



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1241/3
MJL:kmg:kjf

2001 SENATE BILL 288

October 23, 2001 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to repeal* 49.855 (7); *to renumber* 39.26, 39.28, 39.29, 39.38 (1), 39.395,
2 39.398, 39.41, 39.42, 39.435 (3), 39.435 (5), 39.435 (6), 39.44 (5) and 39.46; *to*
3 *renumber and amend* 39.285, 39.31, 39.38 (title), 39.38 (2), 39.38 (2), 39.39,
4 39.40, 39.435 (title), 39.435 (1), 39.435 (2), 39.435 (4), 39.44 (title), 39.44 (1) to
5 (4), 39.45 and 39.47; *to amend* 20.235 (1) (cg), 20.235 (1) (cr), 20.235 (1) (cu),
6 20.235 (1) (cx), 20.235 (1) (d), 20.235 (1) (e), 20.235 (1) (fc), 20.235 (1) (fd), 20.235
7 (1) (fe), 20.235 (1) (ff), 20.235 (1) (fg), 20.235 (1) (fj), 20.235 (1) (fy), 20.235 (1)
8 (gg), 20.235 (1) (gm), 20.235 (1) (k), 20.235 (1) (km), 36.11 (6) (c), 36.27 (3) (a),
9 36.27 (3) (b), 38.04 (7m), 39.30 (2) (intro.), 39.30 (2) (f), 39.30 (3) (intro.), 39.30
10 (3) (c), 45.25 (1), 45.25 (3) (a), 45.25 (3) (am), 45.25 (4) (a), 49.855 (7) and 71.05
11 (6) (b) 28. (intro.); *to repeal and recreate* 39.30 (title); and *to create* 39.246
12 and 39.272 of the statutes; **relating to:** administration of student financial aid
13 programs by the higher educational aids board and granting rule-making

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1 authority (suggested as remedial legislation by the higher educational aids
2 board).

Analysis by the Legislative Reference Bureau

Under current law, the higher educational aids board (HEAB) administers various student financial aid programs for state residents, including Wisconsin higher education grants, talent incentive grants, tuition grants, handicapped student grants, Indian student grant assistance, minority undergraduate retention grants, and minority teacher loans.

This bill makes the following changes to the above programs: 1) the bill renames the tuition grant program as the "Wisconsin tuition grant program"; 2) the bill specifies that a student must be enrolled in a degree or certificate program to be eligible for a Wisconsin higher education, talent incentive, minority undergraduate retention, Indian student assistance, or handicapped student grant; 3) the bill specifies that a student must be enrolled in a degree program to be eligible for a Wisconsin tuition grant; 4) the bill specifies that the minimum Indian assistance grant is \$250; and 5) the bill changes references in the minority undergraduate retention grant and minority teacher loan programs from "Black American" to "African American." The bill also reorders various statutory provisions based on recommendations by HEAB.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the higher educational aids board and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

3 **SECTION 1.** 20.235 (1) (cg) of the statutes is amended to read:
4 20.235 (1) (cg) *Nursing student loans.* The amounts in the schedule for nursing
5 student loans under s. ~~39.39~~ 39.27.

NOTE: SECTIONS 1 to 21 of this bill renumber statutory provisions to place the various grant and assistance programs in a new sequence.

6 **SECTION 2.** 20.235 (1) (cr) of the statutes is amended to read:

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1 20.235 (1) (cr) *Minority teacher loans*. The amounts in the schedule for the
2 minority teacher loan program under s. ~~39.40~~ 39.258.

3 **SECTION 3.** 20.235 (1) (cu) of the statutes is amended to read:

4 20.235 (1) (cu) *Teacher education loan program*. The amounts in the schedule
5 for the teacher education loan program under s. ~~39.395~~ 39.274.

