

## 2013 DRAFTING REQUEST

### Bill

Received: 2/6/2013 Received By: mgallagh  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 7-9546 By/Representing: Lawrence  
May Contact: Drafter: mgallagh  
Subject: Veterans - miscellaneous Addl. Drafters:  
Veterans - veterans benefits Extra Copies:  
Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

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### Pre Topic:

DOA:.....Lawrence, BB0446 -

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### Topic:

Veterans tribal college reimbursement program

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 2/8/2013	jdye 2/8/2013	rschlue 2/8/2013	_____			
/P1	mgallagh 2/9/2013	wjackson 2/10/2013	jmurphy 2/10/2013	_____	srose 2/8/2013		State
/P2				_____	mbarman 2/11/2013		State

FE Sent For:

<END>

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/?	mgallagh 2/8/2013	jdye 2/8/2013	rschluet 2/8/2013	_____			
/P1		/p2 Wly 2/10	Jim 2/10/13	Self	srose 2/8/2013		State

FE Sent For:

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**Pre Topic:**

DOA:.....Lawrence, BB0446 -

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**Topic:**

veterans tribal college reimbursement program

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	mgallagh	PI 2/8 jld		==			
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FE Sent For:

<END>

## Gallagher, Michael

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, February 06, 2013 2:23 PM  
**To:** Gibson-Glass, Mary; Gallagher, Michael  
**Subject:** FW: Statutory Language Drafting Request - BB0446

**From:** [jeffrey.lawrence@wisconsin.gov](mailto:jeffrey.lawrence@wisconsin.gov) [<mailto:jeffrey.lawrence@wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 2:05 PM  
**To:** Hanaman, Cathlene  
**Cc:** Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0446

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0446

**Topic:** Department of Veterans Affairs Tribal College Reimbursement

**SBO Team:** HSI

**SBO Analyst:** Lawrence, Jeff - DOA  
**Phone:** (608) 267-9546  
**E-mail:** [jeffrey.lawrence@wisconsin.gov](mailto:jeffrey.lawrence@wisconsin.gov)

**Agency Acronym:** DVA

**Agency Number:** 485

**Priority:** High

**Intent:**

Submit for inclusion in the budget bill.

Create a program in the Department of Veterans Affairs that will reimburse students at Lac Courte Oreilles Ojibway Community College or the College of the Menominee Nation for the costs of tuition if:

- They meet the definition of a veteran (equivalent to the requirements for VetEd reimbursement from DVA)
- They are enrolled tribal members
- They maintain at least a C grade point average

Provide DVA the authority to specify procedures, forms and requirements for applications and requests for reimbursement.

Provide DVA the authority to make expenditures from the appropriation under s. 20.485(2)(km) – the reimbursements will be paid from tribal gaming revenues.

Please contact Michelle Gauger with any questions.

**Attachments:** False

Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)

## Gallagher, Michael

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**From:** Gauger, Michelle C - DOA <Michelle.Gauger@Wisconsin.gov>  
**Sent:** Thursday, February 07, 2013 10:11 AM  
**To:** Gallagher, Michael  
**Subject:** RE: Statutory Language Drafting Request - BB0446

Yes, just tuition. Thanks!

---

**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Thursday, February 07, 2013 10:07 AM  
**To:** Gauger, Michelle C - DOA  
**Subject:** RE: Statutory Language Drafting Request - BB0446

So, should the draft include the cost of tuition, but not fees or the costs of room and board, books, supplies, and equipment?

---

**From:** Gauger, Michelle C - DOA [<mailto:Michelle.Gauger@Wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 4:41 PM  
**To:** Gallagher, Michael  
**Subject:** RE: Statutory Language Drafting Request - BB0446

The limitations under (2)(d) are acceptable, except where they clearly don't apply because this reimbursement is only for the two tribal colleges. The credit limits, child support, national guard reimbursement and GPA are all fine.

This reimbursement should be for 100% of the tuition at a tribal school. Fees should not be included and the UW-Madison cost limit should not apply because the tuition is so much lower already.

Thanks again!

---

**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 3:54 PM  
**To:** Gauger, Michelle C - DOA  
**Subject:** RE: Statutory Language Drafting Request - BB0446

And what about the limitations under s. 45.20 (2) (d) and disabled veteran eligibility under s. 45.20 (2) (d)?

