

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB53)

Received: 09/30/2011

Received By: gmalaise

Wanted: 10/03/2011

Companion to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Mark Knickelbine

May Contact:

Drafter: gmalaise

Subject: Higher Education - financial aid

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Fee remission for veterans; appropriation increase

Instructions:

See attached--delate changes already accomplished by Act 32; increase by \$3M in each FY; and phase in sum sufficient in 2016-17 fiscal year.

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>
/?	gmalaise 09/30/2011	wjackson 10/03/2011		_____			
/1			rschluet 10/03/2011	_____	lparisi 10/03/2011	lparisi 10/03/2011	
/2	gmalaise 10/04/2011	csicilia 10/04/2011	rschluet 10/04/2011	_____	lparisi 10/04/2011	lparisi 10/04/2011	

FE Sent For:

<END>

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/?	gmalaise 09/30/2011	wjackson 10/03/2011		_____			
/1			rychluet 10/03/2011	_____	lparisi 10/03/2011	lparisi 10/03/2011	

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<END>

1/2 gjs 10/4/11
10/4/11

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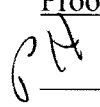
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Instructions:

See attached--delate changes already accomplished by Act 32; increase by \$3M in each FY; and phase in sum sufficient in 2016-17 fiscal year.

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1?	gmalaise	1 WJ 10/3			_____		

FE Sent For:

<END>

Malaise, Gordon

From: Knickelbine, Mark
Sent: Friday, September 30, 2011 10:24 AM
To: Malaise, Gordon
Subject: Substitute Amendment to SB 53

Gordon:

I need a p draft substitute amendment to Senate Bill 53, which is scheduled for a public hearing on October 5.

- I want to remove the deletion of statutory language specifying that the amount of tuition and fees remitted by the Board of Regents or a technical college district board should be reduced by the amount of tuition and fees paid through the federal Post-9/11 G.I. Bill program. As you know, these changes to statutes have already been made by a provision of 2011 Act 32.
- I would like to make the increase in the appropriation retroactive to July 1, 2011. I'd also like to phase in the increase over 6 fiscal years. Could we increase the sum certain appropriation line by \$3 million annually until Year 6 at which point the appropriation becomes sum sufficient? (So an increase of \$3 m in year 1, \$6 m in year 2, \$9 m in year 3, etc.)

Let me know if you have any questions and how quickly you think this could be turned around. Thanks!

Mark Knickelbine
Office of State Senator Julie Lassa
608 266 3123



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-001541

5/19/11

GMM(nwn&wlj)ph

SENATE SUBSTITUTE AMENDMENT

Stays

2011 SENATE BILL 53

IN 9/30
Wanted 10/3

April 1, 2011 - Introduced by ~~Senators LASSA, HANSEN, HOLPERIN, VINEHOUT, T. CULLEN, JAUCH, S. COGGS and TAYLOR~~, cosponsored by Representatives BARCA, GRIGSBY, BERCEAU, FIELDS, VRIJWINK, CLARK, MASON, SINICKI, TURNER and BERNARD SCHABER. Referred to Committee on Economic Development and Veterans and Military Affairs.

DN SE

Increasing the amount appropriated for

Regen

Regenera

1 AN ACT to repeal 36.27 (3n) (bm) 2., 36.27 (3p) (bm) 2., 38.24 (7) (bm) 2., 38.24
2 (8) (bm) 2. and 39.50 (3m); to renumber 36.27 (3n) (bm) 1., 36.27 (3p) (bm) 1.,
3 38.24 (7) (bm) 1. and 38.24 (8) (bm) 1.; and to amend 20.235 (1) (fz), 36.27 (3n)
4 (b) (intro.), 36.27 (3n) (bg), 36.27 (3n) (c), 36.27 (3p) (b), 36.27 (3p) (c), 38.24 (7)
5 (b) (intro.), 38.24 (7) (bg), 38.24 (7) (c), 38.24 (8) (b), 38.24 (8) (c), 39.50 (1), 39.50
6 (2) and 39.50 (4) of the statutes; relating to: remission of fees for veterans and
7 their dependents enrolled in the University of Wisconsin System or in a
8 technical college and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant remission of academic fees to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes; or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, "academic fees" includes nonresident tuition.

SENATE BILL 53

27
\$ 6,496,700

in each of fiscal years 2011-12 and 2012-13
Current law requires the Board of Regents and a district board to grant full remission of academic fees charged for up to 128 credits or eight semesters, whichever is longer, less the amount of any academic fees paid under the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the "New GI Bill."

This bill eliminates the deduction of academic fees paid under the New GI Bill from the number of credits or semesters for which the Board of Regents or a district board remits academic fees for veterans and their dependents.

Under current law, a sum certain is appropriated to the Higher Educational Aids Board (HEAB) to reimburse the Board of Regents and each district board for the amount of fees remitted for veterans and their dependents, and HEAB is required to prorate that reimbursement if the moneys appropriated are not sufficient to reimburse the Board of Regents and each district board for the full amount of fees remitted. This bill converts that sum certain appropriation into a sum sufficient appropriation and requires HEAB to reimburse the Board of Regents and each district board for the full amount of fees remitted for veterans and their dependents.

