



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1456/1
ARG:jld:rs

2015 ASSEMBLY BILL 186

April 22, 2015 - Introduced by Representatives HESSELBEIN, CONSIDINE, THIESFELDT, GOYKE, MILROY, SUBECK, OHNSTAD, WACHS, SINICKI, JOHNSON, POPE, ZAMARRIPA, BERCEAU, HEBL, SPREITZER and RIEMER, cosponsored by Senators WIRCH, LASSA and CARPENTER. Referred to Committee on Colleges and Universities.

1 **AN ACT** *to amend* 38.24 (3) (a); and *to create* 36.27 (2) (b) 5. and 38.24 (3m) of
2 the statutes; **relating to:** resident fees for nonresident veterans and eligible
3 spouses and children enrolled in the University of Wisconsin System or a
4 technical college.

Analysis by the Legislative Reference Bureau

Under current law, the Technical College System (TCS) Board establishes program fees that the technical college districts must charge students. With exceptions, the fees for nonresidents are 150 percent of the fees for residents. The TCS Board must establish procedures to determine the residence of students attending technical colleges, but statutes specify that certain students must be considered residents of this state, including veterans verified by the Department Veterans Affairs as being residents for purposes of receiving specified benefits. Current law also provides for full fee remission at technical colleges for certain resident veterans and qualifying family members under certain circumstances.

This bill requires technical college districts to charge resident fees to: 1) a veteran living in this state, regardless of whether the veteran is a resident, if the veteran was discharged or released from at least 90 days of active service within the three years before the date of enrollment in the technical college; and 2) the veteran's spouse or child, living in this state, who is eligible for certain federal benefits by virtue of his or her relationship to the veteran.

For purposes of item 1), above, the date of enrollment is the date on which the student's fees deposit is received. After a veteran or qualifying spouse or child is

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enrolled at a technical college, the technical college district must continue to charge resident fees for as long as the veteran or spouse or child is continuously enrolled.

Current law allows the Board of Regents of the University of Wisconsin (UW) System to charge different tuition rates to resident and nonresident students. In general, to receive resident student tuition, an adult student must have been a bona fide Wisconsin resident for at least 12 months before the semester of enrollment begins and the student's presence in Wisconsin principally to obtain an education does not count toward this 12-month residency period. However, current law also includes nonresident tuition exemptions under which certain nonresidents pay resident tuition rates, including the following exemptions for members of the armed forces and veterans: 1) nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty, and their spouses and children, are entitled to an exemption while stationed in this state; 2) nonresident persons who served in active duty in the armed forces for at least ten years, who were honorably discharged within four years before applying at an institution, and who meet other criteria, and their spouses and children, are entitled to an exemption; and 3) a veteran meeting certain criteria who was a resident of this state at the time of entry into active duty and who resides in this state at the time of registration is entitled to an exemption.

This bill specifies that, for purposes of determining the date of enrollment of a student under federal law relating to resident tuition for nonresident veterans, the Board of Regents must consider the date of enrollment at a UW System institution to be the date on which the student's academic fees deposit or tuition deposit is received.

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

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

1 **SECTION 1.** 36.27 (2) (b) 5. of the statutes is created to read:
2 36.27 (2) (b) 5. In implementing the provisions of this paragraph and 38 USC
3 3679, for purposes of determining whether a student is a covered individual under
4 38 USC 3679 (c) (2) (A), the board shall consider the date of enrollment at an
5 institution to be the date on which the student's academic fees deposit or tuition
6 deposit is received.

7 **SECTION 2.** 38.24 (3) (a) of the statutes is amended to read:

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1 38.24 (3) (a) ~~For~~ Except as provided in sub. (3m), for all students who are not
2 residents of this state, nor subject to reciprocal agreements with the board, annually
3 the board shall establish a fee based on 150 percent of program fees established
4 under sub. (1m) (a) and (b).

5 **SECTION 3.** 38.24 (3m) of the statutes is created to read:

6 38.24 (3m) NONRESIDENT FEE EXEMPTION FOR VETERANS AND THEIR SPOUSES AND
7 CHILDREN. (a) In this subsection, “covered individual” has the meaning given in 38
8 USC 3679 (c) (2).

9 (b) The district boards shall charge covered individuals living in this state the
10 fees established under sub. (1m) (a) and (b).

11 (c) After a covered individual living in this state is enrolled at a technical college
12 and is charged fees in accordance with par. (b), fees established in accordance with
13 this subsection, rather than sub. (3) (a), shall continue to be charged to the covered
14 individual for as long as the covered individual is continuously enrolled at the
15 technical college.

16 (d) In determining whether a student is a covered individual under this
17 subsection, the district boards shall consider the date of enrollment at a technical
18 college for purposes of 38 USC 3679 (c) (2) (A) to be the date on which the student’s
19 fees deposit is received.

20 (e) This subsection does not affect any other fee exemption or fee remission for
21 which a covered individual may be eligible under this section.

22 **SECTION 4. Initial applicability.**

23 (1) This act first applies to students enrolled for the first semester or session
24 beginning after the effective date of this subsection.

25

(END)