



State of Wisconsin
2011 - 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 53**

October 4, 2011 - Offered by Senator LASSA.

1 **AN ACT to repeal** 36.27 (3n) (bm) 2., 36.27 (3p) (bm) 2., 38.24 (7) (bm) 2., 38.24
2 (8) (bm) 2. and 39.50 (3m); **to renumber** 36.27 (3n) (bm) 1., 36.27 (3p) (bm) 1.,
3 38.24 (7) (bm) 1. and 38.24 (8) (bm) 1.; and **to amend** 20.235 (1) (fz), 20.235 (1)
4 (fz), 36.27 (3n) (bg), 36.27 (3n) (c), 36.27 (3p) (c), 38.24 (7) (bg), 38.24 (7) (c), 38.24
5 (8) (c), 39.50 (1), 39.50 (2) and 39.50 (4) of the statutes; **relating to:** increasing
6 the amount appropriated for remission of fees for veterans and their
7 dependents enrolled in the University of Wisconsin System or in a technical
8 college and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant remission of academic fees to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active

or inactive duty for training purposes; or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, “academic fees” includes nonresident tuition.

Under current law, \$6,496,700 is appropriated to the Higher Educational Aids Board (HEAB) in each of fiscal years 2011-12 and 2012-13 to reimburse the Board of Regents and each district board for the amount of fees remitted for veterans and their dependents, and HEAB must prorate that reimbursement if the moneys appropriated are not sufficient to reimburse the Board of Regents and each district board for the full amount of fees remitted. This substitute amendment increases the amount appropriated by \$3,000,000 in fiscal year 2011-12 and by \$6,000,000 in fiscal year 2012-13. Then, effective on July 1, 2013, the substitute amendment converts that sum certain appropriation into a capped sum sufficient appropriation equal to \$15,496,700 in the 2013-14 fiscal year, equal to \$18,496,700 in the 2014-15 fiscal year, and equal to \$21,496,700 in the 2015-16 fiscal year. Finally, effective on July 1, 2016, the substitute amendment converts that capped sum sufficient appropriation into an uncapped sum sufficient appropriation and requires HEAB to reimburse the Board of Regents and each district board for the full amount of fees remitted for veterans and their dependents.

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

1 **SECTION 1.** 20.235 (1) (fz) of the statutes is amended to read:

2 20.235 (1) (fz) *Remission of fees and reimbursement for veterans and*
3 *dependents. Biennially, the amounts in the schedule A sum sufficient equal to*
4 *\$15,496,700 in the 2013-14 fiscal year, equal to \$18,496,700 in the 2014-15 fiscal*
5 *year, and equal to \$21,496,700 in the 2015-16 fiscal year to reimburse the Board of*
6 *Regents of the University of Wisconsin System and technical college district boards*
7 *under s. 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b) and 38.24*
8 *(7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27*
9 *(3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).*

10 **SECTION 2.** 20.235 (1) (fz) of the statutes, as affected by 2011 Wisconsin Act ...
11 (this act), is amended to read:

1 20.235 (1) (fz) *Remission of fees and reimbursement for veterans and*
2 *dependents. A sum sufficient equal to \$15,496,700 in the 2013-14 fiscal year, equal*
3 *to \$18,496,700 in the 2014-15 fiscal year, and equal to \$21,496,700 in the 2015-16*
4 *fiscal year to reimburse the Board of Regents of the University of Wisconsin System*
5 *and technical college district boards under s. 39.50 for fee remissions made under ss.*
6 *36.27 (3n) (b) or (3p) (b) and 38.24 (7) (b) or (8) (b) and to reimburse veterans and*
7 *dependents as provided in ss. 36.27 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8)*
8 *(bm).*

9 **SECTION 3.** 36.27 (3n) (bg) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is amended to read:

11 36.27 (3n) (bg) Before the Board of Regents may grant a remission of academic
12 fees and segregated fees under par. (b), the Board of Regents shall require the
13 resident student to apply to the payment of those fees all educational assistance to
14 which the resident student is entitled under 38 USC 3319. If that educational
15 assistance covers 100 percent of those fees for a credit or semester, that credit or
16 semester shall not count against the 128 credit or 8 semester limit provided in par.
17 (b). If that educational assistance covers less than 100 percent of those fees for a
18 credit or semester and the remission under par. (b) covers the remainder of those fees,
19 the credit or semester shall count against that limit in the proportion that the
20 remission bears to the total academic fees and segregated fees charged for that credit
21 or semester. This requirement applies notwithstanding the fact that the resident
22 student may be entitled to educational assistance under 10 USC 16132a, 10 USC
23 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC 3319,
24 unless the resident student has 12 months or less of eligibility remaining for

1 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
2 or 38 USC 3500 to 3566.