6 **SECTION 4.** 20.235 (1) (cx) of the statutes is amended to read:

7 20.235 (1) (cx) *Loan program for teachers and orientation and mobility*
8 *instructors of visually impaired pupils*. The amounts in the schedule for the teachers
9 and orientation and mobility instructors of visually impaired pupils loan program
10 under s. ~~39.398~~ 39.275.

11 **SECTION 5.** 20.235 (1) (d) of the statutes, as affected by 2001 Wisconsin Act 16,
12 is amended to read:

13 20.235 (1) (d) *Dental education contract*. The amounts in the schedule for
14 support of those Wisconsin residents enrolled as full-time students in the pursuit of
15 a doctor of dental surgery (D.D.S.) degree. An amount of \$11,330 in the 1993-94
16 fiscal year and \$11,670 in the 1994-95 fiscal year and annually thereafter shall be
17 disbursed under s. ~~39.46~~ 39.244 for each Wisconsin resident enrolled as a full-time
18 student. The maximum number of Wisconsin residents to be funded under this
19 appropriation is 160 in the 2001-02 fiscal year and thereafter.

20 **SECTION 6.** 20.235 (1) (e) of the statutes is amended to read:

21 20.235 (1) (e) *Minnesota-Wisconsin student reciprocity agreement*. A sum
22 sufficient for the purposes of s. ~~39.47~~ 39.254.

23 **SECTION 7.** 20.235 (1) (fc) of the statutes is amended to read:

24 20.235 (1) (fc) *Independent student grants program*. Biennially, the amounts
25 in the schedule for the independent student grants program under s. ~~39.45~~ 39.248.

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1 **SECTION 8.** 20.235 (1) (fd) of the statutes is amended to read:

2 20.235 (1) (fd) *Talent incentive program grants.* Biennially, the amounts in the
3 schedule for talent incentive program grants under s. ~~39.435 (2)~~ 39.272.

4 **SECTION 9.** 20.235 (1) (fe) of the statutes is amended to read:

5 20.235 (1) (fe) *Wisconsin higher education grants; University of Wisconsin*
6 *System students.* Biennially, the amounts in the schedule for the Wisconsin higher
7 education grant program under s. ~~39.435~~ 39.276 for University of Wisconsin System
8 students, ~~except for grants awarded under s. 39.435 (2) or (5).~~

9 **SECTION 10.** 20.235 (1) (ff) of the statutes is amended to read:

10 20.235 (1) (ff) *Wisconsin higher education grants; technical college students.*
11 Biennially, the amounts in the schedule for the Wisconsin higher education grant
12 program under s. ~~39.435~~ 39.276 for technical college students, ~~except for grants~~
13 ~~awarded under s. 39.435 (2) or (5).~~

14 **SECTION 11.** 20.235 (1) (fg) of the statutes is amended to read:

15 20.235 (1) (fg) *Minority undergraduate retention grants program.* Biennially,
16 the amounts in the schedule for the minority undergraduate retention grant
17 program under s. ~~39.44~~ 39.256.

18 **SECTION 12.** 20.235 (1) (fj) of the statutes is amended to read:

19 20.235 (1) (fj) *Handicapped student grants.* Biennially, the amounts in the
20 schedule for handicapped student grants under s. ~~39.435 (5)~~ 39.246.

21 **SECTION 13.** 20.235 (1) (fy) of the statutes is amended to read:

22 20.235 (1) (fy) *Academic excellence higher education scholarships.* A sum
23 sufficient for payments to institutions of higher education under s. ~~39.41~~ 39.242.

24 **SECTION 14.** 20.235 (1) (gg) of the statutes is amended to read:

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1 20.235 (1) (gg) *Nursing student loan repayments*. All moneys received from the
2 repayment of loans made under s. ~~39.39~~ 39.27, to be used for loans under s. ~~39.39~~
3 39.27.

4 **SECTION 15.** 20.235 (1) (gm) of the statutes is amended to read:

5 20.235 (1) (gm) *Indian student grant assistance; contributions*. All moneys
6 received from contributions under s. ~~39.38~~ 39.25 (2), to be used for grants under s.
7 ~~39.38~~ 39.25.