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:

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

20.235 (1) (fz) *Remission of fees and reimbursement for veterans and dependents.* Biennially, the amounts in the schedule A sum sufficient to reimburse the Board of Regents of the University of Wisconsin System and technical college district boards under s. 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b) and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).

SECTION 2. 36.27 (3n) (b) (intro.) of the statutes is amended to read:

36.27 (3n) (b) (intro.) Except as provided in subds. 1. to 3. and par. (bg), the board shall grant full remission of academic fees and segregated fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (7) and less the amount of any

the amount of the state
HEAB for
see
reimbursement
to
HEAB for
reimbursement
in fiscal year 2011-12 and in fiscal year 2012-13
This substitute amends s. 20.235 (1) (fz) of the statutes effective on July 1, 2011.
The substitute amends s. 36.27 (3n) (b) and s. 38.24 (7) (b) and (8) (b) of the statutes effective on July 1, 2011.

(Not)

SENATE BILL 53

1 ~~academic fees or segregated fees paid under 38 USC 3319, to any resident student~~
2 who is also any of the following:

3 **SECTION 3.** 36.27 (3n) (bg) of the statutes is amended to read:

4 36.27 (3n) (bg) Before the Board of Regents may grant a remission of academic
5 fees and segregated fees under par. (b), the Board of Regents shall require the
6 resident student to apply to the payment of those fees all educational assistance to
7 which the resident student is entitled under 38 USC 3319. This requirement applies
8 notwithstanding the fact that the resident student may be entitled to educational
9 assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036, or 38 USC
10 3500 to 3566 as well as under 38 USC 3319, unless the resident student has 12
11 months or less of eligibility remaining for educational assistance under 10 USC
12 16132a, 10 USC 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566.

Insert
3-12

13 **SECTION 4.** 36.27 (3n) (bm) 1. of the statutes is renumbered 36.27 (3n) (bm). ✓

14 **SECTION 5.** 36.27 (3n) (bm) 2. of the statutes is repealed. X

15 **SECTION 6.** 36.27 (3n) (c) of the statutes is amended to read:

16 36.27 (3n) (c) The higher educational aids board shall reimburse the board of
17 regents for all academic fees and segregated fees remitted under par. (b) as provided
18 in s. 39.50 (1) and (3m). ✓

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

20 36.27 (3p) (b) Except as provided in par. (bg), the board shall grant full
21 remission of nonresident tuition, academic fees, and segregated fees charged for 128
22 credits or 8 semesters, whichever is longer, less the number of credits or semesters
23 for which the person received remission of fees under s. 38.24 (8) and less the amount
24 of any academic fees or segregated fees paid under 10 USC 2107 (c), or 38 USC 3104
25 (a) (7) (A), or ~~38 USC 3313~~, to any student who is a veteran.

SENATE BILL 53

1 **SECTION 8.** 36.27 (3p) (bm) 1. of the statutes is renumbered 36.27 (3p) (bm).

2 **SECTION 9.** 36.27 (3p) (bm) 2. of the statutes is repealed.

3 **SECTION 10.** 36.27 (3p) (c) of the statutes is amended to read:

4 36.27 (3p) (c) The higher educational aids board shall reimburse the board of
5 regents for all nonresident tuition, academic fees, and segregated fees remitted
6 under par. (b) as provided in s. 39.50 (1) and (3m). ✓

7 **SECTION 11.** 38.24 (7) (b) (intro.) of the statutes is amended to read:

8 38.24 (7) (b) (intro.) Except as provided in subds. 1. to 3. and par (bg), the
9 district board shall grant full remission of fees under sub. (1m) (a) to (c) for 128
10 credits or 8 semesters, whichever is longer, less the number of credits or semesters
11 for which the person received remission of fees from any other district board under
12 this subsection and from the Board of Regents under s. 36.27 (3n) (b) and less the
13 amount of any fees paid under 38 USC 3319, to any resident student who is also any
14 of the following:

15 **SECTION 12.** 38.24 (7) (bg) of the statutes is amended to read:

16 38.24 (7) (bg) Before the district board may grant a remission of fees under par.
17 (b), the district board shall require the resident student to apply to the payment of
18 those fees all educational assistance to which the resident student is entitled under
19 38 USC 3319. This requirement applies notwithstanding the fact that the resident
20 student may be entitled to educational assistance under 10 USC 16132a, 10 USC
21 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC 3319,
22 unless the resident student has 12 months or less of eligibility remaining for
23 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
24 or 38 USC 3500 to 3566.

25 **SECTION 13.** 38.24 (7) (bm) 1. of the statutes is renumbered 38.24 (7) (bm).

25
Insert
4-24

SENATE BILL 53

SECTION 14. 38.24 (7) (bm) 2. of the statutes is repealed.

SECTION 15. 38.24 (7) (c) of the statutes is amended to read:

as affected by 2011 Wisconsin Act 32

38.24 (7) (c) The higher educational aids board shall reimburse the district board for all fees ~~under sub. (1m) (a) to (c)~~ remitted under par. (b) as provided in s. 39.50 (2) and (3m).

