

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 67**

March 5, 2008 – Offered by Representatives PARISI and BLACK.

1 **AN ACT** *to amend* 20.235 (1) (b), 20.235 (1) (fe), 20.235 (1) (ff), 20.235 (1) (km),
2 20.285 (4) (dd), 20.505 (8) (hm) 10., 36.34 (1) (c) 2. (intro.), 36.34 (1) (c) 2. am.,
3 36.34 (1) (c) 2. b., 36.34 (1) (c) 2. bm., 39.435 (7) (b) (intro.), 39.435 (7) (b) 2. and
4 39.435 (7) (b) 2m.; and *to create* 36.34 (1) (c) 2. ag., 36.34 (1) (c) 2. ar., 39.30 (5),
5 39.435 (7) (a) 3., 39.435 (7) (a) 4., 39.435 (7) (a) 5., 39.435 (7) (a) 6., 39.435 (7)
6 (b) 1g., 39.435 (7) (b) 1r., 39.435 (7) (c) and 39.435 (7) (d) of the statutes; **relating**
7 **to:** the method by which the amounts to be appropriated for higher education
8 grants, tuition grants, and Lawton minority undergraduate grants are
9 calculated and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the Higher Educational Aids Board (HEAB) provides higher education grants to Wisconsin residents who are enrolled in the University of Wisconsin (UW) System, a technical college, or a tribal college and tuition grants to Wisconsin residents who are enrolled in accredited, nonprofit post-high school, educational institutions in this state. The Board Regents of the UW System provides

grants, known as Lawton grants, to minority undergraduates enrolled in the UW System.

Currently, sum certain amounts are appropriated in each fiscal year for tuition grants and for higher education grants for technical college and tribal college students. For higher education grants for UW System students, beginning with the 2007–09 state fiscal biennium, there is appropriated a sum sufficient equal to the amount appropriated for those grants in the previous fiscal year (base amount) increased by the average percentage by which the undergraduate academic fees that will be charged for the next academic year at each institution within the UW System, as estimated by HEAB, will increase from the undergraduate academic fees charged for the current academic year. The same formula is also used to calculate the amount appropriated for Lawton grants.

This substitute amendment changes the formula used to calculate the amounts appropriated for higher education grants for UW System students and for Lawton grants. The substitute amendment also requires HEAB to use the new formula to calculate the amounts appropriated for tuition grants and for higher education grants for technical college and tribal college students. Specifically, under the substitute amendment, beginning with the 2009–11 state fiscal biennium, the amounts appropriated for tuition grants, for Lawton grants, and for higher education grants for UW System students, technical college students, and tribal college students are determined by increasing the base amount for each of those appropriations by the greater of the average percentage increase determined under current law or the amount obtained by multiplying the increase in the undergraduate academic fees that will be charged for a student to attend the UW–Madison for the next academic year, as estimated by HEAB, over the current academic year by the number of students who are receiving the respective grants for the current academic year.

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

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

2 20.235 (1) (b) *Tuition grants.* Biennially, the amounts in the schedule A sum
3 sufficient equal to the amount calculated under s. 39.30 (5) for the purposes of s.
4 39.30.

5 **SECTION 2.** 20.235 (1) (fe) of the statutes, as affected by 2007 Wisconsin Act 20,
6 is amended to read:

1 20.235 (1) (fe) *Wisconsin higher education grants; University of Wisconsin*
2 *System students.* A sum sufficient equal to \$50,000,000 in the 2007–08 fiscal year,
3 equal to \$55,000,000 in the 2008–09 fiscal year, and equal to the amount calculated
4 under s. 39.435 (7) (b) for the Wisconsin higher education grant program under s.
5 39.435 for University of Wisconsin System students, except for grants awarded
6 under s. 39.435 (2) or (5), thereafter.

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

8 20.235 (1) (ff) *Wisconsin higher education grants; technical college students.*
9 ~~Biennially, the amounts in the schedule~~ A sum sufficient equal to the amount
10 calculated under s. 39.435 (7) (c) for the Wisconsin higher education grant program
11 under s. 39.435 for technical college students, except for grants awarded under s.
12 39.435 (2) or (5).