8 **SECTION 16.** 20.235 (1) (k) of the statutes, as affected by 2001 Wisconsin Act
9 16, is amended to read:

10 20.235 (1) (k) *Indian student assistance*. Biennially, the amounts in the
11 schedule to carry out the purposes of s. ~~39.38~~ 39.25. All moneys transferred from the
12 appropriation account under s. 20.505 (8) (hm) 4i. shall be credited to this
13 appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered
14 balance on June 30 of each odd-numbered year shall revert to the appropriation
15 account under s. 20.505 (8) (hm).

16 **SECTION 17.** 20.235 (1) (km) of the statutes, as affected by 2001 Wisconsin Act
17 16, is amended to read:

18 20.235 (1) (km) *Wisconsin higher education grants; tribal college students*.
19 Biennially, the amounts in the schedule for the Wisconsin higher education grant
20 program under s. ~~39.435~~ 39.276 for tribal college students, except for grants awarded
21 under s. ~~39.435 (2) or (5)~~ 39.246 (3) or 39.272 (1). All moneys transferred from the
22 appropriation account under s. 20.505 (8) (hm) 10. shall be credited to this
23 appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered
24 balance on June 30 of each odd-numbered year shall revert to the appropriation
25 account under s. 20.505 (8) (hm).

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1 **SECTION 18.** 36.11 (6) (c) of the statutes is amended to read:

2 36.11 **(6)** (c) By April 10, 1998, and annually thereafter, the board shall develop
3 and submit to the higher educational aids board for its review under s. ~~39.285~~ 39.22
4 (1) a proposed formula for the awarding of grants under s. ~~39.435~~, ~~except for grants~~
5 ~~awarded under s. 39.435 (2) or (5)~~ 39.276, for the upcoming academic year to students
6 enrolled in the system.

7 **SECTION 19.** 36.27 (3) (a) of the statutes is amended to read:

8 36.27 **(3)** (a) To a number of needy and worthy nonresident students upon the
9 basis of merit, to be shown by suitable tests, examinations or scholastic records and
10 continued high standards of scholastic attainment. The aggregate amount of these
11 nonresident remissions of tuition shall not exceed an amount equal to full remissions
12 for 8% of the number of nonresident students registered at that institution in the
13 preceding year, excluding those students participating in interstate agreements
14 under s. ~~39.42~~ 39.252.

15 **SECTION 20.** 36.27 (3) (b) of the statutes is amended to read:

16 36.27 **(3)** (b) To additional individual students who, in the judgment of the
17 board, are deserving of relief from the assessment of nonresident tuition because of
18 extraordinary circumstances. The aggregate amount of these nonresident
19 remissions of tuition shall not exceed an amount equal to full remissions for 2% of
20 the number of nonresident students registered in the preceding year, excluding those
21 students participating in interstate agreements under s. ~~39.42~~ 39.252.

22 **SECTION 21.** 38.04 (7m) of the statutes is amended to read:

23 38.04 **(7m)** FINANCIAL AIDS. By April 10, 1998, and annually thereafter, the
24 board shall develop and submit to the higher educational aids board for its review
25 under s. ~~39.285~~ 39.22 (1) a proposed formula for the awarding of grants under s.

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1 ~~39.435, except for grants awarded under s. 39.435 (2) or (5) 39.276,~~ for the upcoming
2 academic year to students enrolled in the technical colleges.

3 **SECTION 22.** 39.246 of the statutes is created to read:

4 **39.246 Handicapped student grants.** (1) There is established, to be
5 administered by the board, a higher education grant program for postsecondary
6 resident students enrolled at least half-time in a degree or certificate program and
7 registered as freshmen, sophomores, juniors, or seniors in accredited institutions of
8 higher education in this state.

