authorized by the
20 governor under s. 16.54.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 SECTION 7. 29.506 (7m) (a) of the statutes is amended to read:

1 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
2 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist
3 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
4 school approved by the ~~educational approval~~ higher educational aids board under s.
5 39.51.

6 **SECTION 8.** 39.51 (title) of the statutes is repealed and recreated to read:

7 **39.51 (title) School approvals.**

8 **SECTION 9.** 39.51 (1) (a) of the statutes is repealed.

9 **SECTION 10.** 39.51 (1) (e) of the statutes is renumbered 39.51 (1) (e) (intro.) and
10 amended to read:

11 39.51 (1) (e) (intro.) “School” ~~means any person, located within or outside this~~
12 ~~state, maintaining, advertising or conducting any course or course of instruction for~~
13 ~~profit or a tuition charge; but in subs. (7), (8) and (10) “school” means any private~~
14 ~~trade, correspondence, business or technical school not excepted under sub. (9), but~~
15 does not include any of the following:

16 **SECTION 11.** 39.51 (2) of the statutes is repealed.

17 **SECTION 12.** 39.51 (5) of the statutes is repealed.

18 **SECTION 13.** 39.51 (6) of the statutes is renumbered 45.35 (11), and 45.35 (11)
19 (a), as renumbered, is amended to read:

20 45.35 (11) (a) Except as provided in par. (b), the ~~board~~ department shall be the
21 state approval agency for the education and training of veterans and war orphans.
22 ~~It~~ The department shall approve and supervise schools and courses of instruction for
23 their training under Title 38, USC, and may enter into and receive money under
24 contracts with the U.S. department of veterans affairs or other appropriate federal

1 agencies. The department may promulgate rules that are necessary to carry out its
2 duties under this paragraph.

3 SECTION 14. 39.51 (9) (title) and (intro.) of the statutes are repealed.

4 SECTION 15. 39.51 (9) (a) to (h) of the statutes are renumbered 39.51 (1) (e) 1.
5 to 8.

6 SECTION 16. 39.51 (11) of the statutes is created to read:

7 39.51 (11) EDUCATIONAL APPROVAL COUNCIL. The board shall consult with the
8 educational approval council in carrying out its duties under this section.

9 SECTION 17. 125.04 (5) (a) 5. of the statutes is amended to read:

10 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
11 date of application a responsible beverage server training course at any location that
12 is offered by a technical college district and that conforms to curriculum guidelines
13 specified by the technical college system board or a comparable training course that
14 is approved by the department or the ~~educational approval~~ higher educational aids
15 board. This subdivision does not apply to an applicant who held, or who was an agent
16 appointed and approved under sub. (6) of a corporation or limited liability company
17 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a
18 Class “B” or “Class B” license or permit or a manager’s or operator’s license.

19 SECTION 18. 125.17 (6) (a) (intro.) of the statutes is amended to read:

20 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
21 body may issue an operator’s license unless the applicant has successfully completed
22 a responsible beverage server training course at any location that is offered by a
23 technical college district and that conforms to curriculum guidelines specified by the
24 technical college system board or a comparable training course that is approved by

1 the department or the ~~educational approval~~ higher educational aids board, or unless
2 the applicant fulfills one of the following requirements:

3 **SECTION 19.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

4 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
5 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
6 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

7 **SECTION 20.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

8 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
9 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
10 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

11 **SECTION 9158. Nonstatutory provisions; other.**

12 (1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

13 (a) *Assets and liabilities.*

14 1. On the effective date of this subdivision, all assets and liabilities of the
15 educational approval board primarily related to the approval of veterans education
16 and training shall become the assets and liabilities of the department of veterans
17 affairs.

18 2. On the effective date of this subdivision, all assets and liabilities of the
19 educational approval board not specified in subdivision 1. shall become the assets
20 and liabilities of the higher educational aids board.

21 3. The department of veterans affairs and the higher educational aids board
22 shall jointly determine the assets and liabilities transferred under subdivisions 1.
23 and 2. and shall jointly develop and implement a plan for the orderly transfer of the
24 assets and liabilities. In the event of any disagreement between the department and
25 the board, the secretary of administration shall decide the question.

1 (b) *Employe transfers.*

2 1. On the effective date of this subdivision, 3.0 FTE PR-F positions in the
3 educational approval board, except for the executive secretary position, and the
4 incumbent employes holding those positions are transferred to the department of
5 veterans affairs.

6 2. On the effective date of this subdivision, 4.0 FTE PR positions and 1.0 FTE
7 PR project position in the educational approval board, except for the executive
8 secretary position, and the incumbent employes holding those positions are
9 transferred to the higher educational aids board.