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

14 20.235 (1) (km) *Wisconsin higher education grants; tribal college students.*
15 ~~Biennially, the amounts in the schedule~~ A sum sufficient equal to the amount
16 calculated under s. 39.435 (7) (d) for the Wisconsin higher education grant program
17 under s. 39.435 for tribal college students, except for grants awarded under s. 39.435
18 (2) or (5). All moneys transferred from the appropriation account under s. 20.505 (8)
19 (hm) 10. shall be credited to this appropriation account. Notwithstanding s. 20.001
20 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall
21 revert to the appropriation account under s. 20.505 (8) (hm).

22 **SECTION 5.** 20.285 (4) (dd) of the statutes is amended to read:

23 20.285 (4) (dd) *Lawton minority undergraduate grants program.* A sum
24 sufficient equal to \$5,218,300 in the 2005–06 fiscal year and \$5,531,400 in the
25 2006–07 fiscal year, and in subsequent fiscal years a sum sufficient equal to the

1 amount calculated under s. 36.34 (1) (c), for the Lawton minority undergraduate
2 grant program under s. 36.34 (1).

3 **SECTION 6.** 20.505 (8) (hm) 10. of the statutes is amended to read:

4 20.505 (8) (hm) 10. The amount transferred to s. 20.235 (1) (km) shall be the
5 amount in the schedule under s. 20.235 (1) (km) as calculated by the higher
6 educational aids board under s. 39.435 (7) (d).

7 **SECTION 7.** 36.34 (1) (c) 2. (intro.) of the statutes is amended to read:

8 36.34 (1) (c) 2. (intro.) ~~Beginning in 2007, biennially, by~~ By February 1, 2009,
9 and biennially thereafter, the board shall calculate the amounts to be appropriated
10 under s. 20.285 (4) (dd) for the next biennium as follows:

11 **SECTION 8.** 36.34 (1) (c) 2. ag. of the statutes is created to read:

12 36.34 (1) (c) 2. ag. The board shall determine the amount by which the
13 undergraduate academic fees that will be charged for a student to attend the
14 University of Wisconsin–Madison for the next academic year, as estimated by the
15 board, will increase or decrease from the amount of the undergraduate academic fees
16 charged for a student to attend that institution for the current academic year and
17 multiply the amount of that increase by the number of students who are receiving
18 grants from the appropriation account under s. 20.285 (4) (dd) for the current
19 academic year.

20 **SECTION 9.** 36.34 (1) (c) 2. am. of the statutes is amended to read:

21 36.34 (1) (c) 2. am. The board shall determine the percentage by which the
22 undergraduate academic fees that will be charged for the academic year after the
23 next academic year at each institution within the University of Wisconsin System,
24 as estimated by the board, will increase or decrease from the estimated
25 undergraduate academic fees that will be charged for the next academic year.

1 **SECTION 10.** 36.34 (1) (c) 2. ar. of the statutes is created to read:

2 36.34 (1) (c) 2. ar. The board shall determine the amount by which the
3 undergraduate academic fees that will be charged for a student to attend the
4 University of Wisconsin–Madison for the academic year after the next academic
5 year, as estimated by the board, will increase or decrease from the estimated
6 undergraduate academic fees that will be charged for a student to attend that
7 institution for the next academic year and multiply the amount of that increase by
8 the number of students who will be receiving grants from the appropriation account
9 under s. 20.285 (4) (dd) for the next academic year, as estimated by the board.

10 **SECTION 11.** 36.34 (1) (c) 2. b. of the statutes is amended to read:

11 36.34 (1) (c) 2. b. The appropriation for the first fiscal year of the next biennium
12 shall be the result obtained by increasing, to the nearest \$100, the base amount by
13 the average of the percentage increases determined under subd. 2. a. or the amount
14 determined under subd. 2. ag., whichever is greater, except that, if the
15 undergraduate academic fees for the next academic year are estimated to decrease
16 or not change from the undergraduate academic fees charged for the current
17 academic year at each institution specified in subd. 2. a., the appropriation shall be
18 the base amount.

19 **SECTION 12.** 36.34 (1) (c) 2. bm. of the statutes is amended to read:

20 36.34 (1) (c) 2. bm. The appropriation for the 2nd fiscal year of the next
21 biennium shall be the result obtained by increasing, to the nearest \$100, the base
22 amount by the average of the percentage increases determined under subd. 2. am.
23 or the amount determined under subd. 2. ar., whichever is greater, except that, if the
24 undergraduate academic fees for the academic year after the next academic year are
25 estimated to decrease or not change from the estimated undergraduate academic

1 fees charged for the next academic year at each institution specified under subd. 2.
2 am., the appropriation shall be the base amount.