Also, do you want to include the UW-Madison benefit limitation under s. s. 45.20 (2) (1) 1.?

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau

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**From:** Gauger, Michelle C - DOA [<mailto:Michelle.Gauger@Wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 3:39 PM  
**To:** Gallagher, Michael  
**Subject:** RE: Statutory Language Drafting Request - BB0446

For consistency's sake, it should be the same eligibility requirements as VetEd.

---

**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 3:36 PM  
**To:** Lawrence, Jeffrey R - DOA; Gauger, Michelle C - DOA  
**Subject:** RE: Statutory Language Drafting Request - BB0446

The drafting instructions for this request say: "meet the definition of a veteran (equivalent to the requirements for VetEd reimbursement from DVA)." The requirements for VetEd reimbursement from DVA are more extensive than the requirements for satisfying the definition of "veteran" under ch. 45. Is the intent to incorporate for this program the eligibility requirements for VetEd under s. 45.20 (2) (b)?

Thanks.

Mike

**Mike Gallagher**  
Attorney  
Wisconsin Legislative Reference Bureau

---

**From:** Hanaman, Cathlene  
**Sent:** Wednesday, February 06, 2013 2:23 PM  
**To:** Gibson-Glass, Mary; Gallagher, Michael  
**Subject:** FW: Statutory Language Drafting Request - BB0446

**From:** [jeffrey.lawrence@wisconsin.gov](mailto:jeffrey.lawrence@wisconsin.gov) [<mailto:jeffrey.lawrence@wisconsin.gov>]  
**Sent:** Wednesday, February 06, 2013 2:05 PM  
**To:** Hanaman, Cathlene  
**Cc:** Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0446

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0446

**Topic:** Department of Veterans Affairs Tribal College Reimbursement

**SBO Team:** HSI

**SBO Analyst:** Lawrence, Jeff - DOA  
**Phone:** (608) 267-9546  
**E-mail:** [jeffrey.lawrence@wisconsin.gov](mailto:jeffrey.lawrence@wisconsin.gov)

**Agency Acronym:** DVA

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**Intent:**

Submit for inclusion in the budget bill.

Create a program in the Department of Veterans Affairs that will reimburse students at Lac Courte Oreilles Ojibway Community College or the College of the Menominee Nation for the costs of tuition if:

- They meet the definition of a veteran (equivalent to the requirements for VetEd reimbursement from DVA)
- They are enrolled tribal members
- They maintain at least a C grade point average

Provide DVA the authority to specify procedures, forms and requirements for applications and requests for reimbursement.

Provide DVA the authority to make expenditures from the appropriation under s. 20.485(2)(km) – the reimbursements will be paid from tribal gaming revenues.

Please contact Michelle Gauger with any questions.

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



In: 2/8

State of Wisconsin  
2013 - 2014 LEGISLATURE

LPS - Fix request  
sheet



LRB-15310  
MPG: 1:....

1/P1

JLD

DOA:.....Lawrence, BB0446 - veterans tribal college reimbursement program

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

D-Note

4

do not gen

1

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

*Analysis by the Legislative Reference Bureau*

**VETERANS**

This bill establishes a tuition reimbursement program for veterans enrolled in the College of Menominee Nation or Lac Courte Oreilles Ojibwa Community College (tribal colleges). Under the bill, DVA is generally required to reimburse a veteran for tribal college tuition if the veteran applies to DVA for reimbursement and satisfies the bill's eligibility requirements.

A veteran is eligible for tuition reimbursement under the bill if the veteran meets certain Wisconsin residency requirements, is enrolled as a member of a federally recognized American Indian tribe or band in Wisconsin, has an annual household income of approximately \$50,000 or less, and does not already have a bachelor's or higher degree. There are a number of limitations under the bill that may affect an otherwise eligible veteran's ability to receive tuition reimbursement, including the requirement that a veteran must receive a 2.0 grade point average, or an average "C" grade, for any semester for which reimbursement is sought. In addition, the number of credits for which a veteran may receive tuition reimbursement is limited to between 30 and 120 credits primarily depending on how much time the veteran spent in military service.

at least

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. 20.485 (2) (km) of the statutes is amended to read:  
2           20.485 (2) (km) *American Indian grants* and tribal college tuition  
3 reimbursements. The amounts in the schedule for grants to American Indian tribes  
4 and bands under s. 45.82 (4) and for the reimbursement of veterans for the cost of  
5 tuition at tribal colleges under s. 45.205 (2). All moneys transferred from the  
6 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this  
7 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
8 balance on June 30 of each year shall revert to the appropriation account under s.  
9 20.505 (8) (hm).