9 (2) Grants awarded under sub. (1) shall not be less than \$250 during any
10 academic year, unless the joint committee on finance approves an adjustment in the
11 amount of the minimum grant. Grants under sub. (1) shall not exceed \$1,800 during
12 any one academic year. The board may not award a grant to the same student for
13 more than 10 consecutive semesters or their equivalent. The board shall, by rule,
14 establish a reporting system to periodically provide student economic data and shall
15 promulgate other rules that the board finds necessary to ensure uniform
16 administration of the grants awarded under sub. (1).

17 (4) The board may not make a grant under this section to a person if the board
18 receives a certification under s. 49.855 (7) that the person is delinquent in child
19 support or maintenance payments or owes past support, medical expenses or birth
20 expenses.

NOTE: SECTION 22 of this bill specifies that a student must be enrolled in a degree
or certificate program in order to be eligible for a handicapped student grant.

21 **SECTION 23.** 39.26 of the statutes is renumbered 39.20.

NOTE: SECTIONS 23, 25, 26 and 27 of this bill renumber statutory provisions to place
the various grant and assistance programs in a new sequence.

22 **SECTION 24.** 39.272 of the statutes is created to read:

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2 **(2)** The board may not make a grant under this section to a person if the board
3 receives a certification under s. 49.855 (7) that the student is delinquent in child
4 support or maintenance payments or owes past support, medical expenses, or birth
5 expenses.

NOTE: SECTION 24 of this bill creates a new statutory section for the talent incentive grant program. Currently, the talent incentive grant program and the Wisconsin higher education grant program are located in the same section of the statutes. SECTION 24 also specifies that the board may not award a talent incentive grant to a student who is delinquent in child support or maintenance payments or owes past support, medical expenses, or birth expenses.

6 **SECTION 25.** 39.28 of the statutes, as affected by 2001 Wisconsin Act 16, is
7 renumbered 39.21.

8 **SECTION 26.** 39.285 of the statutes is renumbered 39.22 and amended to read:

9 **39.22 Board review of proposed formulae.** **(1)** By May 1, 1998, and
10 annually thereafter, the board shall approve, modify or disapprove any proposed
11 formula for the awarding of Wisconsin higher education grants for the upcoming
12 academic year submitted under sub. (2) or (3) or s. 36.11 (6) (c) or 38.04 (7m).

13 **(2)** By April 10, 1998, and annually thereafter, the Wisconsin Association of
14 Independent Colleges and Universities shall develop and submit to the board for its
15 review under sub. (1) a proposed formula for the awarding of Wisconsin tuition
16 grants under s. 39.30 for the upcoming academic year to students enrolled at private
17 nonprofit institutions of higher education.

18 **(3)** By April 10, 1998, and annually thereafter, each tribally controlled college
19 in this state is requested to develop and submit to the board for its review under sub.
20 (1) a proposed formula for the awarding of Wisconsin tuition grants under s. ~~39.435~~,
21 ~~except for grants awarded under s. 39.435 (2) or (5),~~ 39.30 for the upcoming academic
22 year to students enrolled at that tribally controlled college.

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1 **SECTION 27.** 39.29 of the statutes is renumbered 39.23.

2 **SECTION 28.** 39.30 (title) of the statutes is repealed and recreated to read:

3 **39.30 (title) Wisconsin tuition grants.**

 NOTE: SECTION 28 of this bill changes the name of the “tuition grant program” to the “Wisconsin tuition grant program”.

4 **SECTION 29.** 39.30 (2) (intro.) of the statutes is amended to read:

5 **39.30 (2) ELIGIBILITY.** (intro.) A resident student enrolled at least half-time in
6 a degree program and registered as a freshman, sophomore, junior or senior in an
7 accredited, nonprofit, post-high school, educational institution in this state shall be
8 eligible for grants under this section for each semester of attendance, but:

 NOTE: SECTIONS 29 and 31 of this bill require under the renamed Wisconsin tuition grant program that a student must be enrolled in a degree program in order to be eligible for the grant.