~~SECTION 16. 38.24 (8) (b) of the statutes is amended to read:~~

~~38.24 (8) (b) Except as provided in par. (bg), the district board shall grant full remission of the fees charged under sub. (1m) (a) to (c) for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 36.27 (3p) and less the amount of any fees paid under 10 USC 2107 (c), or 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran.~~

SECTION 17. 38.24 (8) (bm) 1. of the statutes is renumbered 38.24 (8) (bm).

SECTION 18. 38.24 (8) (bm) 2. of the statutes is repealed.

SECTION 19. 38.24 (8) (c) of the statutes is amended to read:

as affected by 2011 Wisconsin Act 32

38.24 (8) (c) The higher educational aids board shall reimburse the district board for all fees ~~under sub. (1m) (a) to (c)~~ remitted under par. (b) as provided in s. 39.50 (2) and (3m).

SECTION 20. 39.50 (1) of the statutes is amended to read:

39.50 (1) UNIVERSITY OF WISCONSIN SYSTEM. At the end of each semester, the Board of Regents of the University of Wisconsin System shall certify to the board the number of students enrolled in the University of Wisconsin System to whom any fees or nonresident tuition has been remitted under s. 36.27 (3n) or (3p), the number of credits for which those fees or that nonresident tuition has been remitted, and the

SENATE BILL 53

1 amount of fees and nonresident tuition remitted. ~~Subject to sub. (3m), if~~ [✓] If the board
2 approves the information certified under this subsection, the board, from the
3 appropriation account under s. 20.235 (1) (fz), shall reimburse the board of regents
4 for the full amount of fees and nonresident tuition remitted. The board of regents
5 shall credit any amounts received under this subsection to the appropriation under
6 s. 20.285 (1) (k) and shall expend those amounts received for degree credit
7 instruction.

8 **SECTION 21.** 39.50 (2) of the statutes is amended to read:

9 39.50 (2) TECHNICAL COLLEGES. At the end of each semester, each technical
10 college district board shall certify to the board the number of students enrolled in the
11 technical college governed by the district board to whom any fees have been remitted
12 under s. 38.24 (7) or (8), the number of credits for which those fees have been
13 remitted, and the amount of those fees remitted. ~~Subject to sub. (3m), if~~ [✓] If the board
14 approves the information certified under this subsection, the board, from the
15 appropriation account under s. 20.235 (1) (fz), shall reimburse the district board for
16 the full amount of fees remitted.

17 **SECTION 22.** 39.50 (3m) [✓] of the statutes is repealed.

18 **SECTION 23.** 39.50 (4) of the statutes is amended to read:

19 39.50 (4) REIMBURSEMENT OF VETERANS AND DEPENDENTS; ~~PRORATED~~
20 ~~REIMBURSEMENT.~~ In each fiscal year, the higher educational aids board shall
21 determine the total amount of reimbursement due to students under ss. 36.27 (3n)
22 (bm) ~~1.~~ [✓] and (3p) (bm) ~~1.~~ [✓] and 38.24 (7) (bm) ~~1.~~ [✓] and (8) (bm) ~~1.~~ [✓] If and, from the moneys
23 appropriated under s. 20.235 (1) (fz) ~~are not sufficient to provide full reimbursement~~
24 ~~to those students, the higher educational aids board shall prorate the~~
25 ~~reimbursement paid to those students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1.~~

SENATE BILL 53

1 and ~~38.24 (7) (bm) 1. and (8) (bm) 1.~~ in the proportion that the moneys available bears
 2 to the total amount eligible for reimbursement under ~~ss. 36.27 (3n) (bm) 1. and (3p)~~
 3 ~~(bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1.~~ If the higher educational aids board
 4 prorates reimbursement under this subsection, the Board of Regents shall reimburse
 5 a student who is eligible for reimbursement under ~~s. 36.27 (3n) (bm) 1. or (3p) (bm)~~
 6 ~~1., and the appropriate technical college district board,~~ shall reimburse a student
 7 who is eligible for that reimbursement under ~~s. 38.24 (7) (bm) 1. or (8) (bm) 1.,~~ in an
 8 amount that is equal to the difference between the amount of reimbursement for
 9 which the student is eligible and the amount of reimbursement paid by the higher
 10 educational aids board.

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 Inset
 7-10
 Inset
 7-15

SECTION 24. Initial applicability.

(1) FEE REMISSION. ~~This act first applies to a student who is enrolled in the~~
 spring 2010 semester.

SECTION 25. Effective date.

(1) ~~FEE REMISSION. This act takes effect retroactively on January 1, 2010.~~

(END)

↓
 DIVE

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0194/lins
GMM.....

(INSERT 3-12)

1 SECTION ~~#~~ 36.27 (3n) (bg) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 36.27 (3n) (bg) Before the Board of Regents may grant a remission of academic
4 fees and segregated fees under par. (b), the Board of Regents shall require the
5 resident student to apply to the payment of those fees all educational assistance to
6 which the resident student is entitled under 38 USC 3319. If that educational
7 assistance covers 100 percent of those fees for a credit or semester, that credit or
8 semester shall not count against the 128 credit or 8 semester limit provided in par.