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

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42; 2005 a. 22, 25, 254, 468; 2007 a. 20; 2009 a. 28, 177; 2011 a. 32.

10           SECTION 2. 45.205 of the statutes is created to read:

11           **45.205 Tuition reimbursement for students at tribal colleges. (1)**

12           DEFINITIONS. In this section:

13           (a) "Tribal college" means any of the following:

14           1. The College of Menominee Nation.

15           2. Lac Courte Oreilles Ojibwa Community College.

16           (b) "Tuition" means the amount charged to a student to enroll in a degree credit

17           course. "Tuition" does not include fees or the cost of room and board, books, supplies,

18           or equipment.

1           (2) TUITION REIMBURSEMENT PROGRAM. (a) *Application.* Any veteran enrolled  
2 in a tribal college may apply to the department for tuition reimbursement under this  
3 subsection on a form prescribed by the department. The application shall contain  
4 information, as determined by the department, establishing the applicant's  
5 eligibility for tuition reimbursement under this subsection.

6           (b) *Eligibility.* A veteran is eligible for tuition reimbursement under this  
7 subsection if he or she meets all of the following conditions:

8           1. The veteran is enrolled as a member of a federally recognized American  
9 Indian tribe or band in this state.

10           2. The veteran's annual household income does not exceed \$50,000 plus \$1,000  
11 for each dependent in excess of 2 dependents.

12           3. The veteran is a resident of this state at the time of application under par.  
13 (a).

14           4. The veteran was a resident of this state at the time of his or her entry into  
15 service or was a resident of this state for any consecutive 12-month period after entry  
16 into service and before the date of application under par. (a). If a veteran who  
17 submits an application under par. (a) meets that consecutive 12-month residency  
18 requirement, the department may not require the veteran to reestablish that he or  
19 she meets that residency requirement when he or she later applies for any other  
20 benefit under this chapter for which that residency requirement applies.

21           5. The veteran does not have a bachelor's or higher degree from an institution  
22 of higher education, as defined in 20 USC 1001 (a).

23           (c) *Benefits.* 1. Subject to the limitations under par. (d), if a veteran submits  
24 an application under par. (a) and establishes his or her eligibility for tuition  
25 reimbursement under par. (b), the department shall reimburse the veteran for the

1 total amount of his or her tribal college tuition from the appropriation under s. 20.485  
2 (2) (km).✓

3 2. If in any fiscal year the total amount of reimbursement payments to be paid  
4 under subd. 1. exceeds the moneys available for the payments from the appropriation  
5 under s. 20.485 (2) (km), the department shall prorate the available moneys among  
6 the applicants for reimbursement in proportion to the approved reimbursement  
7 amounts.✓

8 (d) *Limitations.*✓ 1. The department may not reimburse a veteran under this  
9 subsection✓ for more than the following number of credits or semesters at a tribal  
10 college:

11 a. If the veteran served on active duty, except service on active duty for training  
12 purposes, for 90 to 180 days, 30 credits or 2 semesters.

13 b. If the veteran served on active duty, except service on active duty for training  
14 purposes, for 181 to 730 days, 60 credits or 4 semesters.

15 c. If the veteran served on active duty, except service on active duty for training  
16 purposes, for more than 730 days, 120 credits or 8 semesters, except that for courses \*  
17 a veteran begins later than 10 years after the veteran's separation from service, the  
18 department may not reimburse a veteran for more than 60 credits or 4 semesters.

19 3. The department may not provide reimbursement under this subsection to  
20 a veteran who is delinquent in child support or maintenance payments or who owes  
21 past support, medical expenses, or birth expenses, as established by appearance of  
22 the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), unless  
23 the veteran provides the department with one of the following:

24 a. A repayment agreement that the veteran has entered into, that has been  
25 accepted by the county child support agency under s. 59.53 (5), and that has been

1 kept current for the 6-month<sup>✓</sup> period immediately preceding the date of the  
2 application under par. (a).<sup>✓</sup>

3 b. A statement that the veteran is not delinquent in child support or  
4 maintenance payments and does not owe past support, medical expenses, or birth  
5 expenses, signed by the department of children and families<sup>✓</sup> or its designee within  
6 7 working days before the date of the application under par. (a).<sup>✓</sup>

7 4. The department may not provide reimbursement under this<sup>✓</sup> subsection for  
8 any semester in which the veteran is eligible for or received a grant under s. 321.40<sup>✓</sup>  
9 or under 10 USC 2007.