3 **SECTION 4.** 36.27 (3n) (bm) 1. of the statutes is renumbered 36.27 (3n) (bm).

4 **SECTION 5.** 36.27 (3n) (bm) 2. of the statutes is repealed.

5 **SECTION 6.** 36.27 (3n) (c) of the statutes is amended to read:

6 36.27 **(3n)** (c) The higher educational aids board shall reimburse the board of
7 regents for all academic fees and segregated fees remitted under par. (b) as provided
8 in s. 39.50 (1) ~~and (3m)~~.

9 **SECTION 7.** 36.27 (3p) (bm) 1. of the statutes is renumbered 36.27 (3p) (bm).

10 **SECTION 8.** 36.27 (3p) (bm) 2. of the statutes is repealed.

11 **SECTION 9.** 36.27 (3p) (c) of the statutes is amended to read:

12 36.27 **(3p)** (c) The higher educational aids board shall reimburse the board of
13 regents for all nonresident tuition, academic fees, and segregated fees remitted
14 under par. (b) as provided in s. 39.50 (1) ~~and (3m)~~.

15 **SECTION 10.** 38.24 (7) (bg) of the statutes, as affected by 2011 Wisconsin Act 32,
16 is amended to read:

17 38.24 **(7)** (bg) Before the district board may grant a remission of fees under par.
18 (b), the district board shall require the resident student to apply to the payment of
19 those fees all educational assistance to which the resident student is entitled under
20 38 USC 3319. If that educational assistance covers 100 percent of those fees for a
21 credit or semester, that credit or semester shall not count against the 128 credit or
22 8 semester limit provided in par. (b). If that educational assistance covers less than
23 100 percent of those fees for a credit or semester and the remission under par. (b)
24 covers the remainder of those fees, the credit or semester shall count against that
25 limit in the proportion that the remission bears to the total fees charged for that

1 credit or semester. This requirement applies notwithstanding the fact that the
2 resident student may be entitled to educational assistance under 10 USC 16132a, 10
3 USC 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC
4 3319, unless the resident student has 12 months or less of eligibility remaining for
5 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
6 or 38 USC 3500 to 3566.

7 **SECTION 11.** 38.24 (7) (bm) 1. of the statutes is renumbered 38.24 (7) (bm).

8 **SECTION 12.** 38.24 (7) (bm) 2. of the statutes is repealed.

9 **SECTION 13.** 38.24 (7) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is amended to read:

11 38.24 (7) (c) The higher educational aids board shall reimburse the district
12 board for all fees remitted under par. (b) as provided in s. 39.50 (2) and ~~(3m)~~.

13 **SECTION 14.** 38.24 (8) (bm) 1. of the statutes is renumbered 38.24 (8) (bm).

14 **SECTION 15.** 38.24 (8) (bm) 2. of the statutes is repealed.

15 **SECTION 16.** 38.24 (8) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
16 is amended to read:

17 38.24 (8) (c) The higher educational aids board shall reimburse the district
18 board for all fees remitted under par. (b) as provided in s. 39.50 (2) and ~~(3m)~~.

19 **SECTION 17.** 39.50 (1) of the statutes is amended to read:

20 39.50 (1) UNIVERSITY OF WISCONSIN SYSTEM. At the end of each semester, the
21 Board of Regents of the University of Wisconsin System shall certify to the board the
22 number of students enrolled in the University of Wisconsin System to whom any fees
23 or nonresident tuition has been remitted under s. 36.27 (3n) or (3p), the number of
24 credits for which those fees or that nonresident tuition has been remitted, and the
25 amount of fees and nonresident tuition remitted. ~~Subject to sub. (3m), if~~ If the board

1 approves the information certified under this subsection, the board, from the
2 appropriation account under s. 20.235 (1) (fz), shall reimburse the board of regents
3 for the full amount of fees and nonresident tuition remitted. The board of regents
4 shall credit any amounts received under this subsection to the appropriation under
5 s. 20.285 (1) (k) and shall expend those amounts received for degree credit
6 instruction.