9 (b). If that educational assistance covers less than 100 percent of those fees for a
10 credit or semester and the remission under par. (b) covers the remainder of those fees,
11 the credit or semester shall count against that limit in the proportion that the
12 remission bears to the total academic fees and segregated fees charged for that credit
13 or semester. This requirement applies notwithstanding the fact that the resident
14 student may be entitled to educational assistance under 10 USC 16132a, 38 USC

15 3001 to 3036, 10 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319,
16 unless the resident student has 12 months or less of eligibility remaining for
17 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
18 or 38 USC 3500 to 3566.

History: 1973 c. 333 ss. 68g, 68k, 201f(2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169; 1993 a. 16; 1995 a. 27, 228; 1997 a. 27, 163, 237; 1999 a. 9, 130, 154, 186; 2001 a. 16, 38; 2003 a. 33 ss. 936, 9160; 2003 a. 42, 185, 320; 2005 a. 22, 25, 320, 387, 404, 468; 2007 a. 20, 130; 2009 a. 28; 2011 a. 32.

(END OF INSERT)

(INSERT 4-24)

19 SECTION ~~#~~ 38.24 (7) (bg) of the statutes, as affected by 2011 Wisconsin Act 32,
20 is amended to read:

1 38.24 (7) (bg) Before the district board may grant a remission of fees under par.
2 (b), the district board shall require the resident student to apply to the payment of
3 those fees all educational assistance to which the resident student is entitled under
4 38 USC 3319. If that educational assistance covers 100 percent of those fees for a
5 credit or semester, that credit or semester shall not count against the 128 credit or
6 8 semester limit provided in par. (b). If that educational assistance covers less than
7 100 percent of those fees for a credit or semester and the remission under par. (b)
8 covers the remainder of those fees, the credit or semester shall count against that
9 limit in the proportion that the remission bears to the total fees charged for that
10 credit or semester. This requirement applies notwithstanding the fact that the
11 resident student may be entitled to educational assistance under 10 USC 16132a, 10
12 USC 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC
13 3319, unless the resident student has 12 months or less of eligibility remaining for
14 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
15 or 38 USC 3500 to 3566.

History: 1971 c. 154, 211, 228; 1975 c. 39, 224; 1977 c. 29, 418; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31, 107, 336; 1991 a. 39 ss. 1103 to 1108m, 1117; 1993 a. 16, 223, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 228; 1997 a. 27, 163, 292; 1999 a. 32 s. 97; 1999 a. 130, 154; 2003 a. 42; 2005 a. 22, 25, 253, 320, 468; 2007 a. 20 ss. 738mr to 741, 9121 (6) (a); 2007 a. 130; 2009 a. 28, 276; 2011 a. 32.

(END OF INSERT)

(INSERT 7-15)

16 **SECTION ~~4~~ Fiscal changes.**

17 (1) FEE REMISSION. In the schedule under section 20.005 (3) of the statutes for
18 the appropriation to the higher educational aids board under section 20.235 (1) (fz)
19 of the statutes, as affected by the acts of 2011, the dollar amount is increased by
20 \$3,000,000 for the first fiscal year of the fiscal biennium in which this subsection
21 takes effect for the purposes for which the appropriation is made. In the schedule

1 under section 20.005 (3) of the statutes for the appropriation to the higher
2 educational aids board under section 20.235 (1) (fz) of the statutes, as affected by the
3 acts of 2011, the dollar amount is increased by \$6,000,000 for the second fiscal year
4 of the fiscal biennium in which this subsection takes effect for the purposes for which
5 the appropriation is made.

6 **SECTION ~~4~~ Initial applicability.**

7 (1) FEE REMISSION.

8 (a) The treatment of sections 36.27 (3n) (bg) and 38.24 (7) (bg) of the statutes
9 first applies to a student who is enrolled in the fall 2011 semester.

10 (b) The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) 1. and 2. and (c)
11 and (3p) (bm) 1. and 2. and (c), 38.24 (7) (bm) 1. and 2. and (c) and (8) (bm) 1. and 2.
12 and (c), and 39.50 (1), (2), (3m), and (4) of the statutes first applies to a student who
13 is enrolled in the fall 2016 semester.

14 **SECTION 5. Effective dates.** This act takes effect on the day after publication,
15 except as follows:

16 (1) FEE REMISSION. The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) 1.
17 and 2. and (c) and (3p) (bm) 1. and 2. and (c), 38.24 (7) (bm) 1. and 2. and (c) and (8)
18 (bm) 1. and 2. and (c), and 39.50 (1), (2), (3m), and (4) of the statutes takes effect on
19 July 1, 2016.

(END OF INSERT)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0194/1dn

GMM.....