3 **SECTION 13.** 39.30 (5) of the statutes is created to read:

4 **39.30 (5) APPROPRIATION CALCULATION.** (a) In this subsection:

5 1. For purposes of calculating the amount to be appropriated under s. 20.235
6 (1) (b) for fiscal year 2009–10, “base amount” means the amount shown in the
7 schedule under s. 20.005 (3) for that appropriation for fiscal year 2008–09.

8 2. For purposes of calculating the amount to be appropriated under s. 20.235
9 (1) (b) for each fiscal year after fiscal year 2009–10, “base amount” means the
10 appropriation amount calculated under par. (b) for the previous fiscal year.

11 (b) By February 1, 2009, and biennially thereafter, the board shall calculate the
12 amount to be appropriated under s. 20.235 (1) (b) for the next biennium as follows:

13 1. The board shall determine the percentage by which the undergraduate
14 academic fees that will be charged for the next academic year at each institution
15 within the University of Wisconsin System, as estimated by the board, will increase
16 or decrease from the undergraduate academic fees charged for the current academic
17 year.

18 2. The board shall determine the amount by which the undergraduate
19 academic fees that will be charged for a student to attend the University of
20 Wisconsin–Madison for the next academic year, as estimated by the board, will
21 increase or increase from the amount of undergraduate academic fees charged for a
22 student to attend that institution for the current academic year and multiply the
23 amount of that increase by the number of students who are receiving grants from the
24 appropriation account under s. 20.235 (1) (b) for the current academic year.

1 3. The board shall determine the percentage by which the undergraduate
2 academic fees that will be charged for the academic year after the next academic year
3 at each institution within the University of Wisconsin System, as estimated by the
4 board, will increase or decrease from the estimated undergraduate academic fees
5 that will be charged for the next academic year.

6 4. The board shall determine the amount by which the undergraduate
7 academic fees that will be charged for a student to attend the University of
8 Wisconsin–Madison for the academic year after the next academic year, as estimated
9 by the board, will increase or decrease from the estimated undergraduate academic
10 fees that will be charged for a student to attend that institution for the next academic
11 year and multiply the amount of that increase by the number of students who will
12 be receiving grants from the appropriation account under s. 20.235 (1) (b) for the next
13 academic year, as estimated by the board.

14 5. The appropriation for the first fiscal year of the next biennium shall be the
15 result obtained by increasing, to the nearest \$100, the base amount by the average
16 of the percentage increases determined under subd. 1. or the amount determined
17 under subd. 2., whichever is greater, except that, if the undergraduate academic fees
18 for the next academic year are estimated to decrease or not change from the
19 undergraduate academic fees charged for the current academic year at each
20 institution specified in subd. 1., the appropriation shall be the base amount.

21 6. The appropriation for the 2nd fiscal year of the next biennium shall be the
22 result obtained by increasing, to the nearest \$100, the base amount by the average
23 of the percentage increases determined under subd. 3. or the amount determined
24 under subd. 4., whichever is greater, except that, if the undergraduate academic fees
25 for the academic year after the next academic year are estimated to decrease or not

1 change from the estimated undergraduate academic fees charged for the next
2 academic year at each institution specified under subd. 3., the appropriation shall
3 be the base amount.

4 **SECTION 14.** 39.435 (7) (a) 3. of the statutes is created to read:

5 39.435 (7) (a) 3. For purposes of calculating the amount to be appropriated
6 under s. 20.235 (1) (ff) for fiscal year 2009–10, “base amount” means the amount
7 shown in the schedule under s. 20.005 for that appropriation for fiscal year 2008–09.

8 **SECTION 15.** 39.435 (7) (a) 4. of the statutes is created to read:

9 39.435 (7) (a) 4. For purposes of calculating the amount to be appropriated
10 under s. 20.235 (1) (ff) for each fiscal year after fiscal year 2009–10, “base amount”
11 means the appropriation amount calculated under par. (c) for the previous fiscal
12 year.

13 **SECTION 16.** 39.435 (7) (a) 5. of the statutes is created to read:

14 39.435 (7) (a) 5. For purposes of calculating the amount to be appropriated
15 under s. 20.235 (1) (km) for fiscal year 2009–10, “base amount” means the amount
16 shown in the schedule under s. 20.005 for that appropriation for fiscal year 2008–09.