7 **SECTION 18.** 39.50 (2) of the statutes is amended to read:

8 39.50 (2) TECHNICAL COLLEGES. At the end of each semester, each technical
9 college district board shall certify to the board the number of students enrolled in the
10 technical college governed by the district board to whom any fees have been remitted
11 under s. 38.24 (7) or (8), the number of credits for which those fees have been
12 remitted, and the amount of those fees remitted. ~~Subject to sub. (3m), if~~ If the board
13 approves the information certified under this subsection, the board, from the
14 appropriation account under s. 20.235 (1) (fz), shall reimburse the district board for
15 the full amount of fees remitted.

16 **SECTION 19.** 39.50 (3m) of the statutes is repealed.

17 **SECTION 20.** 39.50 (4) of the statutes is amended to read:

18 39.50 (4) REIMBURSEMENT OF VETERANS AND DEPENDENTS;~~—PRORATED~~
19 ~~REIMBURSEMENT.~~ In each fiscal year, the higher educational aids board shall
20 determine the total amount of reimbursement due to students under ss. 36.27 (3n)
21 (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If and, from the moneys
22 appropriated under s. 20.235 (1) (fz) ~~are not sufficient to provide full reimbursement~~
23 ~~to those students, the higher educational aids board shall prorate the~~
24 ~~reimbursement paid to those students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1.~~
25 ~~and 38.24 (7) (bm) 1. and (8) (bm) 1. in the proportion that the moneys available bears~~

1 to the total amount eligible for reimbursement under ss. ~~36.27 (3n) (bm) 1. and (3p)~~
2 ~~(bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1.~~ If the higher educational aids board
3 prorates reimbursement under this subsection, the Board of Regents shall reimburse
4 a student who is eligible for reimbursement under s. ~~36.27 (3n) (bm) 1. or (3p) (bm)~~
5 ~~1., and the appropriate technical college district board,~~ shall reimburse a student
6 who is eligible for that reimbursement under s. ~~38.24 (7) (bm) 1. or (8) (bm) 1.,~~ in an
7 amount that is equal to the difference between the amount of reimbursement for
8 which the student is eligible and the amount of reimbursement paid by the higher
9 educational aids board.

10 **SECTION 21. Fiscal changes.**

11 (1) FEE REMISSION. In the schedule under section 20.005 (3) of the statutes for
12 the appropriation to the higher educational aids board under section 20.235 (1) (fz)
13 of the statutes, as affected by the acts of 2011, the dollar amount is increased by
14 \$3,000,000 for the first fiscal year of the fiscal biennium in which this subsection
15 takes effect for the purposes for which the appropriation is made. In the schedule
16 under section 20.005 (3) of the statutes for the appropriation to the higher
17 educational aids board under section 20.235 (1) (fz) of the statutes, as affected by the
18 acts of 2011, the dollar amount is increased by \$6,000,000 for the second fiscal year
19 of the fiscal biennium in which this subsection takes effect for the purposes for which
20 the appropriation is made.

21 **SECTION 22. Initial applicability.**

22 (1) FEE REMISSION.

23 (a) The treatment of sections 36.27 (3n) (bg) and 38.24 (7) (bg) of the statutes
24 first applies to a student who is enrolled in the fall 2011 semester.

1 (b) The treatment of sections 20.235 (1) (fz) (by SECTION 2), 36.27 (3n) (bm) 1.
2 and 2. and (c) and (3p) (bm) 1. and 2. and (c), 38.24 (7) (bm) 1. and 2. and (c) and (8)
3 (bm) 1. and 2. and (c), and 39.50 (1), (2), (3m), and (4) of the statutes first applies to
4 a student who is enrolled in the fall 2016 semester.

5 **SECTION 23. Effective dates.** This act takes effect on the day after publication,
6 except as follows:

7 (1) **FEE REMISSIONS; CAPPED SUM SUFFICIENT.** The treatment of section 20.235 (1)
8 (fz) (by SECTION 1) of the statutes takes effect on July 1, 2013.

9 (2) **FEE REMISSION; UNCAPPED SUM SUFFICIENT.** The treatment of sections 20.235
10 (1) (fz) (by SECTION 2), 36.27 (3n) (bm) 1. and 2. and (c) and (3p) (bm) 1. and 2. and
11 (c), 38.24 (7) (bm) 1. and 2. and (c) and (8) (bm) 1. and 2. and (c), and 39.50 (1), (2),
12 (3m), and (4) of the statutes takes effect on July 1, 2016.

13 **(END)**