WJ

Date

Senator Lassa:

In reviewing this draft, please note all of the following:

1. The draft increases the amount in the appropriation schedule for the appropriation for fee remissions by \$3,000,000 in fiscal year 2011-12 and by \$6,000,000 in fiscal year 2012-13, but does not increase the amounts in the schedule for that appropriation after this biennium. It is a fundamental axiom of legislative procedure that one legislature cannot bind a future legislature. Indeed, in the case of appropriations, the biennial budget bill repeals and recreates the entire appropriation schedule, so any attempt to increase an appropriation amount after this biennium would be a nullity. The bill does, however, amend the appropriation *text* of s. 20.235 (1) (fz), effective on July 1, 2016, to make that appropriation a sum sufficient.

2. The draft includes the technical changes to ss. 36.27 (7) (3m) (bg) and 38.24 (7) (bg) that were included in SB 53. Those changes are necessary because the Montgomery GI Bill, or "Old GI Bill," was amended to permit a veteran to pass on his or her unused benefits to a dependent. So that reference must be included for dependents as it is for the veteran himself or herself. See ss. 36.27 (3p) (bg) and 38.24 (8) (bg).

stats

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0194/1dn
GMM:wlj:rs

October 3, 2011

Senator Lassa:

In reviewing this draft, please note all of the following:

1. The draft increases the amount in the appropriation schedule for the appropriation for fee remissions by \$3,000,000 in fiscal year 2011-12 and by \$6,000,000 in fiscal year 2012-13, but does not increase the amounts in the schedule for that appropriation after this biennium. It is a fundamental axiom of legislative procedure that one legislature cannot bind a future legislature. Indeed, in the case of appropriations, the biennial budget bill repeals and recreates the entire appropriation schedule, so any attempt to increase an appropriation amount after this biennium would be a nullity. The bill does, however, amend the appropriation *text* of s. 20.235 (1) (fz), effective on July 1, 2016, to make that appropriation a sum sufficient.
2. The draft includes the technical changes to ss. 36.27 (3n) (bg) and 38.24 (7) (bg) that were included in SB 53. Those changes are necessary because the Montgomery GI Bill, or "Old GI Bill," was amended to permit a veteran to pass on his or her unused benefits to a dependent. So that reference must be included for dependents as it is for the veteran himself or herself. See ss. 36.27 (3p) (bg) and 38.24 (8) (bg), stats.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Knickelbine, Mark
Sent: Tuesday, October 04, 2011 9:33 AM
To: Malaise, Gordon
Subject: RE: Substitute Amendment to SB 53

Importance: High

Gordon –

I've had a chance to review S0194, and I read your note as to why only the first two annual appropriation increases are included in the bill. Is there any other way we can build in our intention that the sum certain appropriation should continue to increase until it becomes sum sufficient in 2016? Could we direct UW System and WCTS to request these increases in their budget requests?

Mark

From: Malaise, Gordon
Sent: Monday, October 03, 2011 3:04 PM
To: Knickelbine, Mark
Subject: RE: Substitute Amendment to SB 53

Mark:

Yes, I got your request. You should be receiving it today.

Gordon

From: Knickelbine, Mark
Sent: Monday, October 03, 2011 3:02 PM
To: Malaise, Gordon
Subject: FW: Substitute Amendment to SB 53

Gordon –

Wanted to confirm that you received this and find out if I'll get it before Wednesday.

Mark Knickelbine

From: Knickelbine, Mark
Sent: Friday, September 30, 2011 10:24 AM
To: Malaise, Gordon
Subject: Substitute Amendment to SB 53

Gordon:

I need a p draft substitute amendment to Senate Bill 53, which is scheduled for a public hearing on October 5.

- I want to remove the deletion of statutory language specifying that the amount of tuition and fees remitted by the Board of Regents or a technical college district board should be reduced by the amount of tuition and fees paid through the federal Post-9/11 G.I. Bill program. As you know, these changes to statutes have already been made by a provision of 2011 Act 32.
- I would like to make the increase in the appropriation retroactive to July 1, 2011. I'd also like to phase in the increase over 6 fiscal years. Could we increase the sum certain appropriation line by \$3 million annually until Year 6 at which point the appropriation becomes sum sufficient? (So an increase of \$3 m in year 1, \$6 m in year 2, \$9 m in year 3, etc.)

Let me know if you have any questions and how quickly you think this could be turned around. Thanks!

Mark Knickelbine
Office of State Senator Julie Lassa
608 266 3123

Malaise, Gordon

From: Shannon, Pam
Sent: Tuesday, October 04, 2011 10:58 AM
To: Malaise, Gordon
Subject: RE: Lassa sub to SB 53

Excellent. I thought there had to be some way.

Pam Shannon

Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2680
pam.shannon@legis.wisconsin.gov

From: Malaise, Gordon
Sent: Tuesday, October 04, 2011 10:56 AM
To: Shannon, Pam
Subject: RE: Lassa sub to SB 53

Pam:

I just talked to Mark. The way to do it is to amend the appropriation to make it a capped sum sufficient, similar to how the WHEG grant appropriation is structured, i.e., "A sum sufficient not to exceed \$ in FY ?, \$\$ in FY . . .". Then double draft to make it an uncapped sum sufficient in FY 2016-17.