17 **SECTION 17.** 39.435 (7) (a) 6. of the statutes is created to read:

18 39.435 (7) (a) 6. For purposes of calculating the amount to be appropriated
19 under s. 20.235 (1) (km) for each fiscal year after fiscal year 2009–10, “base amount”
20 means the appropriation amount calculated under par. (d) for the previous fiscal
21 year.

22 **SECTION 18.** 39.435 (7) (b) (intro.) of the statutes, as affected by 2007 Wisconsin
23 Act 20, is amended to read:

1 39.435 (7) (b) (intro.) ~~Biennially, beginning on~~ By February 1, 2009, and
2 biennially thereafter, the board shall calculate the amounts to be appropriated under
3 s. 20.235 (1) (fe) for the next biennium as follows:

4 **SECTION 19.** 39.435 (7) (b) 1g. of the statutes is created to read:

5 39.435 (7) (b) 1g. The board shall determine the amount by which the
6 undergraduate academic fees that will be charged for a student to attend the
7 University of Wisconsin–Madison for the next academic year, as estimated by the
8 board, will increase or decrease from the amount of the undergraduate academic fees
9 charged for a student to attend that institution for the current academic year and
10 multiply the amount of that increase by the number of students who are receiving
11 grants from the appropriation account under s. 20.235 (1) (fe) for the current
12 academic year.

13 **SECTION 20.** 39.435 (7) (b) 1r. of the statutes is created to read:

14 39.435 (7) (b) 1r. The board shall determine the amount by which the
15 undergraduate academic fees that will be charged for a student to attend the
16 University of Wisconsin–Madison for the academic year after the next academic
17 year, as estimated by the board, will increase or decrease from the estimated
18 undergraduate academic fees that will be charged for a student to attend that
19 institution for the next academic year and multiply the amount of that increase by
20 the number of students who will be receiving grants from the appropriation account
21 under s. 20.235 (1) (fe) for the next academic year, as estimated by the board.

22 **SECTION 21.** 39.435 (7) (b) 2. of the statutes is amended to read:

23 39.435 (7) (b) 2. The appropriation for the first fiscal year of the next biennium
24 shall be the result obtained by increasing, to the nearest \$100, the base amount by
25 the average of the percentage increases determined under subd. 1. or the amount

1 determined under subd. 1g., whichever is greater, except that, if the undergraduate
2 academic fees for the next academic year are estimated to decrease or not change
3 from the undergraduate academic fees charged for the current academic year at each
4 institution specified in subd. 1., the appropriation shall be the base amount.

5 **SECTION 22.** 39.435 (7) (b) 2m. of the statutes is amended to read:

6 39.435 (7) (b) 2m. The appropriation for the 2nd fiscal year of the next biennium
7 shall be the result obtained by increasing, to the nearest \$100, the base amount by
8 the average of the percentage increases determined under subd. 1m. or the amount
9 determined under subd. 1r., whichever is greater, except that, if the undergraduate
10 academic fees for the academic year after the next academic year are estimated to
11 decrease or not change from the estimated undergraduate academic fees charged for
12 the next academic year at each institution specified in subd. 1m., the appropriation
13 shall be the base amount.

14 **SECTION 23.** 39.435 (7) (c) of the statutes is created to read:

15 39.435 (7) (c) By February 1, 2009, and biennially thereafter, the board shall
16 calculate the amount to be appropriated under s. 20.235 (1) (ff) for the next fiscal year
17 as follows:

18 1. The board shall determine the percentage by which the undergraduate
19 academic fees that will be charged for the next academic year at each institution
20 within the University of Wisconsin System, as estimated by the board, will increase
21 or decrease from the undergraduate academic fees charged for the current academic
22 year.

23 2. The board shall determine the amount by which the undergraduate
24 academic fees that will be charged for a student to attend the University of
25 Wisconsin–Madison for the next academic year, as estimated by the board, will

1 increase or decrease from the amount of undergraduate academic fees charged for
2 a student to attend that institution for the current academic year and multiply the
3 amount of that increase by the number of students who are receiving grants from the
4 appropriation account under s. 20.235 (1) (ff) for the current academic year.

5 3. The board shall determine the percentage by which the undergraduate
6 academic fees that will be charged for the academic year after the next academic year
7 at each institution within the University of Wisconsin System, as estimated by the
8 board, will increase or decrease from the estimated undergraduate academic fees
9 that will be charged for the next academic year.

