

2003 DRAFTING REQUEST

Bill

Received: **02/17/2004**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters: **pgrant**

Subject: **Veterans - miscellaneous
Higher Education - UW System**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to: **Pam.Shannon@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Resident tuition for persons who are veterans with WI as their home of record

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rnelson2 02/17/2004	wjackson 02/17/2004					State
/1			jfrantze 02/17/2004		sbasford 02/17/2004	mbarman 02/18/2004	

FE Sent For:

At Intro -

<END>

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02/17/2004 12:41:07 PM
Page 2

LRB-4284

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/?	rnelson2	11 Wlj 2/17	2/17	2/17			

FE Sent For:

<END>

~~6380~~ David Lovell
63830

RE: Residency determination for Amanda Gino.

525 W. Doty St #702
Real 53703

I have talked with Amanda and reviewed her situation. I cannot concur with the decision that she is not exempt from out-of-state tuition.

It seems to me that Amanda has clear and convincing evidence that she did not enter the state for the principal purpose of attending school.

1. She filed Wisconsin income taxes for 2001 and 2002 (documented). She obviously will do so again for the 2003 tax year.
2. When she moved to the state she lived with relatives (family ties).
3. She obtained a Wisconsin drivers license in July 2001 (documented).
4. She registered to vote in 2001 (documented).
5. She transferred to a Wisconsin National Guard Unit before she came to WI (documented).
6. She was physically present in the state most of the time except for periods of military service.
7. Her military "Home of Record" is Wisconsin (documented).
8. The Wisconsin Department of Veterans Affairs has been determined her a "Wisconsin veteran" for purposes of state veterans benefits (documented).

While she has always intended to go on to college, I believe the above facts make it clear that she did not "enter and remain in the state principally to obtain an education."

Further, since she has the expert legal backing of the State Judge Advocate of the Wisconsin National Guard who is prepared to represent her, I am confident she will prevail in circuit court.

I urge you to find a way to reconsider her application for exemption from out-of-state tuition.

Sincerely

Chuck Goranson
Veterans Advisor

263-
3456



THE UNIVERSITY
WISCONSIN
MADISON

February 9, 2004

Amanda Maria Gino
525 West Doty St #702
Madison, WI 53703

Dear Ms. Gino:

On January 27, 2004, the University of Wisconsin-Madison Nonresident Tuition Appeals Committee met to consider your appeal of Wisconsin residence for tuition purposes for Spring 2004 Term.

In its deliberations and conclusions the Committee considered the following records:

Your affidavit dated January 21, 2004, your appeal from nonresident classification for University fee purposes.

Your personal testimony before the Committee and your response to questions by the Committee as recorded during the proceedings.

Your application to the University of Wisconsin-Madison.

Your academic record on file in the Office of the Registrar, including courses completed and/or in progress.

All of the above documents and tape are currently on file in the Office of the Registrar.

FINDINGS OF FACT:

1. That you stated in your personal testimony that you applied to the University of Wisconsin-Madison, and to schools in Iowa and Michigan while you were attending high school in Hawaii, and that you were accepted at all three; and while you were in high school you joined the Hawaiian National Guard anticipating transferring to a local national guard where you would be in college; and your choice to join the guard was to pay for education.
2. That you indicated you decided to make Wisconsin your permanent home on December 22, 2000; and you last moved to Wisconsin from Hawaii on July 12, 2001.
3. That you applied to the University of Wisconsin-Madison Undergraduate Admissions Office for the Fall 2002 Term in November 2001; and you changed your term of enrollment to the Spring 2003 Term. That you stated in your testimony you wanted to start classes earlier, but you couldn't afford it.

Office of the Registrar

Gino, Amanda Maria

2

4. That your records show you matriculated as a full-time student for the Spring 2003 Term at this University on January 21, 2003, but you withdrew from the university on January 27, 2003 due to being called to active duty. You subsequently enrolled for 15 credits for the Fall 2003 Term, and you withdrew from that term on September 22, 2003 because, you stated, you arrived back to Wisconsin from active duty too late to begin classes; and that you are currently enrolled for 13 credits for the Spring 2004 Term.
5. That according to your records you are an independent adult; and you derived your support for the year prior to the Spring 2004 Term from employment during summer (50%), employment during school (40%), and your parents (10%).
6. That in your affidavit you indicated that you do not operate a motor vehicle while in Wisconsin; and that you obtained a Wisconsin driver's license on July 12, 2001
7. That in your affidavit you indicated you have been registered to vote in Wisconsin since 2001, but you have never voted in this State.
8. That you listed part-time employment in Wisconsin May 2002 to November 2002 and January 2004; that you indicated you have filed a Wisconsin State income tax return since 2001.
9. That you listed the following relatives residing permanently in Wisconsin: grandmother, grandfather, aunt, uncle, and two cousins.
10. That you stated you had wanted to go here since you were twelve years old, and intend to remain in Wisconsin to attend the university from which your father earned his PhD.

CONCLUSIONS:

Based upon the findings of fact, the Committee concluded:

1. That you entered and remained in the State of Wisconsin principally to obtain an education and therefore a presumption of nonresidence has arisen.
2. The Committee further concluded that you have not rebutted this presumption with clear and convincing evidence.

DECISION:

The Committee therefore upholds the nonresidence classification for the Spring 2004 Term.