Mark agreed to that approach.

Gordon

From: Shannon, Pam
Sent: Tuesday, October 04, 2011 10:52 AM
To: Malaise, Gordon
Subject: Lassa sub to SB 53

Hi Gordon,

Mark in Sen. Lassa's office sent me the sub (LRBs0194/1) and your D-note for SB 53. He's asking me if there's any other way to build in the intention that the appropriation continue to increase over time. I agree with you that we don't (and as you say, can't) bind a future legislature by putting in amounts that apply to future biennia. However, I'm wondering if we ever put in language indicating the aspiration, in effect, that that happen. Can you think of anything that could be added, perhaps in conjunction with changing to the sum sufficient appropriation?

I appreciate any suggestions you have on this. It's time sensitive, as Mark is preparing testimony for the bill hearing which is tomorrow morning at 9.

Thanks,

Pam Shannon

Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2680
pam.shannon@legis.wisconsin.gov

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0194/1
GMM:nwn&wlfrs

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IN 1014
NOW!! - Exec 9:00 AM Tomorrow

SENATE SUBSTITUTE AMENDMENT,
TO 2011 SENATE BILL 53

\$cjs

SAC

Gen Cat

~~Adm~~

1 AN ACT *to repeal* 36.27 (3n) (bm) 2., 36.27 (3p) (bm) 2., 38.24 (7) (bm) 2., 38.24
2 (8) (bm) 2. and 39.50 (3m); *to renumber* 36.27 (3n) (bm) 1., 36.27 (3p) (bm) 1.,
3 38.24 (7) (bm) 1. and 38.24 (8) (bm) 1.; and *to amend* 20.235 (1) (fz), 36.27 (3n)
4 (bg), 36.27 (3n) (c), 36.27 (3p) (c), 38.24 (7) (bg), 38.24 (7) (c), 38.24 (8) (c), 39.50
5 (1), 39.50 (2) and 39.50 (4) of the statutes; **relating to:** increasing the amount
6 appropriated for remission of fees for veterans and their dependents enrolled
7 in the University of Wisconsin System or in a technical college and making an
8 appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant remission of academic fees to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active

July 1, 2013, the substitute amendment converts that sum certain appropriation into a capped sum sufficient appropriation equal to \$15,496,700 in the 2013-14 fiscal year, equal to \$18,496,700 in the 2014-15 fiscal year, and equal to \$21,496,700

or inactive duty for training purposes; or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, "academic fees" includes nonresident tuition.

Under current law, \$6,496,700 is appropriated to the Higher Educational Aids Board (HEAB) in each of fiscal years 2011-12 and 2012-13 to reimburse the Board of Regents and each district board for the amount of fees remitted for veterans and their dependents, and HEAB must prorate that reimbursement if the moneys appropriated are not sufficient to reimburse the Board of Regents and each district board for the full amount of fees remitted. This substitute amendment increases the amount appropriated by \$3,000,000 in fiscal year 2011-12 and by \$6,000,000 in fiscal year 2012-13. Then, effective on July 1, 2016 the substitute amendment converts that ~~sum certain~~ appropriation into a sum sufficient appropriation and requires HEAB to reimburse the Board of Regents and each district board for the full amount of fees remitted for veterans and their dependents.

in the 2013-14 fiscal year
Effectively, effective on

Capped sum sufficient

an uncapped

equal to \$15,496,700 in the 2013-14 fiscal year, equal to \$18,496,700 in the

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

2014-15 fiscal year, and equal to \$21,496,700 in the 2015-16 fiscal year

create a.r. Q

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

20.235 (1) (fz) Remission of fees and reimbursement for veterans and dependents. Biennially, the amounts in the schedule A sum sufficient to reimburse the Board of Regents of the University of Wisconsin System and technical college district boards under s. 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b) and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).

SECTION 2. 36.27 (3n) (bg) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

36.27 (3n) (bg) Before the Board of Regents may grant a remission of academic fees and segregated fees under par. (b), the Board of Regents shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. If that educational assistance covers 100 percent of those fees for a credit or semester, that credit or

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insert
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1 semester shall not count against the 128 credit or 8 semester limit provided in par.
2 (b). If that educational assistance covers less than 100 percent of those fees for a
3 credit or semester and the remission under par. (b) covers the remainder of those fees,
4 the credit or semester shall count against that limit in the proportion that the
5 remission bears to the total academic fees and segregated fees charged for that credit
6 or semester. This requirement applies notwithstanding the fact that the resident
7 student may be entitled to educational assistance under 10 USC 16132a, 10 USC
8 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC 3319,
9 unless the resident student has 12 months or less of eligibility remaining for
10 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
11 or 38 USC 3500 to 3566.

12 **SECTION 3.** 36.27 (3n) (bm) 1. of the statutes is renumbered 36.27 (3n) (bm).

13 **SECTION 4.** 36.27 (3n) (bm) 2. of the statutes is repealed.