10 3. The department of veterans affairs and the higher educational aids board
11 shall jointly determine the employes to be transferred under subdivisions 1. and 2.
12 and shall jointly develop and implement a plan for the orderly transfer of the
13 employes. In the event of any disagreement between the department and the board,
14 the secretary of administration shall decide the question.

15 (c) *Employe status.* Employes transferred under paragraph (b) have all the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of veterans affairs and the higher educational aids board
18 that they enjoyed in the educational approval board immediately before the transfer.
19 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Tangible personal property.*

22 1. On the effective date of this subdivision, all tangible personal property,
23 including records, of the educational approval board primarily related to the
24 approval of veterans education and training is transferred to the department of
25 veterans affairs.

1 2. On the effective date of this subdivision, all tangible personal property,
2 including records, of the educational approval board that is not specified in
3 subdivision 1. is transferred to the higher educational aids board.

4 3. The department of veterans affairs and the higher educational aids board
5 shall jointly identify the tangible personal property, including records, and shall
6 jointly develop and implement a plan for the orderly transfer of the property. In the
7 event of any disagreement between the department and the board, the secretary of
8 administration shall decide the question.

9 (e) *Pending matters.* On the effective date of this paragraph, any matter
10 pending with the educational approval board that is primarily related to the
11 approval of veterans education and training is transferred to the department of
12 veterans affairs and any other pending matter is transferred to the higher
13 educational aids board. All materials submitted to or actions taken by the
14 educational approval board with respect to a pending matter are considered as
15 having been submitted to or taken by the department or the board to which the
16 matter was transferred under this paragraph.

17 (f) *Contracts.*

18 1. On the effective date of this subdivision, all contracts entered into by the
19 educational approval board primarily related to the approval of veterans education
20 and training, which are in effect on the effective date of this subdivision, remain in
21 effect and are transferred to the department of veterans affairs. The department of
22 veterans affairs shall carry out any such contractual obligations until modified or
23 rescinded by the department to the extent allowed under the contract.

24 2. On the effective date of this subdivision, all contracts entered into by the
25 educational approval board that are not specified in subdivision 1., which are in

1 effect on the effective date of this subdivision, remain in effect and are transferred
2 to the higher educational aids board. The higher educational aids board shall carry
3 out any such contractual obligations until modified or rescinded by the board to the
4 extent allowed under the contract.

5 3. The department of veterans affairs and the higher educational aids board
6 shall jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly
7 develop and implement a plan for the orderly transfer of the contracts. In the event
8 of any disagreement between the department and the board, the secretary of
9 administration shall decide the question.

10 (g) *Rules and orders.*

11 1. All rules promulgated by the educational approval board that are in effect
12 on the effective date of this subdivision and that are primarily related to the approval
13 of veterans education and training remain in effect until their specified expiration
14 date or until amended or repealed by the department of veterans affairs. All orders
15 issued by the educational approval board that are in effect on the effective date of this
16 subdivision and that are primarily related to the approval of veterans education and
17 training remain in effect until their specified expiration date or until modified or
18 rescinded by the department of veterans affairs.

19 2. All rules promulgated by the educational approval board that are in effect
20 on the effective date of this subdivision and that are not specified in subdivision 1.
21 remain in effect until their specified expiration date or until amended or repealed by
22 the higher educational aids board. All orders issued by the educational approval
23 board that are in effect on the effective date of this subdivision and that are not

1 specified in subdivision 1. remain in effect until their specified expiration date or
2 until modified or rescinded by the higher educational aids board.

3 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1516/4dn

MDK:/:....

WLj

+

Wj

and Michael Wolff

Peter Maternowski:

This draft reconciles LRB-1516/3 and LRB-1806/3. Both drafts should continue to appear in the compiled bill.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1516/4dn
MDK:wlj&jlg:lp

February 2, 1999

Peter Maternowski and Michael Wolff:

This draft reconciles LRB-1516/3 and LRB-1806/3. Both drafts should continue to appear in the compiled bill.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1516/4
MDK:wlj&jlg:lp

DOA:.....Maternowski – Eliminate EAB and transfer functions to HEAB and
DVA

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational approval board (EAB), which is attached to the higher educational aids board (HEAB), approves and supervises education and training of veterans under certain programs under federal law. In addition, EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by such schools.

This bill eliminates EAB and transfers its functions regarding veterans education and training to the department of veterans affairs (DVA). The bill transfers all of the other functions of the board to HEAB. The bill also creates an educational approval council that advises HEAB in carrying out its duties under the bill.

For further information see the *state* 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:

1 **SECTION 1.** 15.07 (5) (i) of the statutes is repealed.

