



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5052/1
JAM:wlj

2021 SENATE BILL 717

November 19, 2021 - Introduced by Senators STAFSHOLT, BALLWEG, BERNIER, BEWLEY, DARLING, FELZKOWSKI, LARSON, PFAFF, ROYS and SMITH, cosponsored by Representatives ZIMMERMAN, BALDEH, BILLINGS, BORN, BROSTOFF, DOYLE, DUCHOW, EMERSON, HORLACHER, KRUG, KUGLITSCH, LOUDENBECK, MILROY, MOSES, NEUBAUER, OLDENBURG, PETRYK, RAMTHUN, STUBBS, WICHGERS and WITKE. Referred to Committee on Universities and Technical Colleges.

1 **AN ACT** *to amend* 20.235 (1) (e) (title), 20.285 (1) (gb), 39.42, 39.47 (title), 39.47
2 (1), 39.47 (2), 45.20 (2) (a) 1., 45.20 (2) (c) 1., 45.20 (2) (d) 1. (intro.), 71.05 (6) (b)
3 28. (intro.) and 321.40 (1) (c) 2.; and *to create* 36.27 (2r) of the statutes;
4 **relating to:** the Minnesota-Wisconsin tuition reciprocity agreement and
5 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Higher Educational Aids Board administers and has authority to renegotiate the Minnesota-Wisconsin tuition reciprocity agreement. The agreement provides for the waiver of nonresident tuition for residents of either state who are enrolled in public vocational schools and for a reciprocal fee structure for residents of either state who are enrolled in public institutions of higher education located in the other state.

This bill requires the University of Wisconsin System to enter into, administer, and renegotiate with Minnesota a tuition reciprocity agreement that provides for the waiver of nonresident tuition and for a reciprocal fee structure for residents of either state who are enrolled in public institutions of higher education located in the other state. This bill requires that all the tuition paid by Minnesota students attending UW institutions under the agreement, including tuition commonly referred to as differential reciprocity tuition, be credited to a UW System appropriation account from which UW System expenditures are authorized. The bill requires the Board of Regents to ensure that each institution is allocated the amounts received under the

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tuition reciprocity agreement in proportion to the total amount each institution charged its students with Minnesota residence in tuition and fees.

This bill also requires HEAB to enter into, administer, and renegotiate with Minnesota a fee reciprocity agreement that provides for the waiver of nonresident fees for residents of either state who are enrolled in public vocational schools in the other state.

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.** 20.235 (1) (e) (title) of the statutes is amended to read:

2 20.235 (1) (e) (title) *Minnesota-Wisconsin public vocational school student*
3 *reciprocity agreement.*

4 **SECTION 2.** 20.285 (1) (gb) of the statutes is amended to read:

5 20.285 (1) (gb) *General program operations.* All moneys received from the
6 operation of educational programs and related programs and as earnings from
7 investments under s. 36.11 (11m) to carry out the purposes for which received,
8 including the transfer of funds to par. (gj), and for payment of any reimbursement
9 obligation under s. 36.27 (2r) (e). In each fiscal year, the Board of Regents shall
10 transfer no more than \$30,338,500 from this appropriation account to the medical
11 assistance trust fund.

12 **SECTION 3.** 36.27 (2r) of the statutes is created to read:

13 36.27 (2r) MINNESOTA-UNIVERSITY OF WISCONSIN SYSTEM STUDENT RECIPROCITY
14 AGREEMENT. (a) There is established, to be administered by the board, a
15 Minnesota-University of Wisconsin System student reciprocity agreement, the
16 purpose of which shall be to ensure that neither state shall profit at the expense of
17 the other and that the determination of any amounts owed by either state under the
18 agreement shall be based on an equitable formula that reflects the educational costs

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1 incurred by the 2 states, reflects any differentials in usage by residents of either state
2 of the public institutions of higher education located in the other state, and reflects
3 any differentials in the resident tuition charged at comparable public institutions of
4 higher education of the 2 states. The board, representing this state, shall enter into
5 an agreement meeting the requirements of this subsection with the designated body
6 representing the state of Minnesota.

7 (b) The agreement under this subsection shall provide for the waiver of
8 nonresident tuition for residents of either state who are enrolled in public
9 institutions of higher education located in the other state. The agreement shall also
10 establish a reciprocal fee structure for residents of either state who are enrolled in
11 public institutions of higher education located in the other state. The reciprocal fee
12 may not exceed the higher of the resident tuition that would be charged the student
13 at the public institution of higher education in which the student is enrolled or the
14 resident tuition that would be charged the student at comparable public institutions
15 of higher education located in the student's state of residence, as specified in the
16 annual administrative memorandum under par. (c). The agreement is subject to the
17 approval of the joint committee on finance.