14 **SECTION 5.** 36.27 (3n) (c) of the statutes is amended to read:

15 36.27 (3n) (c) The higher educational aids board shall reimburse the board of
16 regents for all academic fees and segregated fees remitted under par. (b) as provided
17 in s. 39.50 (1) ~~and (3m)~~.

18 **SECTION 6.** 36.27 (3p) (bm) 1. of the statutes is renumbered 36.27 (3p) (bm).

19 **SECTION 7.** 36.27 (3p) (bm) 2. of the statutes is repealed.

20 **SECTION 8.** 36.27 (3p) (c) of the statutes is amended to read:

21 36.27 (3p) (c) The higher educational aids board shall reimburse the board of
22 regents for all nonresident tuition, academic fees, and segregated fees remitted
23 under par. (b) as provided in s. 39.50 (1) ~~and (3m)~~.

24 **SECTION 9.** 38.24 (7) (bg) of the statutes, as affected by 2011 Wisconsin Act 32,
25 is amended to read:

1 38.24 (7) (bg) Before the district board may grant a remission of fees under par.
2 (b), the district board shall require the resident student to apply to the payment of
3 those fees all educational assistance to which the resident student is entitled under
4 38 USC 3319. If that educational assistance covers 100 percent of those fees for a
5 credit or semester, that credit or semester shall not count against the 128 credit or
6 8 semester limit provided in par. (b). If that educational assistance covers less than
7 100 percent of those fees for a credit or semester and the remission under par. (b)
8 covers the remainder of those fees, the credit or semester shall count against that
9 limit in the proportion that the remission bears to the total fees charged for that
10 credit or semester. This requirement applies notwithstanding the fact that the
11 resident student may be entitled to educational assistance under 10 USC 16132a, 10
12 USC 16163a, 38 USC 3001 to 3036, or 38 USC 3500 to 3566 as well as under 38 USC
13 3319, unless the resident student has 12 months or less of eligibility remaining for
14 educational assistance under 10 USC 16132a, 10 USC 16163a, 38 USC 3001 to 3036,
15 or 38 USC 3500 to 3566.

16 **SECTION 10.** 38.24 (7) (bm) 1. of the statutes is renumbered 38.24 (7) (bm).

17 **SECTION 11.** 38.24 (7) (bm) 2. of the statutes is repealed.

18 **SECTION 12.** 38.24 (7) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
19 is amended to read:

20 38.24 (7) (c) The higher educational aids board shall reimburse the district
21 board for all fees remitted under par. (b) as provided in s. 39.50 (2) ~~and (3m)~~.

22 **SECTION 13.** 38.24 (8) (bm) 1. of the statutes is renumbered 38.24 (8) (bm).

23 **SECTION 14.** 38.24 (8) (bm) 2. of the statutes is repealed.

24 **SECTION 15.** 38.24 (8) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
25 is amended to read:

1 38.24 (8) (c) The higher educational aids board shall reimburse the district
2 board for all fees remitted under par. (b) as provided in s. 39.50 (2) ~~and (3m)~~.

3 **SECTION 16.** 39.50 (1) of the statutes is amended to read:

4 39.50 (1) UNIVERSITY OF WISCONSIN SYSTEM. At the end of each semester, the
5 Board of Regents of the University of Wisconsin System shall certify to the board the
6 number of students enrolled in the University of Wisconsin System to whom any fees
7 or nonresident tuition has been remitted under s. 36.27 (3n) or (3p), the number of
8 credits for which those fees or that nonresident tuition has been remitted, and the
9 amount of fees and nonresident tuition remitted. ~~Subject to sub. (3m), if~~ If the board
10 approves the information certified under this subsection, the board, from the
11 appropriation account under s. 20.235 (1) (fz), shall reimburse the board of regents
12 for the full amount of fees and nonresident tuition remitted. The board of regents
13 shall credit any amounts received under this subsection to the appropriation under
14 s. 20.285 (1) (k) and shall expend those amounts received for degree credit
15 instruction.

16 **SECTION 17.** 39.50 (2) of the statutes is amended to read:

17 39.50 (2) TECHNICAL COLLEGES. At the end of each semester, each technical
18 college district board shall certify to the board the number of students enrolled in the
19 technical college governed by the district board to whom any fees have been remitted
20 under s. 38.24 (7) or (8), the number of credits for which those fees have been
21 remitted, and the amount of those fees remitted. ~~Subject to sub. (3m), if~~ If the board
22 approves the information certified under this subsection, the board, from the
23 appropriation account under s. 20.235 (1) (fz), shall reimburse the district board for
24 the full amount of fees remitted.

25 **SECTION 18.** 39.50 (3m) of the statutes is repealed.