2 **SECTION 2.** 15.675 of the statutes is renumbered 15.677 and amended to read:

3 **15.677 Same; attached board council.** (1) EDUCATIONAL APPROVAL BOARD
4 COUNCIL. There is created an educational approval board council which is attached
5 to the higher educational aids board under s. 15.03. The board council shall consist
6 of not more than 7 members, who shall be representatives of state agencies and other
7 persons with a demonstrated interest in educational programs, appointed to serve
8 at the pleasure of the governor.

9 **SECTION 3.** 20.235 (3) (title) of the statutes is repealed and recreated to read:
10 20.235 (3) (title) SCHOOL APPROVAL.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 4.** 20.235 (3) (m) of the statutes is repealed.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 5.** 20.485 (2) (mg) of the statutes is created to read:

13 20.485 (2) (mg) *Federal aid; veterans training.* All moneys received from the
14 federal government for the purpose of veterans training as authorized by the
15 governor under s. 16.54.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 6.** 29.506 (7m) (a) of the statutes is amended to read:

17 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
18 person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist
19 permit issued under this section; and who, on August 15, 1991, operates a taxidermy
20 school approved by the ~~educational approval~~ higher educational aids board under s.
21 39.51.

1 **SECTION 7.** 39.51 (title) of the statutes is repealed and recreated to read:

2 **39.51 (title) School approvals.**

3 **SECTION 8.** 39.51 (1) (a) of the statutes is repealed.

4 **SECTION 9.** 39.51 (1) (e) of the statutes is renumbered 39.51 (1) (e) (intro.) and
5 amended to read:

6 39.51 (1) (e) (intro.) “School” ~~means any person, located within or outside this~~
7 ~~state, maintaining, advertising or conducting any course or course of instruction for~~
8 ~~profit or a tuition charge; but in subs. (7), (8) and (10) “school” means any private~~
9 ~~trade, correspondence, business or technical school not excepted under sub. (9), but~~
10 does not include any of the following:

11 **SECTION 10.** 39.51 (2) of the statutes is repealed.

12 **SECTION 11.** 39.51 (5) of the statutes is repealed.

13 **SECTION 12.** 39.51 (6) of the statutes is renumbered 45.35 (11), and 45.35 (11)
14 (a), as renumbered, is amended to read:

15 45.35 (11) (a) Except as provided in par. (b), the board department shall be the
16 state approval agency for the education and training of veterans and war orphans.
17 ~~It~~ The department shall approve and supervise schools and courses of instruction for
18 their training under Title 38, USC, and may enter into and receive money under
19 contracts with the U.S. department of veterans affairs or other appropriate federal
20 agencies. The department may promulgate rules that are necessary to carry out its
21 duties under this paragraph.

22 **SECTION 13.** 39.51 (9) (title) and (intro.) of the statutes are repealed.

23 **SECTION 14.** 39.51 (9) (a) to (h) of the statutes are renumbered 39.51 (1) (e) 1.
24 to 8.

25 **SECTION 15.** 39.51 (11) of the statutes is created to read:

1 39.51 (11) EDUCATIONAL APPROVAL COUNCIL. The board shall consult with the
2 educational approval council in carrying out its duties under this section.

3 **SECTION 16.** 125.04 (5) (a) 5. of the statutes is amended to read:

4 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
5 date of application a responsible beverage server training course at any location that
6 is offered by a technical college district and that conforms to curriculum guidelines
7 specified by the technical college system board or a comparable training course that
8 is approved by the department or the ~~educational approval~~ higher educational aids
9 board. This subdivision does not apply to an applicant who held, or who was an agent
10 appointed and approved under sub. (6) of a corporation or limited liability company
11 that held, within the past 2 years, a Class "A", "Class A" or "Class C" license or a
12 Class "B" or "Class B" license or permit or a manager's or operator's license.

13 **SECTION 17.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

14 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
15 body may issue an operator's license unless the applicant has successfully completed
16 a responsible beverage server training course at any location that is offered by a
17 technical college district and that conforms to curriculum guidelines specified by the
18 technical college system board or a comparable training course that is approved by
19 the department or the ~~educational approval~~ higher educational aids board, or unless
20 the applicant fulfills one of the following requirements:

21 **SECTION 18.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

22 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
23 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
24 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

25 **SECTION 19.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

1 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
2 approval higher educational aids board under s. 39.51 or is a school described in s.
3 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

4 **SECTION 9158. Nonstatutory provisions; other.**

5 (1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

6 (a) *Assets and liabilities.*

7 1. On the effective date of this subdivision, all assets and liabilities of the
8 educational approval board primarily related to the approval of veterans education
9 and training shall become the assets and liabilities of the department of veterans
10 affairs.