10 5. The department may not provide reimbursement under this subsection for  
11 any semester for which the veteran received reimbursement under s. 45.20.<sup>✓</sup>

12 6. The department may not provide reimbursement under this subsection for  
13 any semester in which the veteran fails to receive at least a 2.0<sup>✓</sup> grade point average  
14 or an average grade of "C"<sup>?)</sup>

15 7. The department shall reduce the reimbursement amount under<sup>✓</sup> par. (c) by  
16 the amount of any grant or scholarship the veteran receives specifically for the  
17 payment of college tuition.

18 (3) RULES.<sup>✓</sup> The department shall promulgate rules to implement this section.<sup>✓</sup>

19 SECTION 3. 321.40 (5) (c)<sup>✓</sup> of the statutes is amended to read:

20 321.40 (5) (c) No guard member may receive a tuition grant under sub. (3) for  
21 any semester in which he or she received a payment under s. 45.20 (2) or 45.205 (2).<sup>✓</sup>

History: 1977 c. 29, 418; 1981 c. 20; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269; 1993 a. 399; 1995 a. 19; 1995 a. 27, ss. 1219t to 1223, 9127 (1); 1995 a. 404; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33, 69, 83; 2005 a. 22, 25; 2007 a. 20; 2007 a. 200 ss. 107, 109 to 120, 222 to 223; Stats. 2007 s. 321.40; 2009 a. 179, 180; 2011 a. 32.

22

(END)

d-note  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1531/P1dn

MPG:.....

date

JL

Jeff Lawrence and Michelle Gauger ☺

Please review this draft carefully to ensure that it is consistent with the intent.

The draft requires DVA<sup>✓</sup> to make a tuition reimbursement payment if a veteran applies for reimbursement and satisfies the eligibility requirements for a reimbursement. I included a provision directing DVA to prorate tuition reimbursement payments for any fiscal year in which the appropriated moneys are not sufficient to make all of the reimbursement payments. See s. 45.205 (2) (c) 2<sup>✓</sup>, in the draft.

Also, as requested, I included the relevant limitations from the current tuition reimbursement program under s. 45.20<sup>✓</sup>, stats. See s. 45.205 (2) (d)<sup>✓</sup>, in the draft. Note, however, that I did not include the 11-credit limitation under s. 45.20 (2) (d) 1m.<sup>✓</sup>, stats. Instead, for the sake of clarity, for any courses a veteran begins more than ten years after the veteran's military service ended, the draft simply limits the available tuition reimbursement to 60 credits or <sup>four</sup> semesters. See s. 45.205 (2) (d) 1. c.<sup>✓</sup>, in the draft. Is that change okay?

Finally, do you want to include a delayed effective date in the draft to give<sup>✓</sup> DVA time to promulgate rules for the tribal college tuition reimbursement program?

Please let me know if you have any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
E-mail: michael.gallagher@legis.wisconsin.gov

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

LRB-1531/P1dn  
MPG:jld:rs

February 8, 2013

Jeff Lawrence and Michelle Gauger:

Please review this draft carefully to ensure that it is consistent with the intent.

The draft requires DVA to make a tuition reimbursement payment if a veteran applies for reimbursement and satisfies the eligibility requirements for a reimbursement. I included a provision directing DVA to prorate tuition reimbursement payments for any fiscal year in which the appropriated moneys are not sufficient to make all of the reimbursement payments. *See* s. 45.205 (2) (c) 2., in the draft.

Also, as requested, I included the relevant limitations from the current tuition reimbursement program under s. 45.20, stats. *See* s. 45.205 (2) (d), in the draft. Note, however, that I did not include the 11-credit limitation under s. 45.20 (2) (d) 1m., stats. Instead, for the sake of clarity, for any courses a veteran begins more than ten years after the veteran's military service ended, the draft simply limits the available tuition reimbursement to 60 credits or four semesters. *See* s. 45.205 (2) (d) 1. c., in the draft. Is that change okay?