9 **SECTION 30.** 39.30 (2) (f) of the statutes is amended to read:

10 **39.30 (2) (f)** No grants may be awarded under this section unless the formula
11 submitted under s. ~~39.285~~ 39.22 (2) is approved or modified by the board under s.
12 ~~39.285~~ 39.22 (1).

 NOTE: SECTION 30 of this bill renumbers statutory provisions to place the various grant and assistance programs in a new sequence.

13 **SECTION 31.** 39.30 (3) (intro.) of the statutes is amended to read:

14 **39.30 (3) BASIS OF GRANTS.** (intro.) The grant to be paid to a resident student
15 enrolled at least half-time in a degree program and registered as a freshman,
16 sophomore, junior or senior after August 1, 1979, shall be determined as follows:

17 **SECTION 32.** 39.30 (3) (c) of the statutes is amended to read:

18 **39.30 (3) (c)** Multiply the percentage calculated in par. (b) times the student’s
19 expected family contribution which has been determined using the same analysis as
20 that used to determine the expected family contribution of students applying for
21 Wisconsin higher education grants under s. ~~39.435~~ 39.276.

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NOTE: SECTIONS 32, 33, 34 and 35 of this bill renumber statutory provisions to place the various grant and assistance programs in a new sequence.

1 **SECTION 33.** 39.31 of the statutes is renumbered 39.24, and 39.24 (intro.), as
2 renumbered, is amended to read:

3 **39.24 Determination of student costs.** (intro.) In determining a student's
4 total cost of attending a postsecondary institution for the purpose of calculating the
5 amount of a grant under s. 39.25, 39.256, 39.276, or 39.30, 39.38, 39.435 or 39.44, the
6 board shall include the following:

7 **SECTION 34.** 39.38 (title) of the statutes is renumbered 39.25 (title) and
8 amended to read:

9 **39.25 (title) Indian student grant assistance.**

10 **SECTION 35.** 39.38 (1) of the statutes is renumbered 39.25 (1).

11 **SECTION 36.** 39.38 (2) of the statutes, as affected by 1999 Wisconsin Act 9,
12 section 912, is renumbered 39.25 (2) and amended to read:

13 **39.25 (2)** Grants under this section shall be based on financial need, as
14 determined by the board. The minimum grant shall not be less than \$250 and the
15 maximum grant shall not exceed \$2,200 per year, of which not more than \$1,100 may
16 be from the appropriation under s. 20.235 (1) (k). State aid from this appropriation
17 may be matched by a contribution from a federally recognized American Indian tribe
18 or band that is deposited in the general fund and credited to the appropriation
19 account under s. 20.235 (1) (gm). Grants shall be awarded to students for full-time
20 or part-time attendance in a degree or certificate program at any accredited
21 institution of higher education in this state. The board may not make a grant under
22 this section to a student if the board receives a certification under s. 49.855 (7) that
23 the student is delinquent in child support or maintenance payments or owes past

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1 support, medical expenses or birth expenses. Grants shall be renewable for up to 5
2 years if a recipient remains in good academic standing at the institution that he or
3 she is attending.

NOTE: SECTIONS 36 and 37 of this bill specify that a student must be enrolled in a degree or certificate program in order to be eligible for an Indian student assistance grant. These sections also create a minimum Indian assistance grant of \$250. Currently, the maximum grant may not exceed \$2,200 per year and there is no minimum grant.