1 **SECTION 19.** 39.50 (4) of the statutes is amended to read:

2 **39.50 (4) REIMBURSEMENT OF VETERANS AND DEPENDENTS;—PRORATED**
3 ~~REIMBURSEMENT.~~ In each fiscal year, the higher educational aids board shall
4 determine the total amount of reimbursement due to students under ss. 36.27 (3n)
5 (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. ~~If and, from~~ the moneys
6 appropriated under s. 20.235 (1) (fz) ~~are not sufficient to provide full reimbursement~~
7 ~~to those students, the higher educational aids board shall prorate the~~
8 ~~reimbursement paid to those students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1.~~
9 ~~and 38.24 (7) (bm) 1. and (8) (bm) 1. in the proportion that the moneys available bears~~
10 ~~to the total amount eligible for reimbursement under ss. 36.27 (3n) (bm) 1. and (3p)~~
11 ~~(bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If the higher educational aids board~~
12 ~~prorates reimbursement under this subsection, the Board of Regents shall reimburse~~
13 ~~a student who is eligible for reimbursement under s. 36.27 (3n) (bm) 1. or (3p) (bm)~~
14 ~~1., and the appropriate technical college district board, shall reimburse a student~~
15 ~~who is eligible for that reimbursement under s. 38.24 (7) (bm) 1. or (8) (bm) 1., in an~~
16 ~~amount that is equal to the difference between the amount of reimbursement for~~
17 ~~which the student is eligible and the amount of reimbursement paid by the higher~~
18 ~~educational aids board.~~

19 **SECTION 20. Fiscal changes.**

20 (1) **FEE REMISSION.** In the schedule under section 20.005 (3) of the statutes for
21 the appropriation to the higher educational aids board under section 20.235 (1) (fz)
22 of the statutes, as affected by the acts of 2011, the dollar amount is increased by
23 \$3,000,000 for the first fiscal year of the fiscal biennium in which this subsection
24 takes effect for the purposes for which the appropriation is made. In the schedule
25 under section 20.005 (3) of the statutes for the appropriation to the higher

1 educational aids board under section 20.235 (1) (fz) of the statutes, as affected by the
2 acts of 2011, the dollar amount is increased by \$6,000,000 for the second fiscal year
3 of the fiscal biennium in which this subsection takes effect for the purposes for which
4 the appropriation is made.

5 **SECTION 21. Initial applicability.**

6 (1) FEE REMISSION.

7 (a) The treatment of sections 36.27 (3n) (bg) and 38.24 (7) (bg) of the statutes
8 first applies to a student who is enrolled in the fall 2011 semester.

9 (b) The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) 1. and 2. and (c)
10 and (3p) (bm) 1. and 2. and (c), 38.24 (7) (bm) 1. and 2. and (c) and (8) (bm) 1. and 2.
11 and (c), and 39.50 (1), (2), (3m), and (4) of the statutes first applies to a student who
12 is enrolled in the fall 2016 semester.

13 **SECTION 22. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (#) FEE REMISSION. The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) 1.
16 and 2. and (c) and (3p) (bm) 1. and 2. and (c), 38.24 (7) (bm) 1. and 2. and (c) and (8)
17 (bm) 1. and 2. and (c), and 39.50 (1), (2), (3m), and (4) of the statutes takes effect on
18 July 1, 2016.

19 (END)

(#) ^{CS} FEE REMISSION; ^{CS} CAPPED SUM SUFFICIENT

The treatment of section 20.235 (1) (fz) ^{CS} (by SECTION*) of the
statutes takes effect on July 1, 2013.

use a.r. Q
from p. 2

(by SECTION*) ^{CS} use a.r. X
from insert

(by SECTION*) ^{CS} use a.r. X
from insert

^{CS} UN-CAPPED SUM SUFFICIENT

Insert 2-7

As affected by 2011 Wisconsin Act ~~1111~~ (this act),

Section #. 20.235 (1) (fz) of the statutes is amended to read:

create
a.r.
[X]

20.235 (1) (fz) *Remission of fees and reimbursement for veterans and dependents.* ~~Biennially,~~
~~the amounts in the schedule~~ to reimburse the Board of Regents of the University of Wisconsin Sys-
tem and technical college district boards under s. 39.50 for fee remissions made under ss. 36.27 (3n)
(b) or (3p) (b) and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in
ss. 36.27 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).

History: 1971 c. 44; 1971 c. 125 ss. 62, 63, 64, 65, 66, 522 (1); 1971 c. 211; 1973 c. 90, 243, 333; 1975 c. 39, 118,
189, 199, 224; 1977 c. 29, 418; 1979 c. 34 ss. 136 to 155, 2102 (22) (a); 1979 c. 175, 221; 1981 c. 20 ss. 156 to 162p,
2202 (22) (a); 1983 a. 27; 1985 a. 29, 120; 1987 a. 27, 399; 1987 a. 403 s. 256; 1989 a. 31, 336; 1991 a. 39, 269; 1993
a. 16, 399; 1995 a. 27 ss. 558 to 563, 9127 (1); 1997 a. 27 s. 236 to 242, 253, 267, 268; 1999 a. 9, 144; 2001 a. 16,
109; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28; 2011 a. 32.

A sum sufficient equal to ~~\$15,496,700~~ ^{the 2013-14} in ~~the~~ fiscal
~~year,~~ equal to ~~\$18,496,700~~ in the ~~2014-15~~
~~fiscal year,~~ and equal to ~~\$21,496,700~~ in the
~~2015-16~~ fiscal year

(edit in 2X)