Finally, do you want to include a delayed effective date in the draft to give DVA time to promulgate rules for the tribal college tuition reimbursement program?

Please let me know if you have any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
E-mail: michael.gallagher@legis.wisconsin.gov

## Gallagher, Michael

---

**From:** Gauger, Michelle C - DOA <Michelle.Gauger@Wisconsin.gov>  
**Sent:** Saturday, February 09, 2013 11:49 AM  
**To:** Gallagher, Michael  
**Subject:** RE: Veterans tribal college reimbursement program

Perfect. Thanks!

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**From:** Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]  
**Sent:** Saturday, February 09, 2013 11:49 AM  
**To:** Gauger, Michelle C - DOA  
**Subject:** RE: Veterans tribal college reimbursement program

I'm putting in an authorization to promulgate emergency rules that will stay in effect until July 1, 2014 or until permanent rules take effect, whichever is sooner. Will that do?

### Mike Gallagher

Attorney  
Wisconsin Legislative Reference Bureau

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**From:** Gauger, Michelle C - DOA [<mailto:Michelle.Gauger@Wisconsin.gov>]  
**Sent:** Friday, February 08, 2013 6:10 PM  
**To:** Gallagher, Michael  
**Subject:** RE: Veterans tribal college reimbursement program

Thank you for including the proration of payments provision.

Instead of a delayed implementation date, can you give the department the authority to promulgate emergency rules? They have similar rules in place for the VetEd program so this should be a fairly simple change for them and I know they want to get it going quickly.

The change from the 11-credit limit is fine.

Thank you!

**From:** [Scott.Thornton@Wisconsin.Gov](mailto:Scott.Thornton@Wisconsin.Gov) [<mailto:Scott.Thornton@Wisconsin.Gov>]  
**Sent:** Friday, February 08, 2013 10:15 AM  
**To:** Lawrence, Jeffrey R - DOA  
**Cc:** Thornton, Scott - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA  
**Subject:** Veterans tribal college reimbursement program

We have received an LRB draft for DOA Tracking Code: BB0446

LRB Draft Number: 1531/P1

Drafter: MPG

Drafting Attorney: Michael P. Gallagher  
Phone: (608) 267-7511  
E-mail: [michael.gallagher@legis.wisconsin.gov](mailto:michael.gallagher@legis.wisconsin.gov)

Drafter's Note: Jeff Lawrence and Michelle Gauger: Please review this draft carefully to ensure that it is consistent with the intent. The draft requires DVA to make a tuition reimbursement payment if a veteran applies for reimbursement and satisfies the eligibility requirements for a reimbursement. I included a provision directing DVA to prorate tuition reimbursement payments for any fiscal year in which the appropriated moneys are not sufficient to make all of the reimbursement payments. See s. 45.205 (2) (c) 2., in the draft. Also, as requested, I included the relevant limitations from the current tuition reimbursement program under s. 45.20, stats. See s. 45.205 (2) (d), in the draft. Note, however, that I did not include the 11-credit limitation under s. 45.20 (2) (d) 1m., stats. Instead, for the sake of clarity, for any courses a veteran begins more than ten years after the veteran's military service ended, the draft simply limits the available tuition reimbursement to 60 credits or four semesters. See s. 45.205 (2) (d) 1. c., in the draft. Is that change okay? Finally, do you want to include a delayed effective date in the draft to give DVA time to promulgate rules for the tribal college tuition reimbursement program? Please let me know if you have any questions. Thank you.

PDF of Drafter's Note is found in the [Drafter's Notes Library](#).

The [document](#) can be found in the Stat Language site on SharePoint.



92

FWJ

DOA:.....Lawrence, BB0446 - Veterans tribal college reimbursement program

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

Do Not Gen

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

*Analysis by the Legislative Reference Bureau*

**VETERANS**

This bill establishes a tuition reimbursement program for veterans enrolled in the College of Menominee Nation or Lac Courte Oreilles Ojibwa Community College (tribal colleges). Under the bill, DVA is generally required to reimburse a veteran for tribal college tuition if the veteran applies to DVA for reimbursement and satisfies the bill's eligibility requirements.