18 (c) Prior to each academic year, the board and the designated body representing
19 the state of Minnesota shall prepare an administrative memorandum that
20 establishes policies and procedures for implementation of the agreement for the
21 upcoming academic year, including a description of how the reciprocal fee structure
22 shall be determined for purposes of par. (b), and the board shall submit the
23 administrative memorandum to the joint committee on finance. If the
24 cochairpersons of the committee do not notify the board that the committee has
25 scheduled a meeting for the purpose of reviewing the administrative memorandum

SENATE BILL 717**SECTION 3**

1 within 14 working days after the date of the submittal, the administrative
2 memorandum may be implemented as proposed by the board. If, within 14 working
3 days after the date of the submittal, the cochairpersons of the committee notify the
4 board that the committee has scheduled a meeting for the purpose of reviewing the
5 administrative memorandum, the administrative memorandum may be
6 implemented only upon approval of the committee.

7 (d) No resident of this state whose name appears on the statewide support lien
8 docket under s. 49.854 (2) (b) may receive a waiver of nonresident tuition under this
9 subsection unless the resident provides to the board a payment agreement that has
10 been approved by the county child support agency under s. 59.53 (5) and that is
11 consistent with rules promulgated under s. 49.858 (2) (a).

12 (e) At the end of each semester or academic term, each state shall determine
13 the number of students for whom nonresident tuition has been waived under the
14 agreement. Each state shall certify to the other state, in addition to the number of
15 students so determined, the aggregate amount of its reimbursement obligation. The
16 state with the larger reimbursement obligation shall pay as provided in the
17 agreement an amount determined by subtracting the reimbursement obligation of
18 the state with the smaller reimbursement obligation from the reimbursement
19 obligation of the state with the larger reimbursement obligation. The agreement
20 shall provide a reasonable date for payment of any such sums due and owing, after
21 which date interest may be charged on the amount owed. The methodology for
22 determination of the appropriate interest rate shall be included in the agreement.
23 All tuition and fees received by this state under this subsection and any net
24 obligations received under this paragraph shall be credited to the appropriation
25 account under s. 20.285 (1) (gb).

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1 (f) In allocating funding for each institution under s. 36.09 (1) (h), the board
2 shall ensure that each institution is allocated the amounts received pursuant to par.
3 (e) in proportion to the total amount each institution charged its students with
4 Minnesota residence in tuition and fees under the agreement under this subsection.

5 **SECTION 4.** 39.42 of the statutes is amended to read:

6 **39.42 Interstate agreements.** The board, with the approval of the joint
7 committee on finance, or the governing boards of any publicly supported institution
8 of post-high school education, with the approval of the board and the joint committee
9 on finance, may enter into agreements or understandings which include remission
10 of nonresident tuition for designated categories of students at state institutions of
11 higher education with appropriate state agencies and institutions of higher
12 education in other states to facilitate use of public higher education institutions of
13 this state and other states. Such agreements and understandings shall have as their
14 purpose the mutual improvement of educational advantages for residents of this
15 state and such other states or institutions of other states with which agreements are
16 made. This section does not apply to the agreement under s. 36.27 (2r).

17 **SECTION 5.** 39.47 (title) of the statutes is amended to read:

18 **39.47 (title) Minnesota-Wisconsin public vocational school student**
19 **reciprocity agreement.**

20 **SECTION 6.** 39.47 (1) of the statutes is amended to read:

21 39.47 (1) There is established, to be administered by the board, a
22 Minnesota-Wisconsin public vocational school student reciprocity agreement, ~~the~~
23 ~~purpose of which shall be to ensure that neither state shall profit at the expense of~~
24 ~~the other and that the determination of any amounts owed by either state under the~~
25 ~~agreement shall be based on an equitable formula which reflects the educational~~

SENATE BILL 717**SECTION 6**

1 ~~costs incurred by the 2 states, reflects any differentials in usage by residents of either~~
2 ~~state of the public institutions of higher education located in the other state, and~~
3 ~~reflects any differentials in the resident tuition charged at comparable public~~
4 ~~institutions of higher education of the 2 states.~~ The board, representing this state,
5 shall enter into an agreement meeting the requirements of this section with the
6 designated body representing the state of Minnesota.