10 4. The board shall determine the amount by which the undergraduate
11 academic fees that will be charged for a student to attend the University of
12 Wisconsin–Madison for the academic year after the next academic year, as estimated
13 by the board, will increase or decrease from the estimated undergraduate academic
14 fees that will be charged for a student to attend that institution for the next academic
15 year and multiply the amount of that increase by the number of students who will
16 be receiving grants from the appropriation account under s. 20.235 (1) (ff) for the next
17 academic year, as estimated by the board.

18 5. The appropriation for the next fiscal year shall be the result obtained by
19 increasing, to the nearest \$100, the base amount by the highest percentage increase
20 determined under subd. 1. or the amount determined under subd. 2., whichever is
21 greater, except that, if the undergraduate academic fees for the current academic
22 year decreased or did not change from the undergraduate academic fees charged for
23 the previous academic year at each institution specified under subd. 1., the
24 appropriation shall be the base amount.

1 6. The appropriation for the 2nd fiscal year of the next biennium shall be the
2 result obtained by increasing, to the nearest \$100, the base amount by the average
3 of the percentage increases determined under subd. 3. or the amount determined
4 under subd. 4., whichever is greater, except that, if the undergraduate academic fees
5 for the academic year after the next academic year are estimated to decrease or not
6 change from the estimated undergraduate academic fees charged for the next
7 academic year at each institution specified under subd. 3., the appropriation shall
8 be the base amount.

9 **SECTION 24.** 39.435 (7) (d) of the statutes is created to read:

10 39.435 (7) (d) By February 1, 2009, and biennially thereafter, the board shall
11 calculate the amount to be appropriated under s. 20.235 (1) (km) for the next
12 biennium as follows:

13 1. The board shall determine the percentage by which the undergraduate
14 academic fees charged for the next academic year at each institution within the
15 University of Wisconsin System, as estimated by the board, will increase or decrease
16 from the undergraduate academic fees charged for the current academic year.

17 2. The board shall determine the amount by which the undergraduate
18 academic fees that will be charged for a student to attend the University of
19 Wisconsin–Madison for the next academic year, as estimated by the board, will
20 increase or decrease from the amount of undergraduate academic fees charged for
21 a student to attend that institution for the current academic year and multiply the
22 amount of that increase by the number of students who are receiving grants from the
23 appropriation account under s. 20.235 (1) (km) for the current academic year.

24 3. The board shall determine the percentage by which the undergraduate
25 academic fees that will be charged for the academic year after the next academic year

1 at each institution within the University of Wisconsin System, as estimated by the
2 board, will increase or decrease from the estimated undergraduate academic fees
3 that will be charged for the next academic year.

4 4. The board shall determine the amount by which the undergraduate
5 academic fees that will be charged for a student to attend the University of
6 Wisconsin–Madison for the academic year after the next academic year, as estimated
7 by the board, will increase or decrease from the estimated undergraduate academic
8 fees that will be charged for a student to attend that institution for the next academic
9 year and multiply the amount of that increase by the number of students who will
10 be receiving grants from the appropriation account under s. 20.235 (1) (km) for the
11 next academic year, as estimated by the board.

12 5. The appropriation for the next fiscal year shall be the result obtained by
13 increasing, to the nearest \$100, the base amount by the highest percentage increase
14 determined under subd. 1. or the amount determined under subd. 2., whichever is
15 greater, except that, if the amount of the undergraduate academic fees for the current
16 academic year decreased or did not change from the undergraduate academic fees
17 charged for the previous academic year at each institution specified in subd. 1., the
18 appropriation shall be the base amount.

19 6. The appropriation for the 2nd fiscal year of the next biennium shall be the
20 result obtained by increasing, to the nearest \$100, the base amount by the average
21 of the percentage increases determined under subd. 3. or the amount determined
22 under subd. 4., whichever is greater, except that, if the undergraduate academic fees
23 for the academic year after the next academic year are estimated to decrease or not
24 change from the estimated undergraduate academic fees charged for the next

1 academic year at each institution specified under subd. 3., the appropriation shall
2 be the base amount.

3 **SECTION 25. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) TUITION, HIGHER EDUCATION, AND LAWTON GRANTS. The treatment of sections
6 20.235 (1) (b), (ff), and (km), and 20.505 (8) (hm) 10. of the statutes takes effect on
7 July 1, 2009.

8 (END)