A veteran is eligible for tuition reimbursement under the bill if the veteran meets certain Wisconsin residency requirements, is enrolled as a member of a federally recognized American Indian tribe or band in Wisconsin, has an annual household income of approximately \$50,000 or less, and does not already have a bachelor's or higher degree. There are a number of limitations under the bill that may affect an otherwise eligible veteran's ability to receive tuition reimbursement, including the requirement that a veteran must receive at least a 2.0 grade point average, or an average "C" grade, for any semester for which reimbursement is sought. In addition, the number of credits for which a veteran may receive tuition reimbursement is limited to between 30 and 120 credits primarily depending on how much time the veteran spent in military service.

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

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

1           **SECTION 1.** 20.485 (2) (km) of the statutes is amended to read:

2           20.485 (2) (km) *American Indian grants and tribal college tuition*  
3 *reimbursements.* The amounts in the schedule for grants to American Indian tribes  
4 and bands under s. 45.82 (4) and for the reimbursement of veterans for the cost of  
5 tuition at tribal colleges under s. 45.205 (2). All moneys transferred from the  
6 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this  
7 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
8 balance on June 30 of each year shall revert to the appropriation account under s.  
9 20.505 (8) (hm).

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

10           **SECTION 2.** 45.205 of the statutes is created to read:

11           **45.205 Tuition reimbursement for students at tribal colleges. (1)**

12           DEFINITIONS. In this section:

13           (a) “Tribal college” means any of the following:

- 14           1. The College of Menominee Nation.  
15           2. Lac Courte Oreilles Ojibwa Community College.

16           (b) “Tuition” means the amount charged to a student to enroll in a degree credit  
17 course. “Tuition” does not include fees or the cost of room and board, books, supplies,  
18 or equipment.

19           **(2) TUITION REIMBURSEMENT PROGRAM.** (a) *Application.* Any veteran enrolled  
20 in a tribal college may apply to the department for tuition reimbursement under this

1 subsection on a form prescribed by the department. The application shall contain  
2 information, as determined by the department, establishing the applicant's  
3 eligibility for tuition reimbursement under this subsection.

4 (b) *Eligibility.* A veteran is eligible for tuition reimbursement under this  
5 subsection if he or she meets all of the following conditions:

6 1. The veteran is enrolled as a member of a federally recognized American  
7 Indian tribe or band in this state.

8 2. The veteran's annual household income does not exceed \$50,000 plus \$1,000  
9 for each dependent in excess of 2 dependents.

10 3. The veteran is a resident of this state at the time of application under par.  
11 (a).

12 4. The veteran was a resident of this state at the time of his or her entry into  
13 service or was a resident of this state for any consecutive 12-month period after entry  
14 into service and before the date of application under par. (a). If a veteran who  
15 submits an application under par. (a) meets that consecutive 12-month residency  
16 requirement, the department may not require the veteran to reestablish that he or  
17 she meets that residency requirement when he or she later applies for any other  
18 benefit under this chapter for which that residency requirement applies.

19 5. The veteran does not have a bachelor's or higher degree from an institution  
20 of higher education, as defined in 20 USC 1001 (a).

21 (c) *Benefits.* 1. Subject to the limitations under par. (d), if a veteran submits  
22 an application under par. (a) and establishes his or her eligibility for tuition  
23 reimbursement under par. (b), the department shall reimburse the veteran for the  
24 total amount of his or her tribal college tuition from the appropriation under s. 20.485  
25 (2) (km).

1           2. If in any fiscal year the total amount of reimbursement payments to be paid  
2 under subd. 1. exceeds the moneys available for the payments from the appropriation  
3 under s. 20.485 (2) (km), the department shall prorate the available moneys among  
4 the applicants for reimbursement in proportion to the approved reimbursement  
5 amounts.

6           (d) *Limitations.* 1. The department may not reimburse a veteran under this  
7 subsection for more than the following number of credits or semesters at a tribal  
8 college:

9           a. If the veteran served on active duty, except service on active duty for training  
10 purposes, for 90 to 180 days, 30 credits or 2 semesters.

11           b. If the veteran served on active duty, except service on active duty for training  
12 purposes, for 181 to 730 days, 60 credits or 4 semesters.