4 **SECTION 37.** 39.38 (2) of the statutes, as affected by 1999 Wisconsin Act 9,
5 section 912c, is renumbered 39.25 (2) and amended to read:

6 39.25 (2) Grants under this section shall be based on financial need, as
7 determined by the board. The minimum grant shall not be less than \$250 and the
8 maximum grant shall not exceed \$2,200 per year, of which not more than \$1,100 may
9 be from the appropriation under s. 20.235 (1) (k). State aid from this appropriation
10 may be matched by a contribution from a federally recognized American Indian tribe
11 or band that is deposited in the general fund and credited to the appropriation
12 account under s. 20.235 (1) (gm). Grants shall be awarded to students for full-time
13 or part-time attendance in a degree or certificate program at any accredited
14 institution of higher education in this state. The board may not make a grant under
15 this section to a student whose name appears on the statewide support lien docket
16 under s. 49.854 (2) (b), unless the student provides to the board a payment agreement
17 that has been approved by the county child support agency under s. 59.53 (5) and that
18 is consistent with rules promulgated under s. 49.858 (2) (a). Grants shall be
19 renewable for up to 5 years if a recipient remains in good academic standing at the
20 institution that he or she is attending.

21 **SECTION 38.** 39.39 of the statutes is renumbered 39.27, and 39.27 (2) (b), as
22 renumbered, is amended to read:

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1 39.27 (2) (b) Promulgate rules to administer this section, including rules
2 establishing loan amounts and the criteria and procedures for loan forgiveness and
3 for selecting loan recipients. Loan recipients shall be selected on the basis of
4 financial need, as determined by the board, using the needs analysis methodology
5 used under s. ~~39.435~~ 39.276.

NOTE: SECTIONS 38, 39 and 40 of this bill renumber statutory provisions to place
the various grant and assistance programs in a new sequence.

6 **SECTION 39.** 39.395 of the statutes is renumbered 39.274.

7 **SECTION 40.** 39.398 of the statutes is renumbered 39.275.

8 **SECTION 41.** 39.40 of the statutes is renumbered 39.258, and 39.258 (1) (a), as
9 renumbered, is amended to read:

10 39.258 (1) (a) ~~A Black~~ An African American.

NOTE: SECTION 41 of this bill changes a reference in the minority teacher loan
program from "Black American" to "African American".

11 **SECTION 42.** 39.41 of the statutes is renumbered 39.242.

NOTE: SECTIONS 42, 43 and 44 of this bill renumber statutory provisions to place
the various grant and assistance programs in a new sequence.

12 **SECTION 43.** 39.42 of the statutes is renumbered 39.252.

13 **SECTION 44.** 39.435 (title) of the statutes is renumbered 39.276 (title) and
14 amended to read:

15 **39.276** (title) **Wisconsin higher education grants and talent incentive**
16 **grants.**

17 **SECTION 45.** 39.435 (1) of the statutes is renumbered 39.276 (1) and amended
18 to read:

19 39.276 (1) There is established, to be administered by the board, a higher
20 education grant program for postsecondary resident students enrolled at least
21 half-time in a degree or certificate program and registered as freshmen, sophomores,

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1 juniors or seniors in accredited institutions of higher education or in tribally
2 controlled colleges in this state. ~~Except as authorized under sub. (5), such~~ Such
3 grants shall be made only to students enrolled in nonprofit public institutions or
4 tribally controlled colleges in this state.

NOTE: SECTION 45 of this bill specifies that a student must be enrolled in a degree
or certificate program in order to be eligible for a Wisconsin higher education grant.

5 **SECTION 46.** 39.435 (2) of the statutes is renumbered 39.272 (1) and amended
6 to read:

7 39.272 (1) The board shall award talent incentive program grants to uniquely
8 needy students enrolled at least half-time in a degree or certificate program as
9 first-time freshmen at public and private nonprofit institutions located in this state
10 and to sophomores, juniors and seniors who received such grants as freshmen. No
11 grant under this subsection may ~~exceed~~ be less than \$250 or more than \$1,800 for
12 any academic year. The board may not award a grant to the same student for more
13 than 10 consecutive semesters or their equivalent. The board shall promulgate rules
14 establishing eligibility criteria for grants under this subsection.

NOTE: SECTION 46 of this bill specifies that a student must be enrolled in a degree
or certificate program in order to be eligible for a talent incentive grant. SECTION 46 also
creates a minimum talent incentive grant of \$250. Currently, the maximum grant may
not exceed \$1,800 per year and there is no minimum grant.

