May 17, 2011 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Colleges and Universities.

AN ACT to amend 20.235 (1) (b), (fe), (ff), (fg) and (km), 20.285 (4) (dd), 20.505

(8) (hm) 10., 36.34 (1) (c) 1. a. and b., 36.34 (1) (c) 2. (intro.), 36.34 (1) (c) 2. am.,
36.34 (1) (c) 2. b., 36.34 (1) (c) 2. bm., 39.435 (7) (a) 1. and 2., 39.435 (7) (b)
(intro.), 39.435 (7) (b) 2. and 39.435 (7) (b) 2m.; and to create 36.34 (1) (c) 2. ag.,
36.34 (1) (c) 2. ar., 39.30 (5), 39.435 (7) (a) 3., 4., 5. and 6., 39.435 (7) (b) 1g. and
1r., 39.435 (7) (c) and (d) and 39.44 (6) of the statutes; relating to: the
Wisconsin higher education grant program, tuition grant program, Lawton
minority undergraduate grant program, minority undergraduate retention
grant program, and making appropriations.

Analysis by the Legislative Reference Bureau
This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:
JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council’s Special Committee on Review of Higher Education Financial Aid Programs.

The bill amends appropriations for various higher education grant programs to make the appropriations sum sufficient rather than sum certain amounts beginning in the 2012-13 fiscal year. Specifically, the bill amends the appropriations for Wisconsin higher education grants awarded to Wisconsin residents enrolled in the University of Wisconsin (UW) System, a technical college, or a tribal college; tuition grants awarded to Wisconsin residents enrolled in accredited, nonprofit institutions; Lawton grants awarded to minority undergraduates enrolled in the UW System; and minority undergraduate retention grants awarded to minority undergraduate students enrolled at least half-time in independent, technical, and tribal institutions in the state.

Under the bill, the sum sufficient appropriations equal the amount appropriated for those grants in the previous fiscal year (base amount), increased by the average percentage by which the undergraduate academic fees for the next academic year are estimated to exceed those charged during the current academic year.

SECTION 1. 20.235 (1) (b), (fe), (ff), (fg) and (km) of the statutes are amended to read:

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

(fe) Wisconsin higher education grants; University of Wisconsin System students. A sum sufficient equal to $37,750,000 in the 2009-10 fiscal year, equal to $58,345,400 in the 2010-11 fiscal year, and equal to the amount calculated under s. 39.435 (7) (b) for the Wisconsin higher education grant program under s. 39.435 for University of Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5), thereafter.

(ff) Wisconsin higher education grants; technical college students. Biennially, the amounts in the schedule A sum sufficient equal to the amount calculated under s. 39.435 (7) (c) for the Wisconsin higher education grant program under s. 39.435 for technical college students, except for grants awarded under s. 39.435 (2) or (5).
Minority undergraduate retention grants program. Biennially, the amounts in the schedule A sum sufficient equal to the amount calculated under s. 39.44 (6) for the minority undergraduate retention grant program under s. 39.44.

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

NOTE: This SECTION amends appropriations for the Wisconsin higher education grants, tuition grants, and minority undergraduate retention grants to make the appropriations sum sufficient rather than sum certain.

SECTION 2. 20.285 (4) (dd) of the statutes is amended to read:

20.285 (4) (dd) Lawton minority undergraduate grants program. A sum sufficient equal to $6,399,500 in the 2009–10 fiscal year and $6,757,900 in the 2010–11 fiscal year, and in subsequent fiscal years a sum sufficient equal to the amount calculated under s. 36.34 (1) (c), for the Lawton minority undergraduate grant program under s. 36.34 (1).

NOTE: This SECTION amends the capped sum sufficient appropriation for the Lawton minority undergraduate grants to remove references to sum certain cap amounts.

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

20.505 (8) (hm) 10. The amount transferred to s. 20.235 (1) (km) shall be the amount in the schedule under s. 20.235 (1) (km) as calculated by the higher educational aids board under s. 39.435 (7) (d).
NOTE: This Section clarifies the amount of funds transferred to the appropriation for Wisconsin higher education grants for tribal college students from Indian gaming receipts are calculated by the Higher Educational Aids Board (HEAB) in the manner specified under s. 39.435 (7) (d), stats., as created by this bill.