13           c. If the veteran served on active duty, except service on active duty for training  
14 purposes, for more than 730 days, 120 credits or 8 semesters, except that, for courses  
15 a veteran begins later than 10 years after the veteran's separation from service, the  
16 department may not reimburse a veteran for more than 60 credits or 4 semesters.

17           3. The department may not provide reimbursement under this subsection to  
18 a veteran who is delinquent in child support or maintenance payments or who owes  
19 past support, medical expenses, or birth expenses, as established by appearance of  
20 the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), unless  
21 the veteran provides the department with one of the following:

22           a. A repayment agreement that the veteran has entered into, that has been  
23 accepted by the county child support agency under s. 59.53 (5), and that has been  
24 kept current for the 6-month period immediately preceding the date of the  
25 application under par. (a).

1           b. A statement that the veteran is not delinquent in child support or  
2 maintenance payments and does not owe past support, medical expenses, or birth  
3 expenses, signed by the department of children and families or its designee within  
4 7 working days before the date of the application under par. (a).

5           4. The department may not provide reimbursement under this subsection for  
6 any semester in which the veteran is eligible for or received a grant under s. 321.40  
7 or under 10 USC 2007.

8           5. The department may not provide reimbursement under this subsection for  
9 any semester for which the veteran received reimbursement under s. 45.20.

10          6. The department may not provide reimbursement under this subsection for  
11 any semester in which the veteran fails to receive at least a 2.0 grade point average  
12 or an average grade of "C."

13          7. The department shall reduce the reimbursement amount under par. (c) by  
14 the amount of any grant or scholarship the veteran receives specifically for the  
15 payment of college tuition.

16          **(3) RULES.** The department shall promulgate rules to implement this section.

17          **SECTION 3.** 321.40 (5) (c) of the statutes is amended to read:

18          321.40 (5) (c) No guard member may receive a tuition grant under sub. (3) for  
19 any semester in which he or she received a payment under s. 45.20 (2) or 45.205 (2).

20

(END)

Insert 5-19

1           INSERT 5-19

2           **SECTION 9149. Nonstatutory provisions; Veterans Affairs.**

3           (1) EMERGENCY RULES CONCERNING TRIBAL COLLEGE TUITION REIMBURSEMENT  
4 PROGRAM. The department of veterans affairs may promulgate emergency rules  
5 under section 227.24 of the statutes implementing section 45.205 of the statutes, as  
6 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,  
7 emergency rules promulgated under this subsection remain in effect until July 1,  
8 2014, or the date on which permanent rules take effect, whichever is sooner.  
9 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
10 required to provide evidence that promulgating a rule under this subsection as an  
11 emergency rule is necessary for the preservation of the public peace, health, safety,  
12 or welfare and is not required to provide a finding of emergency for a rule  
13 promulgated under this subsection.

14           END INSERT 5-19



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1531/P2  
MPG:jld&wlj:jm

DOA:.....Lawrence, BB0446 - Veterans tribal college reimbursement program

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**VETERANS**

This bill establishes a tuition reimbursement program for veterans enrolled in the College of Menominee Nation or Lac Courte Oreilles Ojibwa Community College (tribal colleges). Under the bill, DVA is generally required to reimburse a veteran for tribal college tuition if the veteran applies to DVA for reimbursement and satisfies the bill's eligibility requirements.

A veteran is eligible for tuition reimbursement under the bill if the veteran meets certain Wisconsin residency requirements, is enrolled as a member of a federally recognized American Indian tribe or band in Wisconsin, has an annual household income of approximately \$50,000 or less, and does not already have a bachelor's or higher degree. There are a number of limitations under the bill that may affect an otherwise eligible veteran's ability to receive tuition reimbursement, including the requirement that a veteran must receive at least a 2.0 grade point average, or an average "C" grade, for any semester for which reimbursement is sought. In addition, the number of credits for which a veteran may receive tuition reimbursement is limited to between 30 and 120 credits primarily depending on how much time the veteran spent in military service.

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

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

1           **SECTION 1.** 20.485 (2) (km) of the statutes is amended to read:

2           20.485 (2) (km) *American Indian grants and tribal college tuition*  
3 *reimbursements.* The amounts in the schedule for grants to American Indian tribes  
4 and bands under s. 45.82 (4) and for the reimbursement of veterans for the cost of  
5 tuition at tribal colleges under s. 45.205 (2). All moneys transferred from the  
6 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this  
7 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
8 balance on June 30 of each year shall revert to the appropriation account under s.  
9 20.505 (8) (hm).