15 **SECTION 47.** 39.435 (3) of the statutes is renumbered 39.276 (3).

NOTE: SECTIONS 47, 48, 49 and 50 of this bill renumber statutory provisions to place
the various grant and assistance programs in a new sequence.

16 **SECTION 48.** 39.435 (4) of the statutes is renumbered 39.276 (4), and 39.276 (4)
17 (d), as renumbered, is amended to read:

18 39.276 (4) (d) The awarding of grants under this section is subject to any
19 formula approved or modified by the board under s. ~~39.285~~ 39.22 (1).

20 **SECTION 49.** 39.435 (5) of the statutes is renumbered 39.246 (3).

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1 **SECTION 50.** 39.435 (6) of the statutes is renumbered 39.276 (6).

2 **SECTION 51.** 39.44 (title) of the statutes is renumbered 39.256 (title) and
3 amended to read:

4 **39.256 (title) Minority undergraduate retention grants.**

NOTE: SECTION 51 of this bill changes the name of the “minority undergraduate grant” to the “minority undergraduate retention grant”.

5 **SECTION 52.** 39.44 (1) to (4) of the statutes are renumbered 39.256 (1) to (4), and
6 39.256 (1) (a) 1. and (b), as renumbered, are amended to read:

7 39.256 (1) (a) 1. Is ~~a Black~~ an African American.

8 (b) There is established, to be administered by the board, the minority
9 undergraduate retention grant program for minority undergraduates enrolled at
10 least half-time in a degree or certification program in private, nonprofit higher
11 educational institutions in this state or in technical colleges in this state.

NOTE: SECTION 52 of this bill changes a reference in the renamed minority undergraduate retention grant program from “Black American” to “African American”.

12 **SECTION 53.** 39.44 (5) of the statutes, as created by 2001 Wisconsin Act 16, is
13 renumbered 39.256 (5).

14 **SECTION 54.** 39.45 of the statutes is renumbered 39.248, and 39.248 (1) (a), as
15 renumbered, is amended to read:

16 39.248 (1) (a) “Institution of higher education” means a public or private
17 nonprofit educational institution meeting the requirements of s. 39.276 or 39.30 ~~or~~
18 ~~39.435~~ for the purpose of awarding grants under those sections.

NOTE: SECTIONS 54 to 63 renumber statutory provisions to place the various grant and assistance programs in a new sequence.

19 **SECTION 55.** 39.46 of the statutes is renumbered 39.244.

20 **SECTION 56.** 39.47 of the statutes is renumbered 39.254, and 39.254 (2), as
21 renumbered, is amended to read:

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1 39.254 (2) The agreement under this section shall provide for the waiver of
2 nonresident tuition for a resident of either state who is enrolled in a public vocational
3 school located in the other state. The agreement shall also establish a reciprocal fee
4 structure for residents of either state who are enrolled in public institutions of higher
5 education, other than vocational schools, located in the other state. The reciprocal
6 fee may not exceed the higher of the resident tuition that would be charged the
7 student at the public institution of higher education in which the student is enrolled
8 or the resident tuition that would be charged the student at comparable public
9 institutions of higher education located in his or her state of residence, as specified
10 in the annual administrative memorandum under sub. (2g). The agreement shall
11 take effect on July 1, 1998. The agreement is subject to the approval of the joint
12 committee on finance under s. ~~39.42~~ 39.252.

13 **SECTION 57.** 45.25 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is
14 amended to read:

15 45.25 (1) ADMINISTRATION. The department of veterans affairs shall administer
16 a tuition and fee reimbursement program for eligible veterans enrolling as
17 undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a),
18 in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in
19 a proprietary school that is approved under s. 45.54, or receiving a waiver of
20 nonresident tuition under s. ~~39.47~~ 39.254.

21 **SECTION 58.** 45.25 (3) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
22 is amended to read:

23 45.25 (3) (a) Except as provided in par. (am), an individual who meets the
24 requirements under sub. (2), upon satisfactory completion of a full-time
25 undergraduate semester in any institution of higher education, as defined in s.