DISCUSSION:

Section 36.27(2), Wisconsin Statutes provides that an adult who enters and remains in the State of Wisconsin principally to obtain an education is presumed to continue to reside outside of Wisconsin. This presumption of nonresidence continues until rebutted by clear and convincing evidence of bona fide residence in the State of Wisconsin. Furthermore, the Statute requires that an individual be a bona fide resident of Wisconsin for the twelve months next preceding the beginning of any term or session for which the student registers and claims resident status. In this case, bona fide residence would have to be established by clear and convincing evidence for the twelve-month period commencing on or about January 20, 2003.

~~The Committee cannot render advisory opinions and cannot at this time determine your tuition status for any~~
future semester. You should be aware, however, of your right under sec. 227.49(1), Stats., to petition the Committee for a rehearing and under sec. 227.53(1), Stats., to petition the Circuit Court for judicial review of this decision. A petition for rehearing must be in writing and must specify in detail the grounds for the relief sought and supporting authorities and must be served and filed within twenty days after personal service or mailing of this letter. A rehearing will be granted by this Committee only on the basis of some material error of law, some material error of fact, or your discovery of new evidence sufficiently strong to reverse or modify the decision and which could not have been previously discovered by due diligence on your part. The reviewing authority will notify you if your petition is granted. You should assume that the petition is denied if you do not receive notice within twenty days of filing that it has been granted. Absent a petition for rehearing, a petition for judicial review must be served and filed within thirty days after personal service or mailing of this letter.

If you petition for a rehearing, any petition for judicial review must be served and filed within thirty days of the final disposition of your case whether by denial of the petition for rehearing or by final Committee decision after the rehearing has been held. A petition of judicial review must name the Board of Regents of the University of Wisconsin System as respondent.

Sincerely,

K.L. Hanson *man*

K.L. Hanson
Executive Secretary of the Nonresident Tuition Appeals Committee

2/17 2 PM

9284/1
↓
+ PG

2003 ASSEMBLY BILL 799

February 3, 2004 - Introduced by Representatives KRAWCZYK, SUDER, GUNDRUM, ALBERS, MONTGOMERY, MILLER, NISCHKE, HAHN, M. LEHMAN, JENSEN, OWENS, LADWIG, PETROWSKI, HINES, KREIBICH, J. LEHMAN, TURNER, TAYLOR, JESKEWITZ, TOWNSEND, TOWNS, MCCORMICK, PLOUFF, GUNDERSON, FREESE NASS, GRONEMUS, BIES, OTT, VUKMIR, GROTHMAN, FRISKE and VAN ROY, cosponsored by Senators ROESSLER, LAZICH, A. LASEE, CHVALA, WELCH, LEIBHAM and LASSA. Referred to Committee on Colleges and Universities.

1 AN ACT to create 36.27 (2) (b) 4. of the statutes; relating to: nonresident tuition

2 ~~exemption~~ for ~~dependents~~ of certain ~~active members of the armed forces~~

Regen at the University of Wisconsin System exemption from
veterans

Analysis by the Legislative Reference Bureau

Under current law, a student enrolled in the University of Wisconsin System is exempt from paying nonresident tuition if ~~the student is an adult dependent, for federal tax purposes, of his or her parents and one or both of the parents have been bona fide Wisconsin residents for at least 12 months before the student enrolled.~~

This bill grants a nonresident tuition exemption to a dependent of an active member of the armed forces if the member of the armed forces is eligible for Wisconsin veterans benefits. To be eligible for those benefits, the member of the armed forces, in addition to having served during specified periods of conflict and having been a resident of Wisconsin at the time of application for veterans benefits, must have satisfied one of the following conditions: (1) the member was a Wisconsin resident at the time he or she entered the armed forces; (2) the member had a selective service board at the time he or she entered the armed forces that was located in Wisconsin; or (3) the member was a resident of Wisconsin for at least one consecutive 12-month period after he or she entered the armed forces.

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:

Insert B

INS. A

ASSEMBLY BILL 799

1
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SECTION 1. 36.27 (2) (b) 4. of the statutes is created to read:

36.27 (2) (b) 4. ~~A dependent, as defined by 26 USC 152 (a), of a member of the
armed forces, if the member meets the conditions of s. 45.001 (4) (a) 2. and is serving
on active duty,~~ is entitled to the exemption under par. (a).

SECTION 2. Initial applicability.

(1) This act first applies to students who enroll for classes in the academic year that commences after the effective date of this subsection.

(END)

insert 2-4

(A)

(Not)

enrollment. In determining ^{bonafide} residence, the intent of the person to establish and

maintain a permanent home in Wisconsin

is determinative; but a student who enters

and ~~remains~~ remains in Wisconsin ^{principally} ~~principally~~

to obtain ^{an} education is presumed to

continue to reside outside Wisconsin.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4284/P1ins
RPN:.....

1 insert anl:

(No ff) (B) person who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces in one of specified war periods or crises, who is a resident of Wisconsin for purposes of receiving veterans benefits, and whose home of record at the time of entry or reentry into active service was in this state.

2

3 insert 2-4

4

(No ff) A person who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces, except service on active duty for training purposes, who meets one of the conditions in s. 45.001 (4) (a) 1. a. to d., who is a resident for purposes of receiving benefits under ch. 45, and whose home of record at the time of entry or reentry into active service, as shown on the person's report of separation from the U.S. armed forces for a qualifying period of service, was in this state.

5

6

7

(8)

(9)

(10)

Emery, Lynn

From: Pettis, Mark
Sent: Tuesday, February 17, 2004 2:41 PM
To: LRB.Legal
Subject: Draft review: LRB 03-4284/1 Topic: Resident tuition for persons who are veterans with WI as their home of record

It has been requested by <Pettis, Mark> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-4284/1 Topic: Resident tuition for persons who are veterans with WI as their home of record