11 2. On the effective date of this subdivision, all assets and liabilities of the
12 educational approval board not specified in subdivision 1. shall become the assets
13 and liabilities of the higher educational aids board.

14 3. The department of veterans affairs and the higher educational aids board
15 shall jointly determine the assets and liabilities transferred under subdivisions 1.
16 and 2. and shall jointly develop and implement a plan for the orderly transfer of the
17 assets and liabilities. In the event of any disagreement between the department and
18 the board, the secretary of administration shall decide the question.

19 (b) *Employe transfers.*

20 1. On the effective date of this subdivision, 3.0 FTE PR-F positions in the
21 educational approval board, except for the executive secretary position, and the
22 incumbent employes holding those positions are transferred to the department of
23 veterans affairs.

24 2. On the effective date of this subdivision, 4.0 FTE PR positions and 1.0 FTE
25 PR project position in the educational approval board, except for the executive

1 secretary position, and the incumbent employes holding those positions are
2 transferred to the higher educational aids board.

3 3. The department of veterans affairs and the higher educational aids board
4 shall jointly determine the employes to be transferred under subdivisions 1. and 2.
5 and shall jointly develop and implement a plan for the orderly transfer of the
6 employes. In the event of any disagreement between the department and the board,
7 the secretary of administration shall decide the question.

8 (c) *Employee status.* Employes transferred under paragraph (b) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of veterans affairs and the higher educational aids board
11 that they enjoyed in the educational approval board immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (d) *Tangible personal property.*

15 1. On the effective date of this subdivision, all tangible personal property,
16 including records, of the educational approval board primarily related to the
17 approval of veterans education and training is transferred to the department of
18 veterans affairs.

19 2. On the effective date of this subdivision, all tangible personal property,
20 including records, of the educational approval board that is not specified in
21 subdivision 1. is transferred to the higher educational aids board.

22 3. The department of veterans affairs and the higher educational aids board
23 shall jointly identify the tangible personal property, including records, and shall
24 jointly develop and implement a plan for the orderly transfer of the property. In the

1 event of any disagreement between the department and the board, the secretary of
2 administration shall decide the question.

3 (e) *Pending matters.* On the effective date of this paragraph, any matter
4 pending with the educational approval board that is primarily related to the
5 approval of veterans education and training is transferred to the department of
6 veterans affairs and any other pending matter is transferred to the higher
7 educational aids board. All materials submitted to or actions taken by the
8 educational approval board with respect to a pending matter are considered as
9 having been submitted to or taken by the department or the board to which the
10 matter was transferred under this paragraph.

11 (f) *Contracts.*

12 1. On the effective date of this subdivision, all contracts entered into by the
13 educational approval board primarily related to the approval of veterans education
14 and training, which are in effect on the effective date of this subdivision, remain in
15 effect and are transferred to the department of veterans affairs. The department of
16 veterans affairs shall carry out any such contractual obligations until modified or
17 rescinded by the department to the extent allowed under the contract.

18 2. On the effective date of this subdivision, all contracts entered into by the
19 educational approval board that are not specified in subdivision 1., which are in
20 effect on the effective date of this subdivision, remain in effect and are transferred
21 to the higher educational aids board. The higher educational aids board shall carry
22 out any such contractual obligations until modified or rescinded by the board to the
23 extent allowed under the contract.

24 3. The department of veterans affairs and the higher educational aids board
25 shall jointly identify the contracts specified in subdivisions 1. and 2. and shall jointly

1 develop and implement a plan for the orderly transfer of the contracts. In the event
2 of any disagreement between the department and the board, the secretary of
3 administration shall decide the question.

4 (g) *Rules and orders.*

5 1. All rules promulgated by the educational approval board that are in effect
6 on the effective date of this subdivision and that are primarily related to the approval
7 of veterans education and training remain in effect until their specified expiration
8 date or until amended or repealed by the department of veterans affairs. All orders
9 issued by the educational approval board that are in effect on the effective date of this
10 subdivision and that are primarily related to the approval of veterans education and
11 training remain in effect until their specified expiration date or until modified or
12 rescinded by the department of veterans affairs.

13 2. All rules promulgated by the educational approval board that are in effect
14 on the effective date of this subdivision and that are not specified in subdivision 1.
15 remain in effect until their specified expiration date or until amended or repealed by
16 the higher educational aids board. All orders issued by the educational approval
17 board that are in effect on the effective date of this subdivision and that are not
18 specified in subdivision 1. remain in effect until their specified expiration date or
19 until modified or rescinded by the higher educational aids board.

20 (END)