

State of Wisconsin



2021 Senate Bill 605

Date of enactment: **March 8, 2022**
Date of publication*: **March 9, 2022**

2021 WISCONSIN ACT 159

AN ACT *to renumber and amend* 36.27 (2) (e) and 38.22 (4); *to amend* 36.11 (16); and *to create* 36.27 (2) (e) 3. and 38.22 (4) (b) of the statutes; **relating to:** resident tuition at University of Wisconsin System institutions and technical colleges as applied to relocated service members and their children and spouses and the commencement of fall semester.

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

SECTION 1b. 36.11 (16) of the statutes is amended to read:

36.11 (16) COMMENCEMENT OF FALL SEMESTER. The board shall ensure that no fall semester classes at any institution, except medical school classes, graduate health science classes, and 4th year classes at the school of veterinary medicine, commence until after September 1.

SECTION 1f. 36.27 (2) (e) of the statutes is renumbered 36.27 (2) (e) (intro.) and amended to read:

36.27 (2) (e) (intro.) In determining bona fide residence at the time of the beginning of any semester or session and for the preceding 12 months ~~the~~ all of the following apply:

1. The intent of the person to establish and maintain a permanent home in Wisconsin is determinative. In addition to representations by the student, intent may be demonstrated or disproved by factors including, but not limited to, timely filing of a Wisconsin income tax return of a type that only full-year Wisconsin residents may file, voter registration in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's

license, place of employment, self-support, involvement in community activities in Wisconsin, physical presence in Wisconsin for at least 12 months preceding the beginning of the semester or session for which the student registers, and, if the student is not a U.S. citizen, possession of a visa that permits indefinite residence in the United States.

2. Notwithstanding subd. 1. and par. (a), a student who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of bona fide residence.

SECTION 2. 36.27 (2) (e) 3. of the statutes is created to read:

36.27 (2) (e) 3. a. In this subdivision, "relocated service member" means an active duty member of the U.S. armed forces who has been relocated from Wisconsin and stationed on active duty in another state.

b. A relocated service member and the service member's spouse and dependents are considered residents of this state for purposes of this subsection during the period in which the service member is relocated on active duty if they demonstrate, under the factors described in subd. 1., that they are bona fide residents during this period.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

c. Except as provided in subd. 3. d., subd. 3. b. does not apply after the relocated service member's period of relocation on active duty in another state has ended.

d. A relocated service member's dependent who is considered a resident of this state under subd. 3. b. continues to be considered a resident of this state after the relocated service member's period of relocation on active duty in another state has ended.

SECTION 3. 38.22 (4) of the statutes is renumbered 38.22 (4) (a) and amended to read:

38.22 (4) (a) ~~The Subject to par. (b), the~~ board shall establish procedures to determine the residence of students attending district schools. In the case of any disagreement as to the residence of any student, the board shall make the final determination.

SECTION 4. 38.22 (4) (b) of the statutes is created to read:

38.22 (4) (b) 1. In this paragraph, "relocated service member" means an active duty member of the U.S.

armed forces who has been relocated from Wisconsin and stationed on active duty in another state.

2. For purposes of sub. (6) and the procedures established under par. (a), a relocated service member and the service member's spouse and dependents are considered residents of this state during the period in which the service member is relocated on active duty if they demonstrate, under the procedures established under par. (a), that they are bona fide residents during this period.

3. Except as provided in subd. 4., subd. 2. does not apply after the relocated service member's period of relocation on active duty in another state has ended.

4. A relocated service member's dependent who is considered a resident of this state under subd. 2. continues to be considered a resident of this state after the relocated service member's period of relocation on active duty in another state has ended.

SECTION 5. Initial applicability.

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