



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1531/P2  
MPG:jld&wlj:jm

DOA:.....Lawrence, BB0446 - Veterans tribal college reimbursement program

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**VETERANS**

This bill establishes a tuition reimbursement program for veterans enrolled in the College of Menominee Nation or Lac Courte Oreilles Ojibwa Community College (tribal colleges). Under the bill, DVA is generally required to reimburse a veteran for tribal college tuition if the veteran applies to DVA for reimbursement and satisfies the bill's eligibility requirements.

A veteran is eligible for tuition reimbursement under the bill if the veteran meets certain Wisconsin residency requirements, is enrolled as a member of a federally recognized American Indian tribe or band in Wisconsin, has an annual household income of approximately \$50,000 or less, and does not already have a bachelor's or higher degree. There are a number of limitations under the bill that may affect an otherwise eligible veteran's ability to receive tuition reimbursement, including the requirement that a veteran must receive at least a 2.0 grade point average, or an average "C" grade, for any semester for which reimbursement is sought. In addition, the number of credits for which a veteran may receive tuition reimbursement is limited to between 30 and 120 credits primarily depending on how much time the veteran spent in military service.

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

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

**SECTION 1.** 20.485 (2) (km) of the statutes is amended to read:

20.485 (2) (km) *American Indian grants and tribal college tuition reimbursements*. The amounts in the schedule for grants to American Indian tribes and bands under s. 45.82 (4) and for the reimbursement of veterans for the cost of tuition at tribal colleges under s. 45.205 (2). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 2.** 45.205 of the statutes is created to read:

**45.205 Tuition reimbursement for students at tribal colleges. (1)**

DEFINITIONS. In this section:

(a) "Tribal college" means any of the following:

1. The College of Menominee Nation.
2. Lac Courte Oreilles Ojibwa Community College.

(b) "Tuition" means the amount charged to a student to enroll in a degree credit course. "Tuition" does not include fees or the cost of room and board, books, supplies, or equipment.

**(2) TUITION REIMBURSEMENT PROGRAM.** (a) *Application.* Any veteran enrolled in a tribal college may apply to the department for tuition reimbursement under this

subsection on a form prescribed by the department. The application shall contain information, as determined by the department, establishing the applicant's eligibility for tuition reimbursement under this subsection.

(b) *Eligibility.* A veteran is eligible for tuition reimbursement under this subsection if he or she meets all of the following conditions:

1. The veteran is enrolled as a member of a federally recognized American Indian tribe or band in this state.

2. The veteran's annual household income does not exceed \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

3. The veteran is a resident of this state at the time of application under par. (a).

4. The veteran was a resident of this state at the time of his or her entry into service or was a resident of this state for any consecutive 12-month period after entry into service and before the date of application under par. (a). If a veteran who submits an application under par. (a) meets that consecutive 12-month residency requirement, the department may not require the veteran to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter for which that residency requirement applies.

5. The veteran does not have a bachelor's or higher degree from an institution of higher education, as defined in [20 USC 1001](#) (a).

(c) *Benefits.* 1. Subject to the limitations under par. (d), if a veteran submits an application under par. (a) and establishes his or her eligibility for tuition reimbursement under par. (b), the department shall reimburse the veteran for the total amount of his or her tribal college tuition from the appropriation under s. 20.485 (2) (km).

2. If in any fiscal year the total amount of reimbursement payments to be paid under subd. 1. exceeds the moneys available for the payments from the appropriation under s. 20.485 (2) (km), the department shall prorate the available moneys among the applicants for reimbursement in proportion to the approved reimbursement amounts.

(d) *Limitations.* 1. The department may not reimburse a veteran under this subsection for more than the following number of credits or semesters at a tribal college:

a. If the veteran served on active duty, except service on active duty for training purposes, for 90 to 180 days, 30 credits or 2 semesters.

b. If the veteran served on active duty, except service on active duty for training purposes, for 181 to 730 days, 60 credits or 4 semesters.

c. If the veteran served on active duty, except service on active duty for training purposes, for more than 730 days, 120 credits or 8 semesters, except that, for courses a veteran begins later than 10 years after the veteran's separation from service, the department may not reimburse a veteran for more than 60 credits or 4 semesters.

3. The department may not provide reimbursement under this subsection to a veteran who is delinquent in child support or maintenance payments or who owes past support, medical expenses, or birth expenses, as established by appearance of the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), unless the veteran provides the department with one of the following:

a. A repayment agreement that the veteran has entered into, that has been accepted by the county child support agency under s. 59.53 (5), and that has been kept current for the 6-month period immediately preceding the date of the application under par. (a).

b. A statement that the veteran is not delinquent in child support or maintenance payments and does not owe past support, medical expenses, or birth expenses, signed by the department of children and families or its designee within 7 working days before the date of the application under par. (a).

4. The department may not provide reimbursement under this subsection for any semester in which the veteran is eligible for or received a grant under s. 321.40 or under [10 USC 2007](#).

5. The department may not provide reimbursement under this subsection for any semester for which the veteran received reimbursement under s. 45.20.

6. The department may not provide reimbursement under this subsection for any semester in which the veteran fails to receive at least a 2.0 grade point average or an average grade of "C."

7. The department shall reduce the reimbursement amount under par. (c) by the amount of any grant or scholarship the veteran receives specifically for the payment of college tuition.

**(3) RULES.** The department shall promulgate rules to implement this section.

**SECTION 3.** 321.40 (5) (c) of the statutes is amended to read:

321.40 **(5) (c)** No guard member may receive a tuition grant under sub. (3) for any semester in which he or she received a payment under s. 45.20 (2) or 45.205 (2).

**SECTION 9149. Nonstatutory provisions; Veterans Affairs.**

**(1) EMERGENCY RULES CONCERNING TRIBAL COLLEGE TUITION REIMBURSEMENT PROGRAM.** The department of veterans affairs may promulgate emergency rules under section 227.24 of the statutes implementing section 45.205 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until July 1,

2014, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**(END)**