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

10          **SECTION 2.** 45.205 of the statutes is created to read:

11          **45.205 Tuition reimbursement for students at tribal colleges. (1)**

12          DEFINITIONS. In this section:

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- 15           2. Lac Courte Oreilles Ojibwa Community College.

16           (b) "Tuition" means the amount charged to a student to enroll in a degree credit  
17 course. "Tuition" does not include fees or the cost of room and board, books, supplies,  
18 or equipment.

19           (2) **TUITION REIMBURSEMENT PROGRAM.** (a) *Application.* Any veteran enrolled  
20 in a tribal college may apply to the department for tuition reimbursement under this

1 subsection on a form prescribed by the department. The application shall contain  
2 information, as determined by the department, establishing the applicant's  
3 eligibility for tuition reimbursement under this subsection.

4 (b) *Eligibility.* A veteran is eligible for tuition reimbursement under this  
5 subsection if he or she meets all of the following conditions:

6 1. The veteran is enrolled as a member of a federally recognized American  
7 Indian tribe or band in this state.

8 2. The veteran's annual household income does not exceed \$50,000 plus \$1,000  
9 for each dependent in excess of 2 dependents.

10 3. The veteran is a resident of this state at the time of application under par.  
11 (a).

12 4. The veteran was a resident of this state at the time of his or her entry into  
13 service or was a resident of this state for any consecutive 12-month period after entry  
14 into service and before the date of application under par. (a). If a veteran who  
15 submits an application under par. (a) meets that consecutive 12-month residency  
16 requirement, the department may not require the veteran to reestablish that he or  
17 she meets that residency requirement when he or she later applies for any other  
18 benefit under this chapter for which that residency requirement applies.

19 5. The veteran does not have a bachelor's or higher degree from an institution  
20 of higher education, as defined in 20 USC 1001 (a).

21 (c) *Benefits.* 1. Subject to the limitations under par. (d), if a veteran submits  
22 an application under par. (a) and establishes his or her eligibility for tuition  
23 reimbursement under par. (b), the department shall reimburse the veteran for the  
24 total amount of his or her tribal college tuition from the appropriation under s. 20.485  
25 (2) (km).

1           2. If in any fiscal year the total amount of reimbursement payments to be paid  
2 under subd. 1. exceeds the moneys available for the payments from the appropriation  
3 under s. 20.485 (2) (km), the department shall prorate the available moneys among  
4 the applicants for reimbursement in proportion to the approved reimbursement  
5 amounts.

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8 college:

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11           b. If the veteran served on active duty, except service on active duty for training  
12 purposes, for 181 to 730 days, 60 credits or 4 semesters.

13           c. If the veteran served on active duty, except service on active duty for training  
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15 a veteran begins later than 10 years after the veteran's separation from service, the  
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17           3. The department may not provide reimbursement under this subsection to  
18 a veteran who is delinquent in child support or maintenance payments or who owes  
19 past support, medical expenses, or birth expenses, as established by appearance of  
20 the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), unless  
21 the veteran provides the department with one of the following:

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24 kept current for the 6-month period immediately preceding the date of the  
25 application under par. (a).

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3 expenses, signed by the department of children and families or its designee within  
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8           5. The department may not provide reimbursement under this subsection for  
9 any semester for which the veteran received reimbursement under s. 45.20.

10          6. The department may not provide reimbursement under this subsection for  
11 any semester in which the veteran fails to receive at least a 2.0 grade point average  
12 or an average grade of "C."

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14 the amount of any grant or scholarship the veteran receives specifically for the  
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19 any semester in which he or she received a payment under s. 45.20 (2) or 45.205 (2).

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23 under section 227.24 of the statutes implementing section 45.205 of the statutes, as  
24 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,  
25 emergency rules promulgated under this subsection remain in effect until July 1,

1 2014, or the date on which permanent rules take effect, whichever is sooner.  
2 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
3 required to provide evidence that promulgating a rule under this subsection as an  
4 emergency rule is necessary for the preservation of the public peace, health, safety,  
5 or welfare and is not required to provide a finding of emergency for a rule  
6 promulgated under this subsection.

7 (END)