SECTION 4. 36.34 (1) (c) 1. a. and b. of the statutes are amended to read:

36.34 (1) (c) 1. a. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for fiscal year 2011–12 2012–13, “base amount” means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2010–11 2011–12.

b. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for each fiscal year after fiscal year 2011–12 2012–13, “base amount” means the appropriation determined under subd. 2. for the previous fiscal year.

NOTE: This Section amends language related to the appropriation for Lawton minority undergraduate grants to make it consistent with language created in other Sections of the bill.

SECTION 5. 36.34 (1) (c) 2. (intro.) of the statutes is amended to read:

36.34 (1) (c) 2. (intro.) Beginning in 2011, biennially, by February 1, 2012, and biennially thereafter, the board shall calculate the amounts to be appropriated under s. 20.285 (4) (dd) for the next biennium 2 fiscal years as follows:

NOTE: This Section amends language related to the appropriation for Lawton minority undergraduate grants to make it consistent with language created in other Sections of the bill.

SECTION 6. 36.34 (1) (c) 2. ag. of the statutes is created to read:

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

NOTE: This SECTION adds a step to the calculation of the amount to be appropriated for Lawton minority undergraduate grants to account for any increase or decrease in academic fees for UW–Madison for the next academic year.

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

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

NOTE: This SECTION changes the term “undergraduate fees” to “undergraduate academic fees” for consistency in terminology.

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

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

NOTE: This SECTION adds a step to the calculation of amounts to be appropriated for Lawton minority undergraduate grants to account for any increase or decrease in academic fees at UW–Madison in the academic year after the next academic year.

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

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

NOTE: This Section amends the procedure for calculating the appropriation for the Lawton minority undergraduate grants for the next fiscal year.

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

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

NOTE: This Section amends the procedure for calculating the appropriation for the Lawton minority undergraduate grants for the fiscal year after the next fiscal year.

SECTION 11. 39.30 (5) of the statutes is created to read:

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

1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (b) for fiscal year 2012–13, “base amount” means the amount shown in the schedule under s. 20.005 (3) for that appropriation for fiscal year 2011–12.
2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (b) for each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount calculated under par. (b) for the previous fiscal year.

(b) By February 1, 2012, and biennially thereafter, the board shall calculate the amount to be appropriated under s. 20.235 (1) (b) for the next 2 fiscal years as follows:

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

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

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

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

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

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

Note: This Section creates a new procedure for the calculation of the
appropriation for tuition grants awarded to Wisconsin residents enrolled in accredited,
nonprofit institutions.

Section 12. 39.435 (7) (a) 1. and 2. of the statutes are amended to read:

39.435 (7) (a) 1. For purposes of calculating the amount to be appropriated
under s. 20.235 (1) (fe) for fiscal year 2011–12 2012–13, “base amount” means the
amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2010–11 2011–12.

2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year 2011–12 2012–13, “base amount” means the appropriation amount calculated under par. (b) for the previous fiscal year.

NOTE: This SECTION amends language related to the appropriation for Wisconsin higher education grants to make it consistent with language created in other SECTIONS of the bill.

SECTION 13. 39.435 (7) (a) 3., 4., 5. and 6. of the statutes are created to read:

39.435 (7) (a) 3. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (ff) for fiscal year 2012–13, “base amount” means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2011–12.

4. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (ff) for each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount calculated under par. (c) for the previous fiscal year.

5. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (km) for fiscal year 2012–13, “base amount” means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2011–12.

6. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (km) for each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount calculated under par. (d) for the previous fiscal year.

NOTE: This SECTION provides definitions for the term “base amount”, which is referred to in calculation procedures under s. 39.435 (7) (c) and (d), stats., as created by this bill.

SECTION 14. 39.435 (7) (b) (intro.) of the statutes is amended to read:
39.435 (7) (b) (intro.) Biennially, beginning on By February 1, 2012, and biennially thereafter, the board shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for the next biennium 2 fiscal years as follows:

SECTION 15. 39.435 (7) (b) 1g. and 1r. of the statutes are created to read:

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

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

NOTE: This SECTION modifies the procedure for calculating the appropriation for Wisconsin higher education grants awarded to UW System students.