7 **SECTION 7.** 39.47 (2) of the statutes is amended to read:

8 39.47 (2) The agreement under this section shall provide for the waiver of
9 nonresident tuition fees for a resident of either state who is enrolled in a public
10 vocational school located in the other state. ~~The agreement shall also establish a~~
11 ~~reciprocal fee structure for residents of either state who are enrolled in public~~
12 ~~institutions of higher education, other than vocational schools, located in the other~~
13 ~~state.~~ The reciprocal fee may not exceed the higher of the resident tuition fees that
14 would be charged the student at the public institution of higher education vocational
15 school in which the student is enrolled or the resident tuition fees that would be
16 charged the student at a comparable public institutions of higher education
17 vocational school located in his or her state of residence, as specified in the annual
18 administrative memorandum under sub. (2g). ~~The agreement shall take effect on~~
19 ~~July 1, 2007.~~ The agreement is subject to the approval of the joint committee on
20 finance under s. 39.42.

21 **SECTION 8.** 45.20 (2) (a) 1. of the statutes is amended to read:

22 45.20 (2) (a) 1. The department shall administer a tuition reimbursement
23 program for eligible veterans enrolling as undergraduates in any institution of
24 higher education in this state, enrolling in a school that is approved under s. 45.03
25 (11), enrolling in a proprietary school that is approved under s. 440.52, enrolling in

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1 a public or private high school, enrolling in a tribal school, as defined in s. 115.001
2 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under
3 s. 36.27 (2r) or 39.47.

4 **SECTION 9.** 45.20 (2) (c) 1. of the statutes is amended to read:

5 45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)
6 1. may be reimbursed upon satisfactory completion of an undergraduate semester in
7 any institution of higher education in this state, or upon satisfactory completion of
8 a course at any school that is approved under s. 45.03 (11), any proprietary school
9 that is approved under s. 440.52, any public or private high school, any tribal school,
10 as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any institution
11 from which the veteran receives a waiver of nonresident tuition under s. 36.27 (2r)
12 or 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed
13 the total cost of the veteran's tuition minus any grants or scholarships that the
14 veteran receives specifically for the payment of the tuition, or, if the tuition is for an
15 undergraduate semester in any institution of higher education, the standard cost of
16 tuition for a state resident for an equivalent undergraduate semester at the
17 University of Wisconsin-Madison, whichever is less.

18 **SECTION 10.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

19 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
20 reimbursement under this subsection at any institution of higher education in this
21 state, at a school that is approved under s. 45.03 (11), at a proprietary school that is
22 approved under s. 440.52, at a public or private high school, at a tribal school, as
23 defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an institution
24 where he or she is receiving a waiver of nonresident tuition under s. 36.27 (2r) or
25 39.47 is limited to the following:

SENATE BILL 717**SECTION 11**

1 **SECTION 11.** 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 and
3 mandatory student fees for a student who is the claimant or who is the claimant's
4 child and the claimant's dependent, as defined under section 152 of the Internal
5 Revenue Code, to attend any university, college, technical college or a school
6 approved under s. 440.52, 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~~ a reciprocity agreement under s. 36.27 (2r) or 39.47,
9 calculated as follows:

10 **SECTION 12.** 321.40 (1) (c) 2. of the statutes is amended to read:

11 321.40 **(1)** (c) 2. A public institution of higher education under the
12 ~~Minnesota-Wisconsin~~ Minnesota-University of Wisconsin System student
13 reciprocity agreement under s. 36.27 (2r) or a public vocational school under the
14 Minnesota-Wisconsin public vocational school reciprocity agreement under s. 39.47.

15 **SECTION 13. Nonstatutory provisions.**

16 (1) ~~MINNESOTA-WISCONSIN TUITION RECIPROcity AGREEMENT.~~ The higher
17 educational aids board shall provide to the designated body representing the state
18 of Minnesota notice of the termination of the agreement under s. 39.47, 2019 stats.,
19 with the agreement's termination to become effective on July 1, 2022. The higher
20 educational aids board and the Board of Regents of the University of Wisconsin
21 System shall negotiate new agreements to replace the agreement under s. 39.47,
22 2019 stats., with these new agreements to become effective on July 1, 2022.

23 **SECTION 14. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

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1 (1) MINNESOTA-WISCONSIN TUITION RECIPROCITY AGREEMENTS. The treatment of
2 ss. 20.235 (1) (e), 20.285 (1) (gb), 36.27 (2r), 39.42, 39.47 (title), (1), and (2), 45.20 (2)
3 (a) 1., (c) 1., and (d) 1. (intro.), 71.05 (6) (b) 28. (intro.), and 321.40 (1) (c) 2. takes effect
4 on July 1, 2022.

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(END)