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1 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any
2 proprietary school that is approved under s. 45.54, or any institution from which the
3 individual receives a waiver of nonresident tuition under s. ~~39.47~~ 39.254, may be
4 reimbursed an amount not to exceed the total cost of the individual's tuition and fees
5 minus any grants or scholarships, including those made under s. 21.49, that the
6 individual receives specifically for the payment of the tuition or fees, or 85% of the
7 standard cost for a state resident for an equivalent undergraduate course at the
8 University of Wisconsin-Madison per course, whichever is less. Reimbursement is
9 available only for tuition and fees that are part of a curriculum that is relevant to a
10 degree in a particular course of study at the institution.

11 **SECTION 59.** 45.25 (3) (am) of the statutes is amended to read:

12 45.25 (3) (am) A disabled individual who meets the requirements under sub.
13 (2) and whose disability is rated at 30% or more under 38 USC 1114 or 1134, upon
14 satisfactory completion of an undergraduate semester in any institution of higher
15 education, as defined in s. 45.396 (1) (a), in this state or any institution from which
16 the individual receives a waiver of nonresident tuition under s. ~~39.47~~ 39.254, may
17 be reimbursed for up to 100% of the individual's tuition and fees. The reimbursement
18 under this paragraph is limited to 100% of the standard cost for a state resident for
19 an equivalent undergraduate course at the University of Wisconsin-Madison per
20 course, or the difference between the individual's tuition and fees and the grants or
21 scholarships, including those made under s. 21.49, that the individual receives
22 specifically for the payment of the tuition or fees, whichever is less. Reimbursement
23 is available only for tuition and fees that are part of a curriculum that is relevant to
24 a degree in a particular course of study at the institution.

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1 **SECTION 60.** 45.25 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

3 45.25 (4) (a) An individual is not eligible for reimbursement under sub. (2) for
4 more than 120 credits or 8 full semesters of full-time study at any institution of
5 higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full
6 semesters of full-time study at any institution of higher education, as defined in s.
7 45.396 (1) (a), in this state that offers a degree upon completion of 60 credits, or an
8 equivalent amount of credits at a school that is approved under s. 45.35 (9m), at a
9 proprietary school that is approved under s. 45.54, or at an institution where he or
10 she is receiving a waiver of nonresident tuition under s. ~~39.47~~ 39.254.

11 **SECTION 61.** 49.855 (7) of the statutes is amended to read:

12 49.855 (7) The department of workforce development may provide a
13 certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11
14 (6) (b), 36.25 (14), 36.34 (1), 39.246 (4), 39.25 (2), 39.256 (4), 39.254 (2m), 39.272 (2),
15 39.276 (6), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.356 (6), 45.396
16 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f),
17 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L) or 949.08 (2)
18 (g).

19 **SECTION 62.** 49.855 (7) of the statutes, as affected by 2001 Wisconsin Act ...
20 (this act), is repealed.

21 **SECTION 63.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

22 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
23 a student who is the claimant or who is the claimant's child and the claimant's
24 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
25 attend any university, college, technical college or a school approved under s. 45.54,

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1 that is located in Wisconsin or to attend a public vocational school or public
2 institution of higher education in Minnesota under the Minnesota-Wisconsin
3 reciprocity agreement under s. ~~39.47~~ 39.254, calculated as follows:

4 **SECTION 64. Effective dates.** This act takes effect on January 2, 2002, or on
5 the day after publication, whichever is later, except as follows:

6 (1) The treatment of section 39.38 (2) (by SECTION 37) of the statutes and the
7 repeal of section 49.855 (7) of the statutes take effect on the date stated in the notice
8 published by the department of workforce development in the Wisconsin
9 Administrative Register under section 49.854 (2) of the statutes or on the effective
10 date of this subsection, whichever is later.

11 (END)