SECTION 16. 39.435 (7) (b) 2. of the statutes is amended to read:

39.435 (7) (b) 2. The appropriation for the first next fiscal year of the next biennium shall be the result obtained by increasing, to the nearest $100, the base
amount by the average of the percentage increases determined under subd. 1. or the
amount determined under subd. 1g., whichever is greater, except that, if the
undergraduate academic fees for the next academic year are estimated to decrease
or not change from the undergraduate academic fees charged for the current
academic year at each institution specified in subd. 1., the appropriation shall be the
base amount.

NOTE: This Section amends the procedure for calculating the appropriation for the
Wisconsin higher education grants awarded to UW System students for the next fiscal
year.

SECTION 17. 39.435 (7) (b) 2m. of the statutes is amended to read:

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

NOTE: This Section amends the procedure for calculating the appropriation for the
Wisconsin higher education grants awarded to UW System students for the fiscal year
after the next fiscal year.

SECTION 18. 39.435 (7) (c) and (d) of the statutes are created to read:

39.435 (7) (c) By February 1, 2012, and biennially thereafter, the board shall
calculate the amount to be appropriated under s. 20.235 (1) (ff) for the next 2 fiscal
years as follows:

1. The board shall determine the percentage by which the program fees that
will be charged under s. 38.24 (1m) (a) and (b) for the next academic year, as
estimated by the board, will increase or decrease from the undergraduate program fees charged for the current academic year.

2. The board shall determine the percentage by which the program fees that will be charged under s. 38.24 (1m) (a) and (b) for the academic year after the next academic year, as estimated by the board, will increase or decrease from the estimated program fees that will be charged for the next academic year.

3. The appropriation for the next fiscal year shall be the result obtained by increasing, to the nearest $100, the base amount by the average of the percentage increases determined under subd. 1., except that, if the program fees charged under s. 38.24 (1m) (a) and (b) for the current academic year decreased or did not change from the program fees charged for the previous academic year, the appropriation shall be the base amount.

4. The appropriation for the fiscal year after the next fiscal year shall be the result obtained by increasing, to the nearest $100, the base amount by the average of the percentage increases determined under subd. 2., except that, if the program fees charged under s. 38.24 (1m) (a) and (b) for the academic year after the next academic year are estimated to decrease or not change from the program fees charged for the next academic year, the appropriation shall be the base amount.

(d) By February 1, 2012, and biennially thereafter, the board shall calculate the amount to be appropriated under s. 20.235 (1) (km) for the next 2 fiscal years as follows:

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

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

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

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

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

**NOTE:** This Section creates a new procedure for calculating the appropriation for
Wisconsin higher education grants awarded to technical college and tribal college
students.

**SECTION 19.** 39.44 (6) of the statutes is created to read:

39.44 (6) (a) In this subsection:

1. For purposes of calculating the amount to be appropriated under s. 20.235
   (1) (fg) for fiscal year 2012–13, “base amount” means the amount shown in the
   schedule under s. 20.005 (3) for that appropriation for fiscal year 2011–12.

2. For purposes of calculating the amount to be appropriated under s. 20.235
   (1) (fg) for each fiscal year after fiscal year 2012–13, “base amount” means the
   appropriation amount calculated under par. (b) for the previous fiscal year.

   (b) By February 1, 2012, and biennially thereafter, the board shall calculate the
   amount to be appropriated under s. 20.235 (1) (fg) for the next 2 fiscal years as
   follows:

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

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

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

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

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

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

**NOTE:** This Section creates a new procedure for calculating the appropriation for the minority undergraduate retention grants program.

**SECTION 20. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) **TUITION, HIGHER EDUCATION, LAWTON, AND MINORITY UNDERGRADUATE RETENTION GRANTS.** The treatment of sections 20.235 (1) (b), (fe), (ff), (fg), and (km), and 20.505 (8) (hm) 10. of the statutes takes effect on July 1, 2012.