

2007 DRAFTING REQUEST

Bill

Received: **01/05/2007**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Binau**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters: **pgrant**

Subject: **Higher Education - UW System**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Binau, BB0299 -

Topic:

Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

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>
/?	mkunkel 01/05/2007	jdyer 01/09/2007		_____			State
/1	pgrant 01/23/2007	jdyer 01/23/2007	rschluet 01/09/2007	_____	sbasford 01/09/2007		State
/2			nmatzke 01/24/2007	_____	sbasford 01/24/2007		

FE Sent For:

<END>

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/1		<i>1/23 jld</i>	rschluet 01/09/2007	_____	sbasford 01/09/2007		
FE Sent For:			nwn 1/23	nwn/pg 1/24			<END>

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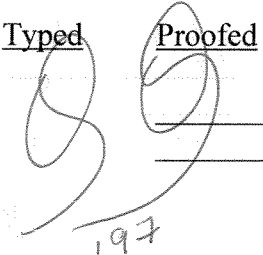

Permitting UW System to grant nonresident tuition remission for undocumented aliens

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/?	mkunkel	1/9 jld					
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FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Permitting University of Wisconsin System to grant nonresident tuition remission for undocumented aliens
- Tracking Code: BB0299
- SBO team: Education
- SBO analyst: Robinson J. Binau
 - Phone: 266-2843
 - Email: rj.binau@wisconsin.gov
- Agency acronym: UWS
- Agency number: 285
- Priority (High):

Date: January 3, 2007
To: Steve Miller
From: **Robinson J. Binau** RJB
Subject: Statutory Language Request

TITLE

The University of Wisconsin System requests the statutory authority of permitting the granting of nonresident tuition remission for undocumented aliens.

Please see or use LRB draft 1521 from the last biennial budget, attached, for reference.

If you have any questions, please call me at 6-2843, or send me an email at rj.binau@wisconsin.gov

Thank you.

DOA

D-NOTE

DOA:.....Binau, BB0364 - Nonresident tuition remission for undocumented aliens

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

RMA NOT RUN

don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION ✓

HIGHER EDUCATION ✓

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least one year following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

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.** 36.27 (2) (cr)^x of the statutes is created to read:

2 36.27 (2) (cr) A person who is a citizen of a country other than the United States
3 is entitled to the exemption under par. (a)[✓] if that person meets all of the following
4 requirements:

5 1. The person graduated from a high school in this state or received a high
6 school graduation equivalency from this state.

7 2. The person was continuously present in this state for at least[✓] one year
8 following the first day of attending a high school in this state.

9 3. The person enrolls in an institution and provides that institution with an
10 affidavit stating that the person has filed or will file an application for a permanent
11 resident visa with U.S. Citizenship and Immigration Services as soon as the person
12 is eligible to do so.

13 **SECTION 9352. Initial applicability; University of Wisconsin System.**[✓][⊙]

14 (1) The treatment of section 36.27 (2) (cr)[✓] of the statutes first applies to persons
15 who enroll for the semester or session following the effective date of this subsection.[✓]

16

(END)

d-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1365/1dn

MDK:.....

date

Jld

R.J. Binau:

Please note the following about this bill:

1. The bill is based on 2005 LRB-1521/1. Note that subsequent versions of that 2005 draft covered the technical college system, in addition to the UW System. This bill is limited to the UW System. Is that okay?

2. This bill might violate 8 USC 1623, which, under certain circumstances, prohibits a college or university from offering resident tuition to an "alien who is not lawfully present in the United States".

*

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1365/1dn
MDK:jld:rs

January 9, 2007

R.J. Binau:

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2. This bill might violate 8 USC 1623, which, under certain circumstances, prohibits a college or university from offering resident tuition to an "alien who is not lawfully present in the United States."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Grant, Peter

From: Kunkel, Mark
Sent: Tuesday, January 23, 2007 2:16 PM
To: Grant, Peter
Subject: FW: LRB draft 1365/1

Ahem. Maybe you can redraft this one too?

From: Binau, RJ - DOA
Sent: Tuesday, January 23, 2007 2:14 PM
To: Kunkel, Mark
Subject: LRB draft 1365/1

Mark,

Please include the WTCS schools in the remission as well.

Thanks

RJ

PG

DOA:.....Binau, BB0299 - Permitting UW System to grant nonresident tuition remission for undocumented aliens

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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4 requirements:

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6 school graduation equivalency from this state.

7 2. The person was continuously present in this state for at least one year
8 following the first day of attending a high school in this state.

9 3. The person enrolls in an institution and provides that institution with an
10 affidavit stating that the person has filed or will file an application for a permanent
11 resident visa with U.S. Citizenship and Immigration Services as soon as the person
12 is eligible to do so.

13 **SECTION 9352. Initial applicability; University of Wisconsin System.**

14 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
15 statutes first applies to persons who enroll for the semester or session following the
16 effective date of this subsection.

17 (END)

A

DQA:.....Binau, BB0364 - Nonresident tuition remission for undocumented aliens

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This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

2-12:1

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:

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3. The person enrolls in an institution and provides that institution with an affidavit stating that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 2. 38.22 (6) (e) of the statutes is created to read:

38.22 (6) (e) Any person who is a citizen of a country other than the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation equivalency from this state.

2. The person was continuously present in this state for at least three years following the first day of attending a high school in this state.

3. The person enrolls in a district school and provides the district board with an affidavit stating that the person has filed or will file an application for a



- 3 -
2:12:2

1 permanent resident visa with U.S. Citizenship and Immigration Services as soon as
2 the person is eligible to do so.

3 **SECTION 9346. Initial applicability; technical college system.**

4 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the
5 statutes first applies to persons who enroll for the semester or session following the
6 effective date of this subsection.

7 **SECTION 9352. Initial applicability; University of Wisconsin System.**

8 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
9 statutes first applies to persons who enroll for the semester or session following the
10 effective date of this subsection.

11 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1365/2
MDK&PG:jld:nwn

DOA:.....Binau, BB0299 - Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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17 school graduation equivalency from this state.

18 2. The person was continuously present in this state for at least 3 years
19 following the first day of attending a high school in this state.

20 3. The person enrolls in a district school and provides the district board with
21 an affidavit stating that the person has filed or will file an application for a

1 permanent resident visa with U.S. Citizenship and Immigration Services as soon as
2 the person is eligible to do so.

3 **SECTION 9346. Initial applicability; Technical College System.**

4 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the
5 statutes first applies to persons who enroll for the semester or session following the
6 effective date of this subsection.

7 **SECTION 9352. Initial applicability; University of Wisconsin System.**

8 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
9 statutes first applies to persons who enroll for the semester or session following the
10 effective date of this subsection.

11 (END)