



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5209/1
ARG:skw

2021 SENATE BILL 711

November 19, 2021 - Introduced by Senators TESTIN, FELZKOWSKI, NASS and STROEBEL, cosponsored by Representatives HORLACHER, ALLEN, ARMSTRONG, BEHNKE, BRANDTJEN, CABRAL-GUEVARA, DITTRICH, DUCHOW, EDMING, GUNDRUM, JAMES, KNODL, MACCO, MAGNAFICI, MOSES, MURPHY, PENTERMAN, ROZAR, SCHRAA, SORTWELL and WICHGERS. Referred to Committee on Universities and Technical Colleges.

1 **AN ACT** *to renumber and amend* 38.24 (1); *to amend* 36.27 (1) (a) and 38.24
2 (1m) (intro.); and *to create* 36.05 (6r), 36.27 (1) (c), 38.24 (1) (a) and 38.24 (1p)
3 of the statutes; **relating to:** tuition and fees at University of Wisconsin System
4 institutions and technical colleges and COVID-19 vaccination requirements.

Analysis by the Legislative Reference Bureau

This bill requires a University of Wisconsin System institution and a technical college to refund to a student all current and previously charged tuition and fees associated with the student's enrollment in a program at the UW institution or technical college if all of the following apply: 1) the UW institution or technical college requires the student to be vaccinated against COVID-19 as a condition of participation in the program; 2) the UW institution or technical college refuses an exemption for the student to this requirement to accommodate the student's sincerely held religious beliefs or personal convictions; and 3) the UW institution or technical college prohibits the student from participation in the program because of the student's failure to be vaccinated against COVID-19 and the student's participation in the program is therefore temporarily or permanently discontinued.

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:

SENATE BILL 711**SECTION 1**

1 **SECTION 1.** 36.05 (6r) of the statutes is created to read:

2 36.05 (6r) “COVID-19” has the meaning given in s. 895.476 (1) (a).

3 **SECTION 2.** 36.27 (1) (a) of the statutes is amended to read:

4 36.27 (1) (a) Subject to ~~par.~~ pars. (b) and (c), the board may establish for
5 different classes of students differing tuition and fees incidental to enrollment in
6 educational programs or use of facilities in the system. Except as otherwise provided
7 in this section, the board may charge any student who is not exempted by this section
8 a nonresident tuition. The board may establish special rates of tuition and fees for
9 the extension and summer sessions and such other studies or courses of instruction
10 as the board deems advisable.

11 **SECTION 3.** 36.27 (1) (c) of the statutes is created to read:

12 36.27 (1) (c) An institution shall refund to a student all current and previously
13 charged academic fees, nonresident tuition, and segregated fees associated with the
14 student’s enrollment in a program at the institution if all of the following apply:

15 1. The institution requires the student to be vaccinated against COVID-19 as
16 a condition of participation in the program.

17 2. The institution refuses an exemption for the student to the requirement
18 under subd. 1. to accommodate the student’s sincerely held religious beliefs or
19 personal convictions.

20 3. The institution prohibits the student from participation in the program
21 because of the student’s failure to be vaccinated against COVID-19 and the student’s
22 participation in the program is therefore temporarily or permanently discontinued.

23 **SECTION 4.** 38.24 (1) of the statutes is renumbered 38.24 (1) (intro.) and
24 amended to read:

25 38.24 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“operational;~~

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1 **(b)** “Operational cost” means costs funded by general purpose revenue,
2 property taxes and uniform fees established under sub. (1m) (a) and (b).

3 **SECTION 5.** 38.24 (1) (a) of the statutes is created to read:

4 38.24 (1) (a) “COVID-19” has the meaning given in s. 895.476 (1) (a).

5 **SECTION 6.** 38.24 (1m) (intro.) of the statutes is amended to read:

6 38.24 (1m) PROGRAM FEES. (intro.) The Except as provided in sub. (1p), the
7 district boards shall charge students the fees established by the state board under
8 this subsection. Annually, the board shall establish:

9 **SECTION 7.** 38.24 (1p) of the statutes is created to read:

10 38.24 (1p) PROHIBITED FEES AND REFUNDS RELATED TO COVID-19 VACCINATION
11 STATUS. Notwithstanding any policy established under sub. (2), a district board shall
12 refund to a student all current and previously charged fees under sub. (1m)
13 associated with the student’s enrollment in a program at a technical college of the
14 district if all of the following apply:

15 (a) The district board requires the student to be vaccinated against COVID-19
16 as a condition of participation in the program.

17 (b) The district board refuses an exemption for the student to the requirement
18 under par. (a) to accommodate the student’s sincerely held religious beliefs or
19 personal convictions.

20 (c) The district board prohibits the student from participation in the program
21 because of the student’s failure to be vaccinated against COVID-19 and the student’s
22 participation in the program is therefore temporarily or permanently discontinued.

23 **SECTION 8. Initial applicability.**

